

Chapter 318

SUBDIVISION AND LAND DEVELOPMENT

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[HISTORY: Adopted by the Borough Council of the Borough of Palmyra XX-XX-20XX by Ord. No. . Amendments noted where applicable.]

ARTICLE I

General Provisions

§ 318-1. Title.

This chapter shall be known and may be cited as the "Borough of Palmyra Subdivision and Land Development Ordinance of 2012."

§ 318-2. Purpose.

The purpose of this Subdivision and Land Development Ordinance is to provide for the harmonious development of the Borough by:

- A. Assisting in the orderly and efficient integration of land developments within the Borough.
- B. Ensuring conformance of development plans with the most recent version of the Borough's Comprehensive Plan and other municipal documents.
- C. Ensuring the provision of adequate public facilities, including roadways, walkways, water supply, storm and sanitary sewer facilities, open spaces and other improvements for the public health, safety and welfare.
- D. Ensuring coordination of intermunicipal and intramunicipal public improvement plans and programs.
- E. Securing the protection of water resources, drainageways and other environmental resources.
- F. Facilitating the safe and efficient movement of traffic.
- G. Securing equitable handling of all development plans by providing uniform standards and procedures.
- H. In general, promoting greater health, safety, and welfare of the citizens of the Borough.

§ 318-3. Legislative authority; agency designated.

- A. The Council of the Borough of Palmyra, Lebanon County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code (MPC), Act of July 31, 1968, P.L. 805, No. 247, reenacted and amended, hereby enacts and ordains the following chapter governing subdivisions and land developments within the limits of Borough of Palmyra.
- B. The Borough Council shall administer and enforce this chapter and does hereby designate the Planning Commission of the Borough of Palmyra as an agency of the Borough Council:
 - (1) With which applicants may hold all pre-application consultations relating to the plans.
 - (2) Which makes recommendations to the Borough Council concerning subdivision plans, land development plans and waivers.

§ 318-4. Jurisdiction.

- A. This chapter shall apply to all subdivision and land development plans submitted after the effective date of this chapter and to all subdivision and land development plans submitted before the effective date of this chapter which no longer have protection from the effect of changes in governing ordinances granted by Section 508(4) of the most recent version of the MPC.
- B. From the time an application for approval, whether preliminary or final, is duly filed, as provided in this chapter, and while such application is pending approval or disapproval,

no change or amendment of the zoning, other governing ordinance, or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application, as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- C. When an application for approval, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, or other governing ordinance or plan, shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
- (1) Where final plan approval is preceded by preliminary plan approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
 - (2) Where the landowner has substantially completed the required improvements, as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Borough Council, no change of governing ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
 - (3) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed with the preliminary plan delineating all proposed sections, as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually on or before the anniversary of the preliminary plan approval, until final plan approval of the last section has been granted. Any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.
 - (4) Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with the schedule for submission of final plans, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period. This extended protection shall apply for an additional term or terms of three years from the date of final plan approval for each section.

- (5) Failure to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to changes in zoning, subdivision and other governing ordinances enacted by the Borough, subsequent to the date of the initial preliminary plan submission.
- D. This chapter shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of previous subdivision and land development ordinances of the Borough of Palmyra, on an act done, contract executed, or liability incurred prior to the effective date of this chapter, nor shall any provisions of this chapter be construed to waive the obligations imposed upon an applicant to complete a previously approved preliminary or final plan, including the installation of all improvements required hereunder, in strict compliance with the requirements of the effective Borough of Palmyra Subdivision and Land Development Ordinance.
- E. No subdivision or land development of any lot, tract, or parcel of land in the Borough of Palmyra shall be effected, and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon, unless and until authorized by this chapter.
- F. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected or altered in a subdivision or land development unless and until a final subdivision or land development plan has been approved by the Borough Council and recorded and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.
- G. All subdivision and land development plans are subject to the prevailing Borough Zoning Ordinance, and all other applicable ordinances, regulations, and requirements of the Borough.

ARTICLE II Definitions

§ 318-5. General.

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this article.

§ 318-6. General terms.

In this chapter, when not inconsistent with the context:

- A. Words in the present tense imply also the future tense.
- B. The singular includes the plural.
- C. The male gender includes the female gender.

- D. The term "person" includes an individual, partnership, corporation, firm, company, association, governmental entity, trustee, receiver, assignee, or similar representative.
- E. The term "shall" or "must" is always mandatory.
- F. The term "may" is permissive.

§ 318-7. Specific terms defined.

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this chapter.

ACCESS DRIVE — An improved cartway designed and constructed to provide for vehicular movement between a street or alley and any use other than one single-family dwelling unit or farm.

AGENT — Any person other than the developer, who acting for the developer submits subdivision and/or land development plans to the Borough for the purpose of obtaining approval thereof.

AISLES, PARKING — A private drive intended principally to provide vehicular access within a vehicular parking compound. Although aisles provide interior vehicular circulation, their principal function is to provide entrance and exit for individual parking spaces. Aisles may not be used to intersect streets.

ALLEY — A strip of land over which there is a right-of-way intended to provide vehicular access to the side and/or rear of those properties whose frontage is on a street. An alley is not intended for general traffic circulation.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for subdivision or land development, including his heirs, successors and assigns.

BLOCK — A tract of land which is entirely bounded by streets, public parks, cemeteries, railroads, watercourses, or any other barrier to the continuity of development.

BOROUGH COUNCIL — The governing body of the Borough of Palmyra, Lebanon County, Pennsylvania.

BOROUGH ENGINEER — A registered professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of Palmyra.

BUILDING — Any structure with a roof designed or intended for use as an enclosure, a shelter, or for protection of persons, animals, or property.

BUILDING, ACCESSORY — A detached, subordinate building, the use of which is customarily incidental to that of the principal building and which is located on the same lot as the principal building.

BUILDING AREA — The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and sky, exclusive of uncovered patios, decks, awnings, terraces, and steps. (e.g., top view).

BUILDING, PRINCIPAL — A building which is enclosed within exterior walls or fire walls, which is built, erected, and framed of component structural parts, which is a main structure on a given lot.

CARTWAY — The surface of a street available for use by vehicular traffic.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at a street intersection defined by a line of sight between points at center lines.

COMPREHENSIVE PLAN — The most recent version of Palmyra Borough's Comprehensive Plan.

CURB — The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURBLINE — The outside edge of the cartway.

CURB, VERTICAL — A straight curb.

DEDICATION — The deliberate assignment of land by its owner to another party.

DEED — A written instrument whereby an estate in real property is conveyed.

DENSITY — A term used to express the allowable number of dwelling units per acre of land, exclusive of improved public rights-of-way and rights-of-way for public and private streets.

DEVELOPER — Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

DRIVEWAY — An improved cartway designed and constructed to accommodate vehicular movement between a public street and a tract of land serving one single-family dwelling unit or a farm.

EASEMENT — A right-of-way granted for limited use of private land for a public or quasi-public or private purpose and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ENGINEER — A professional engineer registered as such in the Commonwealth of Pennsylvania.

ENVIRONMENTAL IMPACT STATEMENT (EIS) — An analysis of the expected effects of a development or action on the surrounding natural and fabricated environment. Such statements are required for many federally supported projects under the National Environmental Policy Act of 1969, as amended.

FRONTAGE — The line of a lot coincident with an abutting right-of-way line of a street.

GRADE — A measurement of slope expressed in terms of percentage of vertical versus horizontal distance.

HEALTHY TREES — Trees which exhibit no symptoms or signs of injury or disease.

LAND DEVELOPMENT — The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- C. A land development is also defined as a subdivision of land.
- D. The following activities are excluded from this term:
 - (1) The conversion of an existing single-family detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - (2) The addition of an accessory building/use, including farm buildings, on a lot or lots as subordinate to an existing principal residence or farm.
 - (3) The construction of nonresidential additions or nonresidential accessory buildings, provided the construction does not result in the following:
 - (a) Building addition or accessory structure in excess of 2,000 square feet or 10% of the existing building's square footage. Once the two-thousand-square-foot or ten-percent addition has been reached, any further expansions will require land development approval.
 - (b) Increase in employees greater than 5% of the existing staff, except all principal businesses are entitled to add a minimum of two employees.
 - (c) Negative stormwater impacts on existing stormwater facilities or on neighboring properties.
 - (d) Installation of additional access drives providing vehicular access to or from a public right-of-way.
 - (e) Need for DEP Sewer Planning Module or exemption.
 - (f) Impacts on wetlands.
 - (g) More than five additional parking spaces.

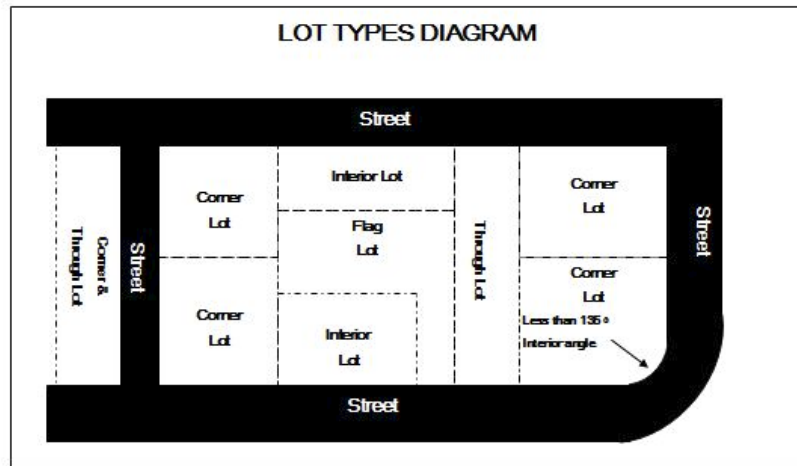
LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or another person who has a proprietary interest in land.

LANDSCAPE ARCHITECT — A landscape architect registered as such in the Commonwealth of Pennsylvania.

LANDSCAPING MATERIAL — Living trees, shrubs and ground cover, fences and other similar natural and decorative features.

LAND SURVEYOR — A land surveyor registered in the Commonwealth of Pennsylvania.

LATERAL — A utility line between a utility main that is located within a utility easement, and the single building which the line serves.



LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. For the purposes of complying with this chapter, the term "lot" may include more than one lot of record.

LOT, CORNER — A property having street frontage along two or more contiguous sides or along a single curved street with an interior angle of less than 135° as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.

LOT, FLAG — A lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective zone, but said lot has the required lot width away from the street frontage.

LOT, THROUGH/REVERSE FRONTAGE — An interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

MANUFACTURED HOME PARK — A parcel of land under single ownership, which has been planned and improved, of two or more manufactured homes for nontransient use.

MUNICIPALITIES PLANNING CODE — The Pennsylvania Municipalities Planning Code (MPC), Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended.

NATIVE PLANT MATERIAL — A plant which grew in a defined region prior to European settlement. Indigenous species and naturalized non-native plants may be included as native

plants if they have been brought into the region and have become established in the wild and are not considered invasive or do not displace native plants. Naturally occurring hybrids and cultivars (cultivated varieties) of native genetic parent species which may or may not have been present prior to European settlement are considered native plants.

NONRESIDENTIAL — Any use other than residential. An institutional or similar use in which persons may reside, including but not limited to dormitories, nursing homes, retirement homes or hospitals, shall be considered a nonresidential use. Any use providing temporary lodging, such as a motel or hotel, shall be considered a nonresidential use.

PEAK HOUR — The hour during which the heaviest volume of traffic occurs on a street.

PEDESTRIAN EASEMENT — A right-of-way, municipally or privately owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

PENNDOT — The Pennsylvania Department of Transportation or any agency successor thereto.

PLAN — The map representing a tract of land, including all supplementary data specified in Article IV of this chapter. The following are the types of plans specified by this chapter:

- A. **AS-BUILT** — A revised final plan, showing dimensions and locations of all streets and other public improvements as actually constructed.
- B. **SKETCH PLAN** — An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal for consideration prior to the formal submission of a plan.
- C. **FINAL PLAN** — A subdivision and/or land development plan prepared for official recording as required by statute to define property rights, proposed streets and other public improvements.
- D. **PRELIMINARY PLAN** — A complete and exact subdivision and/or land development plan, the purpose of which is to authorize the preparation of final plans.

PLANNING COMMISSION — The Planning Commission of the Borough of Palmyra.

PUBLIC GROUNDS — Public parks, playgrounds, open space and other public areas, and sites for school, sewage treatment, refuse disposal and other public-owned or -operated facilities.

RIGHT-OF-WAY — An area secured for public use and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

SLOPE — The degree of deviation of a surface from the horizontal. Slope is expressed in a percentage which indicates the rate of elevation change in feet per 100 feet.

STREET — A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court,

drive, expressway, highway, lane, road, and similar terms. Streets are further classified as follows:

- A. **ARTERIAL** — A street which provides for intercommunity travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets. The secondary function of an arterial street is to provide access to frontage lots; therefore, the intensity of driveway access is limited. If a section of this chapter does not distinguish between "arterial" and "controlled access arterial" streets, the term "arterial" shall be interpreted to include "controlled access arterial" streets.
- B. **ARTERIAL, CONTROLLED ACCESS** — A street which provides for intercommunity travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets. Access is strictly limited in accordance with the requirements of this chapter and, where applicable, in accordance with a permit, plat or map approved by the Pennsylvania Department of Transportation.
- C. **COLLECTOR** — A street which conducts and distributes traffic between arterial and local streets. Collector streets' primary function is to promote free traffic flow. The secondary function of a collector street is to provide access to frontage lots; therefore, the intensity of direct driveway access is limited.
- D. **CUL-DE-SAC** — A street with a single common ingress and egress.
- E. **LOCAL** — A street which provides frontage for access to lots and carries traffic having destination or origin on the street itself.
- F. **ALLEY** — See "alley."

STREET GRADE — The elevation of a street along the center line of the cartway.

STREET LINE (RIGHT-OF-WAY LINE) — The line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREET, PRIVATE — A street not offered for dedication or whose dedication was not accepted by the municipality.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new streets or easements of access or residential dwelling, shall be exempted.

SWALE — A wide shallow ditch which gathers or carries surface water.

TRIP (VEHICULAR) — A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside the study site.

UNIT OF OCCUPANCY — A unit, the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

WAIVER — A process for alleviating specific requirements imposed by this chapter pursuant to the most recent version of the MPC. Waivers are provided under §§ 318-12 and 318-47.

WATERCOURSE — A permanent or intermittent stream, river, brook, creek, channel, or swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

WETLAND — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, and which shall be identified using the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual.

WOOD LOTS — Generally, an ecosystem characterized by a dense and extensive tree cover. More particularly, a plant community predominantly of healthy trees and other woody vegetation, well stocked and usually growing close together.

ZONING ORDINANCE — The Official Zoning Ordinance of the Borough of Palmyra.

ARTICLE III Plan Processing Procedures

§ 318-8. General provisions.

- A. The procedures set forth in this article shall be followed for all subdivision and/or land development plans.
- B. The Borough Planning Commission, Borough Zoning Officer, Borough Engineer, Borough Solicitor, Fire Chief, the Lebanon County Planning Department, and various boards or advisory committees created or appointed by Borough Council are advisory to Borough Council in connection with the review of subdivision and/or land development plans.
- C. Plans and supporting information will be provided to such Borough boards, committees, agencies and officials as deemed appropriate by the Borough Manager (or his or her designee) or Borough Council based upon the nature of the plans.
- D. The pre-application review specified in § 318-9 is voluntary. Applicants are urged, but not required, to discuss possible development sites and plans with the Borough Planning Commission while the project is at an early stage.
- E. Two mandatory plan processing procedures (preliminary plan and final plan) are provided in this article. The magnitude of the project dictates the applicability of each mandatory plan processing procedure. The procedures are sequential. Successful completion of a procedure must be obtained prior to submission under the next procedure. A preliminary plan application is required for the following:

- (1) Subdivision of residential land into five or greater lots; or
 - (2) Subdivision of commercial or industrial land into new lots; or
 - (3) Land development with greater than 10 parking spaces or the addition of an accessory building with a gross floor area greater than 600 square feet. It should be noted that the accessory building exclusion is required to conform with all other applicable ordinances and regulations of the Borough.
 - (4) Subdivision or land development which includes construction of streets, alleys or stormwater management facilities.
- F. The preliminary plan contains detailed design data. Approval of the preliminary plan entitles the applicant to submit final plans in accordance with the terms of the preliminary plan.
- G. The final plan contains detailed design data and guarantees the construction of certain improvements. Approval of the final plan concludes with the recording of the plan which authorizes the construction of public/private improvements and the selling of land unless Borough Council specifically authorizes and approves the construction of certain specified improvements prior to the recording of the final plan.
- H. This article also includes waiver provisions in § 318-12 which allow Borough Council to modify provisions of this chapter as they apply to a specific project.

§ 318-9. Pre-application review.

- A. Applicants are urged, but not required, to discuss possible development sites and plans with the Borough Planning Commission prior to submission of the preliminary or final plans. The purpose of the pre-application meeting is to afford the applicant an opportunity to receive the recommendations of the Borough while the project is at an early stage. Request for a pre-application review shall not constitute formal filing of a plan.
- B. A request for a pre-application review shall be submitted to the Borough Manager, or his or her designee, at the Borough Municipal Center at least 21 days prior to the Borough Planning Commission meeting in order to be placed on the agenda. The request shall include one application form. (See Appendix No. 6.) To aid in the effectiveness of the pre-application review, it is recommended that the application include at least one paper copy of the sketch plan. The submission of 10 paper copies and one digital copy (*.PDF) of the sketch plan will allow various Borough officials to provide the applicant with comments.
- C. Individuals are permitted to discuss proposals at a Borough Planning Commission meeting without the submission of an application or the benefit of a plan; however, the Borough Planning Commission's ability to assist the applicant will be greatly limited.
- D. In addition to the above, applicants may request that a pre-application review be submitted to Borough Council for comments following the Borough Planning

Commission meeting. When requested, the Borough Manager, or his or her designee, will advise the applicant of the meeting date at which the pre-application review is scheduled.

§ 318-10. Preliminary plan application.

- A. A preliminary plan application is required for the following:
- (1) Subdivision of residential land into five or greater lots; or
 - (2) Subdivision of commercial or industrial land into new lots; or
 - (3) Land development with greater than 10 parking spaces or the addition of an accessory building with a gross floor area greater than 600 square feet; or
 - (4) Subdivision or land development which includes construction of streets, alleys or stormwater detention/retention basins.
- B. Preliminary plans shall be submitted to the Borough Manager, or his or her designee, at the Borough Municipal Center, on any business day. However, preliminary plans must be submitted at least 21 days prior to the Borough Planning Commission meeting in order to be placed on the agenda.
- C. The application record shall be closed 21 days before the Borough Planning Commission meeting at which the plan will be considered to allow time to examine and study the plans and all appropriate supporting documentation. The Borough will not accept changes or amendments to the application after this date, unless the applicant shall apply for a rescheduling of the meeting at which the preliminary plan will be considered before the Borough Planning Commission and makes suitable provision for an extension of the review time.
- D. Applicants are required to submit a sewage facilities plan revision or supplement in conjunction with the preliminary plan to avoid unnecessary delays in attaining revision or supplement approval prior to the final plan stage.
- E. Application requirements.
- (1) All preliminary plan applications shall include the following:
 - (a) A minimum of four paper copies of the preliminary plan and three copies of all reports, notifications and certifications which are specified in § 318-15. Additional copies of the preliminary plan and reports may be required by the Borough.
 - (b) A minimum of seven copies (at a reduced scale to fit on eleven-inch-by-seventeen-inch paper) of a plan which identifies at least the horizontal location of the streets, parking, buildings, lot layout, stormwater detention/retention basin, water supply, sanitary sewage disposal and other planned improvements, along with an executive summary for each required report. These plans and reports may be part of the data which makes up the full preliminary plan.

- (c) One application form. (See Appendix No. 6.)
 - (d) Filing fee as set by resolution of the Borough Council (See Fee Schedule available at the Borough Municipal Center.) and the filing fee set forth by the Lebanon County Planning Department for review of the plan.
 - (e) One Lebanon County Planning Department Application for Consideration of Subdivision and/or Land Development Plan.
 - (f) The applicant shall also submit on a CD-ROM, or via e-mail, one digital (*.PDF) format copy of the complete plan set (all sheets) and one digital (*.PDF) format copy of each report, notification, and certification, or in another computer-readable file form specified by the Borough.
- (2) The Borough Manager, or his or her designee, shall have seven days from the date of submission of an application to check the plans and documents to determine if, on their face, they are in proper form and contain all information required by this chapter. If defective, the application may be returned to the applicant with a statement of rejection within the seven-day period; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Borough Manager under this section to the Borough Council.

F. Distribution.

- (1) The Borough Manager, or his or her designee, shall distribute the preliminary plan to the Borough Zoning Officer, Borough Engineer, Borough Solicitor, Borough Planning Commission, and, if deemed necessary or appropriate as provided in § 318-8, to other Borough boards, committees, agencies and officials (e.g., adjacent municipalities, Fire Department, School Board, PennDOT, Lebanon County Conservation District, USDA-NRCS). The Borough Manager, or his or her designee, will sign the Lebanon County Planning Department Application for Consideration of Subdivision/Land Development.
- (2) The applicant shall be responsible for the distribution and delivery of identical plan(s), reports, supporting documentation, and any other material to the Lebanon County Planning Department.

G. Reviewing agencies.

- (1) The preliminary plan shall be reviewed by the Borough Manager, Borough Zoning Officer, Borough Engineer, Borough Solicitor, Lebanon County Planning Department, and, if deemed necessary or appropriate by the Borough Manager, or his or her designee, or Borough Council based upon the nature of the preliminary plan, and other Borough boards, committees, agencies and officials. These reviewers will report their findings to the Borough Planning Commission and Borough Council.
- (2) The Lebanon County Planning Department shall have 30 days from the date the application was forwarded to them to transmit their comments on the plan.

- (3) The preliminary plan will be placed on the Borough Planning Commission agenda for a meeting which is at least 21 days following submission.
 - (a) Attendance at the Borough Planning Commission meeting by the applicant or authorized agent is strongly encouraged to:
 - [1] Display a plan which identifies at least the horizontal location of streets, parking, buildings, lot layout, stormwater detention/retention basins, water supply, sanitary sewage disposal, and other planned features, as well as all existing buildings and infrastructure;
 - [2] Verbally describe the property location and planned features in a presentation of no more than five minutes;
 - [3] Establish the acceptance or rejection of any recommendation of the Borough Planning Commission, Borough Zoning Officer, Borough Engineer, Borough Solicitor, Lebanon County Planning Department, or other official; and
 - [4] Establish the intent to avail the application to the below procedure for compliance with the recommendations of the Borough Planning Commission.
 - (b) All plan reviews shall be based upon provisions of this chapter as well as other applicable ordinances. All comments shall cite the provision of the ordinances relied upon or be specifically designated as well as other applicable ordinances and statutes. All comments shall cite the provision of the ordinances or statutes relied upon or be specifically designated as suggestions.
- H. Compliance with recommendations of the Borough Planning Commission. In order to avoid the Borough Planning Commission's recommendation for disapproval, the applicant is encouraged to comply with the recommendations of the Borough Planning Commission. Should the applicant elect to revise the preliminary plan in accordance with the recommendations of the Borough Planning Commission, prior to its report to Borough Council, 10 paper copies and one digital copy (*.PDF) on a CD-ROM or via e-mail of the revised data, and one response letter, detailing responses to and revisions made on the plan based on the Borough Planning Commission, Borough Zoning Officer, Borough Engineer, Borough Solicitor, Lebanon County Planning Department, or other official's recommendations, shall be submitted to the Borough Manager, or designee, at the Borough Municipal Center, on any business day, at least 14 days prior to the Borough Planning Commission meeting in order to be placed on the agenda. Revised plans will be distributed and reviewed in accordance with Subsections F and G.
- I. Ruling on the preliminary plan. The applicant will be advised of the scheduled meeting for consideration of the preliminary plan by the Borough Council. Attendance at the Borough Council meeting by the applicant or authorized agent is strongly encouraged. The applicant or authorized agent should be prepared to:

- (1) Display a plan which identifies at least the horizontal location of streets, parking, building, stormwater management facilities, lot layout, water supply, sanitary sewage disposal and other planned features;
- (2) Verbally describe the property location and planned features in a presentation of no more than five minutes;
- (3) Establish the acceptance or rejection of any recommendation of the Borough Planning Commission, Borough Zoning Officer, Borough Engineer, Borough Solicitor, Lebanon County Planning Department, or other official; and
- (4) Establish the acceptance of any conditions of approval by Borough Council. The acceptance or rejection of the conditions of approval will be entered in the minutes of the Borough Council. The acceptance of conditions will also be acknowledged in writing. (See Appendix No. 8.) If there is no acceptance of conditions of approval, the plan will be disapproved.

J. Compliance with conditions of approval.

- (1) If the Borough Council conditions its preliminary plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on two copies to be submitted to the Borough Manager, or his or her designee. The applicant shall include a brief written descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain preliminary plan approval.
- (2) Compliance with the conditions of preliminary plan approval must be attained within one year of Borough Council's ruling on the plan (See Subsection I.) unless an extension of time is requested, in writing, by the applicant within such one-year period and is granted by Borough Council. Failure to comply with the conditions of approval within the above time limitation shall make the approval of the preliminary plan null and void. The Borough has no responsibility to inform the applicant of the termination or the pending termination of the preliminary plan approval.
- (3) At the option of the applicant, and upon receipt of an unconditional preliminary plan approval, a preliminary plan may be presented to the Borough for signature. (See Appendix Nos. 3 and 4 for certificate.)

§ 318-11. Final plan application.

- A. A final plan application is required for all subdivision and land development plans. When a preliminary plan application is required in accordance with § 318-10, an application for final plan approval can be submitted only after obtaining preliminary plan approval.
- B. The final plan shall be substantially consistent with the preliminary plan. The final plan may include sections of an approved preliminary plan, provided each section independently conforms to this chapter, regulations and other standards of the Borough, and includes a reasonable portion of the preliminary plan.

- C. Final plans shall be submitted, reviewed, and acted on in accordance with the requirements described in § 318-10.
- D. Compliance with conditions of approval. See § 318-10J.
- E. Final plan certification.
 - (1) After approval of the final plan, the applicant shall present to the Borough five paper copies and one digital copy (*.PDF) of the final plan. All five copies of the final plan for certification shall be in black ink and bear original signatures on each certificate.
 - (2) Upon payment of any outstanding plan review fee or inspection fee, the final plans shall be signed by the Borough Planning Commission and the Borough Council. (See Appendix Nos. 3 and 5.) One copy of the plan will be retained by the Borough. The applicant shall submit the remaining plans to the Lebanon County Planning Department for signatures and the office of the Lebanon County Recorder of Deeds for a certificate of recordation. Two copies of the final plan will be retained by the Recorder of Deeds, one copy will be retained by the Lebanon County Planning Department, and one copy shall be returned by the applicant to the Borough for verification of recording.
- F. The final plan shall be filed with the Lebanon County Recorder of Deeds within the time limitation established in Section 513 of the most recent version of the MPC. No lot may be sold and/or building construction initiated until the final plan is filed with the Lebanon County Recorder of Deeds. The Borough will not issue further approvals or permits until the evidence of recordation is provided by the applicant.
- G. Recording of the final plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon unless reserved by the landowner as hereinafter provided. The approval of the Borough Council shall not impose any duty upon the Borough concerning maintenance or improvement of any such dedicated street, or public use, until the Borough Council shall have accepted the same by the prevailing procedures of the Borough.
- H. If the final plan includes a notation to the effect that there is no offer of dedication to the public of common use areas, the title to such areas shall remain with the owner and his or her heirs and assigns, and the Borough shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the final plan.
- I. At the time the applicant presents the final plan for execution on behalf of the Borough, the applicant shall submit a computer-readable file (*.PDF), which shall provide a complete display of the entire final plan, including the complete stormwater management plan and all other information contained on the finally approved plan. The file shall be in Autocad Release 14 or later format unless otherwise specified by the Borough. The file shall also be submitted in a format and coordinate system in accordance with the law and the requirements of the Recorder of Deeds of Lebanon County, Pennsylvania.
- J. All sheets of the final plan shall be recorded unless the Borough Engineer recommends and Borough Council approves recording only specified sheets of the final plan.

§ 318-12. Waiver request.

- A. In accordance with § 318-47, the Borough Council may waive any provision of this chapter when the waiver:
- (1) Will remove or reduce an unreasonable standard or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results; and
 - (2) Provides reasonable utilization of the property while securing the public interest.
- B. It shall be the burden of the applicant to demonstrate compliance with the above conditions to the satisfaction of Borough Council.
- C. Waiver application. All applications for waivers shall be submitted to the Borough Manager, or designee, at the Borough Municipal Center, on any business day in accordance with the requirements described in § 318-10E, along with one application form. (See Appendix No. 7.) If any of this information is/was filed with a preliminary plan or final plan, additional copies need not be submitted.
- D. Distribution. See § 318-10F.
- E. Review of the waiver. See § 318-10G. All waiver review comments shall be based upon the proposal's compliance with the conditions stated in this section.
- F. Ruling on the waiver.
- (1) After review by the Borough Planning Commission, the Borough Council shall have the authority to approve or disapprove the waiver. Borough Council may elect to consider a waiver independent of the Borough Planning Commission review procedure.
 - (2) In granting any waiver, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.
 - (3) The acceptance or rejection of the conditions of the waiver will be entered in the minutes of the Borough Council. The acceptance of conditions shall also be acknowledged, in writing, by the applicant. If there is no acceptance of conditions of approval, the waiver will be disapproved.
 - (4) Action on the waiver shall be entered in the minutes of the Borough Council and forwarded to the applicant. Failure of the Borough Council to render a decision and communicate it to the applicant as described herein shall not be deemed approval of the waiver.

§ 318-13. Plans exempted from standard procedures.

- A. Revised subdivision and/or land development plans, lot add-on plans, and lot consolidation plans, in accordance with the procedures set forth in this section, shall be

exempted from certain standard subdivision and/or land development plan procedures set forth in §§ 318-10 and 318-11 of this chapter, under the following conditions:

- (1) Drainage easements or rights-of-way are not altered.
- (2) Access to the affected parcels is not changed.
- (3) Street alignments are not changed.
- (4) No new building lots are created.

B. Procedure for processing revised subdivision and/or land development plans.

- (1) Previously approved subdivision and/or land development plans may be changed in accordance with this procedure to correct an obvious error. The revised plan shall not alter the number, location or configuration of lots, buildings or other aspects of the plan beyond the original understanding of the Borough Council. The revised plans shall comply with all final plan requirements and note the specific revision and indicate that the plan supersedes the previous plan solely as it applies to the revision.
- (2) All revised subdivision and/or land development plan applications which meet the above shall be submitted to the Borough Manager, or his or her designee, at the Borough Municipal Center, on any business day, in accordance with the requirements described in § 318-10E for review by the Lebanon County Planning Department, along with one application form. (See Appendix No. 6.) The applicant will be advised of the scheduled meeting for consideration of the revised plan.
- (3) After review by the Borough Planning Commission, Borough Council shall have the authority to approve or disapprove the revised plan. If the Borough Council determines that the revised plan conforms with the above standards, the plan will supersede the previous submission.
- (4) If the revision alters a previously recorded plan, the applicant shall, within 90 days of the approval, present to the Borough five paper copies and one digital copy (*.PDF) of the revised plan. All five copies of the revised plan for certification shall be in black ink and bear original signatures on each certificate.
- (5) Upon payment of any outstanding plan review fee or inspection fee, the revised plan shall be signed by the Borough Planning Commission and the Borough Council. (See Appendix Nos. 3 and 5.) One copy of the plan will be retained by the Borough. The applicant shall submit the remaining plans to the Lebanon County Planning Department for signatures and the office of the Lebanon County Recorder of Deeds for a certificate of recordation. Two copies of the final plan will be retained by the Recorder of Deeds, one copy will be retained by the Lebanon County Planning Department, and one copy shall be returned by the applicant to the Borough for verification of recording.
- (6) The Plan shall be filed with the Lebanon County Recorder of Deeds within 90 days of the Borough Council's certification of approval. No lot may be sold and/or

building construction initiated until the plan is filed with the Lebanon County Recorder of Deeds.

- (7) The Borough will not issue further approvals or permits until the evidence of recordation is provided by the applicant.

C. Procedure for processing lot add-on plans.

- (1) The lease, conveyance, sale, or transfer of land for the sole purpose of increasing the lot size of an adjacent contiguous lot may be submitted in accordance with this procedure, provided no additional lots are created and the resulting configuration does not create a nonconformity with the design provisions of this chapter. The lot add-on plan shall comply with all final plan requirements and indicate that the new parcel will be joined-in-common with the lands of the grantee. The applicant shall submit with the application an accurate description of the lot to be added to the existing lot and an accurate description of the new lot to be created after the addition. After the lot add-on plan is recorded, the applicant shall prepare and record a deed containing a consolidated legal description for the new lot.
- (2) All lot add-on plans which meet the above shall be submitted to the Borough Manager, or designee, at the Borough Municipal Center, on any business day, in accordance with the requirements described in § 318-10E for review by the Lebanon County Planning Department, along with one application form. (See Appendix No. 6.) The applicant will be advised of the scheduled meeting for consideration of the lot add-on plan.
- (3) After review by the Borough Planning Commission, the Borough Council shall have the authority to approve or disapprove the plan.
- (4) If the Borough Council determines that the lot add-on plan conforms with the above standards, the applicant shall, within 90 days of the approval, present to the Borough five paper copies and one digital copy (*.PDF) of the lot add-on plan. All five copies of the lot add-on plan for certification shall be in black ink and bear original signatures on each certificate.
- (5) Upon payment of any outstanding plan review fee or inspection fee, the lot add-on plan shall be signed by the Borough Planning Commission and the Borough Council. (See Appendix Nos. 3 and 5.) One copy of the plan will be retained by the Borough. The applicant shall submit the remaining plans to the Lebanon County Planning Department for signatures and the office of the Lebanon County Recorder of Deeds for a certificate of recordation. Two copies of the plan will be retained by the Recorder of Deeds, one copy will be retained by the Lebanon County Planning Department, and one copy shall be returned by the applicant to the Borough for verification of recording.
- (6) The Plan shall be filed with the Lebanon County Recorder of Deeds within 90 days of Borough Council's certification of approval. No lot may be sold and/or building construction initiated until the plan is filed with the Lebanon County Recorder of Deeds.

- (7) The Borough will not issue further approvals or permits until the evidence of recordation is provided by the applicant.

D. Procedure for processing lot consolidation plans.

- (1) A lot consolidation is the combining of two or more existing parcels into a smaller number of parcels than existed originally.
- (2) All lot consolidation plans which meet the above shall be submitted to the Borough Manager, or designee, at the Borough Municipal Center, on any business day, in accordance with the requirements described in § 318-10E for review by the Lebanon County Planning Department, along with one application form. (See Appendix No. 6.) The applicant will be advised of the scheduled meeting for consideration of the lot consolidation plan.
- (3) After review by the Borough Planning Commission, the Borough Council shall have the authority to approve or disapprove the plan.
- (4) If the Borough Council determines that the lot consolidation plan conforms with the above standards, the applicant shall, within 90 days of the approval, present to the Borough five paper copies and one digital copy (*.PDF) of the lot consolidation plan. All five copies of the lot consolidation plan for certification shall be in black ink and bear original signatures on each certificate.
- (5) Upon payment of any outstanding plan review fee or inspection fee, the lot consolidation plan shall be signed by the Borough Planning Commission and the Borough Council. (See Appendix Nos. 3 and 5.) One copy of the plan will be retained by the Borough. The applicant shall submit the remaining plans to the Lebanon County Planning Department for signatures and the office of the Lebanon County Recorder of Deeds for a certificate of recordation. Two copies of the plan will be retained by the Recorder of Deeds, one copy will be retained by the Lebanon County Planning Department, and one copy shall be returned by the applicant to the Borough for verification of recording.
- (6) The Plan shall be filed with the Lebanon County Recorder of Deeds within 90 days of Borough Council's certification of approval. No lot may be sold and/or building construction initiated until the plan is filed with the Lebanon County Recorder of Deeds.
- (7) The Borough will not issue further approvals or permits until the evidence of recordation is provided by the applicant.

ARTICLE IV

Information to be Shown On or Submitted with Subdivision and Land Development Plans

§ 318-14. Sketch plan.

The scale and sheet size of sketch plans shall be as required for preliminary plans in § 318-15A. The sketch plan shall be prepared by a landowner, engineer, land surveyor,

landscape architect, or land planner. It is suggested that the sketch plan show or be accompanied by the following data, legible in every detail, but not necessarily drawn to exact scale with precise dimensions:

- A. Name, address, and telephone number of the landowner and applicant (if applicable).
- B. Name, address, and telephone number of the individual and the firm that prepared the plan.
- C. Location map with sufficient information to locate the property.
- D. North arrow.
- E. Written scale and graphic scale.
- F. Approximate location of existing tract boundaries.
- G. Significant topographical and man-made features (e.g., steep slope, bodies of water, quarries, tree masses, structures, wetlands, natural features).
- H. Proposed street, parking, building, lot layout, type of water supply, type of sanitary sewage disposal, landscaping, recreational facilities, and other planned features.
- I. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.

§ 318-15. Preliminary plans.

Preliminary plans shall be prepared by an engineer, land surveyor, and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by land surveyors, and designs which entail engineering shall be prepared by registered engineers with appropriate expertise. The preliminary plan shall show, be accompanied by, or be prepared in accordance with the following:

- A. Drafting standards.
 - (1) The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, or 100 feet to the inch. Profile plans shall maintain a ratio of 1:10 vertical to horizontal.
 - (2) Dimensions for the entire tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction. The description shall be based upon a survey and not have an error of closure greater than one foot in 10,000 feet.
 - (3) The sheet size shall be no smaller than 18 inches by 24 inches and no larger than 24 inches by 36 inches. If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5).
 - (4) Plans shall be legible in every detail to the satisfaction of the Borough.

- (5) All profile sheets shall include the corresponding horizontal alignment; utilities and stormwater facilities located in a given area shall be provided on the same sheet to show their interrelationship. All plan information shall be provided in an easy-to-read format. Applicants are encouraged to follow the standard plan format provided in Appendix No. 10.

B. Location and identification.

- (1) The proposed project name or identifying title.
- (2) The municipality in which the project is to be located. If the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.
- (3) A location map, drawn to scale, relating the property to at least two intersections of existing road center lines, and showing the street names of all adjoining streets to the proposed development or subdivision.
- (4) The name, address, and telephone number of the owner, authorized agent of the tract, the developer and the firm that prepared the plans.
- (5) Source of title to the land included within the subject application, as shown in the office of the Lebanon County Recorder of Deeds. If the equitable owner, the name, address and reference to the equity agreement.
- (6) The Geographic Information System geographic identification number.
- (7) The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- (8) A North arrow, a graphic scale, and a written scale.
- (9) The total acreage of the entire existing tract.
- (10) A statement on the plan identifying the Zoning Ordinance district for the subject property and surrounding land. Additionally, the lot size and/or density, lot coverage, building coverage, and yard requirements of the Zoning Ordinance shall be identified for the subject property.
- (11) A statement on the plan identifying any existing waivers, variances, special exception, conditional use, and existing nonconforming structures/uses.
- (12) The location and description of all buildings and structures on the tract as well as the proposed disposition of each.

C. Existing conditions.

- (1) Existing contours shall be shown at a two-foot interval across the subject property and 50 feet beyond the subject property. Contours shall be accompanied by the location of the bench mark within or immediately adjacent to the subject tract and a notation indicating the datum used. Contours plotted from the United States Geodetic Survey may only be used for subdivision plans which require no new

streets or other public improvement. All survey plan data shall be referenced to the North American Datum of 1983 (NAD 83), Pennsylvania South Zone Coordinate System. All vertical data shown on the plan shall be referenced to the North American Vertical Datum of 1988 (NAVD 88).

- (2) The names of all immediately adjacent landowners, and the names and current deed references of the most recent version of previously recorded plans for all adjacent projects.
- (3) The location and description of existing lot line markers and monuments along the perimeter of the entire existing tract.
- (4) The following items, when located on the subject tract, within 50 feet of the subject tract, or beyond 50 feet of the subject tract when the item affects the tract:
 - (a) The location, size, and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
 - (b) The location and size of the following existing features (e.g., public sanitary sewer facilities, public water supply facilities, fire hydrants, buildings, swales, watercourses, bodies of water, wetland, rock outcroppings, sinkholes, and stormwater management facilities which affect stormwater runoff on the subject tract) and any related rights-of-way.
 - (c) The location and size of existing rights-of-way and easements.
- (5) The location and size of the existing individual on-lot sanitary sewer disposal facility and water supply facility when located on the subject tract or within 50 feet of the subject tract.
- (6) The location and identification by species of existing healthy trees with a caliper of six inches or more as measured at a height of 4 1/2 feet above existing grade, when standing alone or in small groups.
- (7) The location of other existing, established landscape materials.

D. Proposed features.

- (1) Complete description of the center line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one foot in 10,000 feet.
- (2) Approximate lot line dimensions and lot areas for all proposed parcels. Along existing street rights-of-way, the description shall utilize the existing deed lines.
- (3) Lot numbers in consecutive order.
- (4) In the case of land development plans, the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant facilities.

- (5) A statement on the plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, lot coverage, building coverage, types of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use. The location of each land use if several types of uses are proposed. This statement shall also include the criteria needed to calculate off-street parking, lot coverage and other requirements of the prevailing Borough Zoning Ordinance.
- (6) Easements for utilities, access, stormwater facilities, etc.
- (7) Building setback lines, with distances from the property and street right-of-way.
- (8) Identification of buildings and other structures proposed for demolition.
- (9) Typical street cross section for each proposed street and typical cross section for any existing street which will be improved as part of the application. Each cross section shall include the entire right-of-way width. Cross-sections for improvements to existing streets shall be provided for each fifty-foot station location.
- (10) Vertical and horizontal alignment on the same sheet for each proposed street, stormwater management facility, sanitary sewer (including manhole numbers), and water distribution system. All street profiles shall show at least the existing (natural) profile along the center line, proposed grade at the center line, and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material. This information is not subject to recording with the Lebanon County Recorder of Deeds.
- (11) Proposed names for new streets, pavement markings and traffic control devices.
- (12) Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
- (13) In the case of land development plans, a grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording in the office of the Lebanon County Recorder of Deeds.
- (14) A statement on the plan indicating any proposed waivers, special exceptions, conditional uses or variances. This statement must be revised, upon action on the request to acknowledge the outcome of the requested waiver or variance prior to recordation of the plan.
- (15) Identification of any lands to be dedicated or reserved for public, semipublic, or community use.

E. Reports.

- (1) Sketch plan. A plan drawn to the standards of a sketch plan for the entire landholding when, in the opinion of the Borough, the application significantly impacts the undeveloped portion of the landholding. The application will be considered in light of its relationship to the entire landholdings.
- (2) Sanitary sewer. A sewer facilities plan revision (plan revision module for land development), or supplement when required by the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended.
- (3) Stormwater. A stormwater management plan in accordance with the Stormwater Management Ordinance for Palmyra Borough, as amended.
- (4) Traffic impact study.
 - (a) Study required.

[1] Abbreviated traffic impact study. Whenever a proposed project will generate 50 to 99 new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform an abbreviated traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development. The abbreviated traffic impact study shall include:

- [a] A capacity analysis report prepared under the supervision of a qualified and experienced transportation engineer.
- [b] The study area for the capacity analysis report shall only include all proposed intersections.

[2] Comprehensive traffic impact study.

- [a] Whenever a proposed project will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform a comprehensive traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development.
- [b] Transportation demand management measures such as staggered start and end work times, telecommuting, utilization of transit, greenway or trail linkages, park-and-ride lots, etc., may be used to reduce trip generation for the proposed development. If such measures will reduce the new vehicle trips in the peak direction during the peak traffic hour to less than 100, than an abbreviated traffic impact study may be performed in lieu of a comprehensive study. When such trip reduction measures are used to justify performance of an abbreviated study as permitted by this section, a developer and successors shall be bound by a recorded agreement to implement such measures. The terms and form of agreement

shall be as mutually agreed upon by the Borough and the developers.

- [3] In addition, a comprehensive traffic impact study shall be prepared at the discretion of the Borough whenever any of the following conditions exist within the impact study area:
 - [a] Current traffic problems exist in the local area or neighborhood, including but not limited to a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.
 - [b] The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.
 - [c] If access is proposed to a state highway, the traffic impact study shall be prepared in accordance with PennDOT Publications and Procedures for Transportation Impact Studies, Publication 46 Traffic Engineering Manual.
- (b) Traffic impact study requirements:
- [1] Area of traffic scope study. The traffic scope study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Borough and the transportation engineer preparing the study.
 - [2] Preparation by transportation engineer required. Traffic impact studies shall be prepared under the supervision of a qualified and experienced transportation engineer with specific training in traffic and transportation engineering and at least two years of experience related to preparing traffic engineering studies for existing or proposed developments. Traffic impact study reports shall be signed and sealed by a professional engineer.
 - [3] Horizon year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build out and occupancy. This year shall be referred to as the "horizon year." The design year analysis should also be included in the forecast, which is the horizon year plus five years.
 - [4] Nonsite traffic estimates. Estimates of nonsite traffic shall be made and will consist of through motorized and nonmotorized traffic and motorized and nonmotorized traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Nonsite traffic may be estimated using any one of the

following three methods: "build-up" technique, area transportation plan data or modeled volumes, and trends or growth rates.

- [5] Trip generation rates required. The traffic impact study shall include a table showing the land use categories and quantities, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.
- [6] Consideration of pass-by trips. If pass-by trips or shared trips are a major consideration for the land use in question, studies should be referenced and interviews should be conducted and documented at similar land uses.
- [7] Rate sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the study.
- [8] Explanations required. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the study.
- [9] Definition of influence area.
 - [a] Prior to trip distribution of site-generated trips, an influence area must be defined which contains 80% or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.
 - [b] Other methods, such as using trip data from an existing development with similar characteristics or using an existing origin-destination survey of trips within the area can be used in place of the influence area to delineate the boundaries of the impact.
- [10] Estimates of trip distribution required.
 - [a] Trip distribution can be estimated using any one of the following three methods:
 - [i] Analogy.
 - [ii] Trip distribution model.

- [iii] Surrogate data.
 - [b] Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multiuse development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.
- [11] Trip assignments.
- [a] Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing 500 or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.
 - [b] If a thorough analysis is required to account for pass-by trips, the following procedures should be used:
 - [i] Determine the percentage of pass-by trips in the total trips generated.
 - [ii] Estimate a trip distribution for the pass-by trips.
 - [iii] Perform two separate trip assignments, based on the new and pass-by trip distributions.
 - [iv] Combine the pass-by and new trip assignment.
 - [c] Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.
- [12] Total traffic impacts. Motorized and nonmotorized traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The traffic impact study report should clearly depict the total traffic estimate and its components.

- [13] Capacity analysis.
- [a] Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area.
 - [b] In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.
 - [c] The recommended level-of-service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed.
 - [d] The operational analyses in the Highway Capacity Manual, HCM or SYNCHRO software should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.
- [14] Perform an auxiliary lane analysis at any proposed intersection.
- [15] Perform a crash analysis at all studied intersections for a five-year period.
- [16] Perform a sight distance analysis at any proposed intersection.
- [17] Perform a queue analysis at a signalized intersection studied. PennDOT Publication 46 methodology shall be used.
- [18] Required levels of service. The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to nonsite trips. The current levels of service must be maintained if they are level "C" or "D," not allowed to deteriorate to worse than level "C" if they are currently level "A" or "B," and improved to level "D" if they are level "E" or "F."
- [19] Documentation required. A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.
- [a] The documentation for a traffic impact study shall include, at a minimum:
 - [i] Study purpose and objectives.
 - [ii] Description of the site and study area.

- [iii] Existing roadway conditions in the area of the development.
 - [iv] Recorded or approved nearby development(s) within the traffic impact study area.
 - [v] Trip generation, trip distribution and modal split.
 - [vi] Projected future motorized and nonmotorized traffic volumes.
 - [vii] An assessment of the change in roadway operating conditions resulting from the development traffic.
 - [viii] Recommendations for site access and transportation improvements needed to maintain and/or improve motorized and nonmotorized traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 - [ix] Transit location, availability of bike routes, connection to a park and/or trail system.
- [b] The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
 - [c] The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. The recommendations shall also identify who will be responsible for making the improvements.
 - [d] Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 - [e] To facilitate examination by the Borough Planning Commission and Council, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
 - [f] The study documentation outlined above provides a framework for site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.
- (c) Improvements.

- [1] Responsibility for improvements. The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site.
 - [2] Coordination with Borough requirements. The applicant shall be responsible for other improvements related to the results of the traffic impact study as may be agreed to with the Borough or which are required by the Borough to be installed or paid for by the applicant consistent with provisions of Article V of the most recent version of the MPC.
- (5) Park and recreation. A park and recreation report shall be required for residential developments of 50 or more residential lots or dwelling units. Said report shall be prepared by a registered landscape architect (RLA) or a certified planner with experience in park and recreation design with the following minimum considerations:
- (a) A description of the total projected number of residents in their respective age groups.
 - (b) A description of those existing public recreation facilities located within a one-half-mile radius of the site.
 - (c) A description of the adequacy of existing recreation facilities to serve the proposed residents, taking into consideration current usage.
 - (d) A discussion of potential for any recreation facilities to be provided by the developer to accommodate new residents and/or compensate for any anticipated deficiencies of the Borough's recreational facilities.
 - (e) A description of any recreation facilities to be provided by the developer.
 - (f) A discussion on the relationship of the proposal to the prevailing Palmyra Area Comprehensive Park, Recreation, and Open Space Plan, and the Lebanon County Recreation and Open Space Plan, as amended.
 - (g) A description of responsibility for maintenance of any recreational facilities to be provided by the developer.
 - (h) A description of accessibility of the proposed facilities to general Borough residents.
 - (i) A description of any contributions in accordance with § 318-40 of this chapter that the developer plans to make for Borough recreation to compensate for expected impacts.
 - (j) Source of standards used in the data presented.
- (6) Historical features.
- (a) All applications involving historic structures or land that have local historical or architectural significance and/or are listed on the National Register of

Historic Places or have received a preliminary determination by the Secretary of the Interior as meeting the requirements for listing on the National Register and/or are listed on a state inventory of historic places, which have been approved by the Secretary of the Interior and/or are listed on the Lebanon County Historical Sites Register maintained by the Historic Preservation Trust of Lebanon County shall be designed to preserve, adaptively reuse, or otherwise provide for the historic features and any related plant materials thereof. Modifications and exterior alterations to historic features or sites, or new construction adjacent to historic features, shall be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties, as published by the National Park Service.

- (b) Subdivisions and land developments shall also be designed so that new structures do not block historic views or obstruct the view of historic properties. Screening shall be provided in accordance with § 318-37 in all cases where the proposed size, construction material, or type of use would jeopardize the historic value of a site or structure.
 - (c) Demolition of historic structures shall be in accordance with the historic site protection requirements contained in the Palmyra Borough Zoning Ordinance, as amended.
- (7) Important natural features. All applications for subdivision and/or land development shall plot the location of the natural resources in accordance with those listed in Section 502 (Feature Identification Procedures) of the Palmyra Borough Zoning Ordinance, as amended:
- (8) Erosion and sediment control plan. All applications shall state whether an erosion and sediment control plan is required pursuant to 25 Pa. Code § 102 et seq., or any future corresponding law or regulation. If an application states that an erosion and sediment control plan is not required, the applicant shall set forth the basis for such statement. If an erosion and sediment control plan is required, applicant shall provide proof of submission of such a plan to the Lebanon County Conservation District or other applicable agency and shall provide proof of approval of the erosion and sediment control plan prior to unconditional final plan approval.

F. Certifications and notifications.

- (1) Where the land included in the subject application has an electric, telecommunication or telephone transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a copy of the right-of-way agreement or a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- (2) A statement by the individual responsible for the data to the effect that the survey, plan and/or other general data are correct. (See Appendix No. 1.) This statement must be placed on both plans and reports.

- (3) A statement acknowledging that the subdivision or land development shown on the plan is presented with the consent of the landowner.
 - (4) A statement that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, before any improvements are initiated within a state highway; a Borough street, alley, or access drive; or a driveway intersection to a state highway, Borough street, alley, or access drive.
 - (5) An application. (See Appendix No. 6.)
 - (6) (Optional) A statement acknowledging Borough action. (See Appendix Nos. 3 and 4.)
 - (7) An application requesting the review by the Lebanon County Planning Department.
- G. Filing fee. The preliminary plan shall be accompanied by a check or money order drawn to Palmyra Borough in an amount specified on the fee schedule adopted by resolution of the Borough Council and available at the Borough Municipal Center.

§ 318-16. Final plans.

Final plans shall be prepared by an engineer, land surveyor and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by land surveyors, and designs which entail engineering shall be prepared by registered engineers with appropriate expertise. The final plan shall show, be accompanied by, or be prepared in accordance with the following:

- A. Drafting standards. The same standards are required for a final plan as specified for a preliminary plan in § 318-15A.
- B. Location and identification. The same standards are required for a final plan as specified for a preliminary plan in § 318-15B.
- C. Existing features. The same standards are required for a final plan as specified for a preliminary plan in § 318-15C.
- D. Proposed features. In addition to the following data, the same standards are required for a final plan as specified for a preliminary plan in § 318-15D.
 - (1) Complete description of the center line and right-of-way line for all new and existing streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one foot in 10,000 feet.
 - (2) Complete description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road center lines. Along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one foot in 10,000 feet.

- (3) Locational dimensions for easements with sufficient detail to provide easy on-site location. Easements shall be located by a metes and bounds description.
 - (4) Street addresses assigned for all proposed lots.
- E. Reports. The same standards are required for a final plan as specified for preliminary plan in § 402-15E. If the reports were submitted with the preliminary plan and the contents are unchanged, they may be submitted by reference as opposed to full text submission.
- F. Certifications and notifications. In addition to the following data, the same standards are required for a final plan as specified for preliminary plan in § 402-15F.
- (1) A statement on the plan acknowledging final plan approval. (See Appendix No. 5.) This statement must be placed on the first sheet of plans which are subject to recording in the office of the Lebanon County Recorder of Deeds.
 - (2) A statement on the plan acknowledging plan review by the Borough Planning Commission. (See Appendix No. 3.) This statement must be placed on the first sheet of plans which are subject to recording in the office of the Lebanon County Recorder of Deeds.
 - (3) A notice from the Pennsylvania Department of Environmental Protection that a sewer facilities plan revision or supplement has been approved, or notice that a plan revision or supplement is not necessary.
 - (4) A notarized statement on the plan signed by the landowner, duly acknowledged before an officer authorized to take acknowledgement of deeds, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded. (See Appendix No. 2.) This must be dated following the last change or revision to said plan.
 - (5) A statement on the plan of dedication of streets and other public property as well as area that is not to be offered for dedication. (See Appendix No. 2.)
 - (6) Such written notices of approval as required by this chapter, including written notices approving the street name, encroachments along state routes, water supply systems, sanitary sewage systems, and stormwater runoff to adjacent properties.
 - (7) A statement on the plan to accommodate the Lebanon County Recorder of Deeds information. (See Appendix No. 5.)
 - (8) A statement on the plan to accommodate the Lebanon County Planning Department certificate of review.
 - (9) An improvement guarantee in accordance with Article V.
 - (10) A statement on the plan that all public improvements will comply with the Borough's construction specifications.
 - (11) An application. (See Appendix No. 6.)

- (12) A properly executed land development agreement for any nonresidential development and any residential development involving more than 10 lots or a properly executed developer's letter-agreement for all other development, as applicable, in the form and content required by the Borough setting forth, among other things, the responsibilities for the development of the property and listing required improvements, lands to be dedicated, and contributions to be made to the Borough. (See Appendix No. 10 and Appendix No. 11.)
 - (13) An application requesting the review by the Lebanon County Planning Department.
 - (14) If the plan proposes an addition to an existing lot, an accurate description of the parcel to be added to the existing lot and an accurate description of the new lot to be created after the addition. After the lot add-on plan is recorded, the applicant shall prepare and record a deed containing a consolidated legal description for the new lot.
- G. Filing fee. The final plan shall also be accompanied by a check or money order drawn to Palmyra Borough in an amount specified on the fee schedule adopted by resolution of the Borough Council and available at the Borough Municipal Center.

§ 318-17. Lot add-on, lot consolidation and revised subdivision plans.

Lot add-on, lot consolidation, and revised subdivision plans shall be prepared by an engineer, land surveyor and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by land surveyors, and designs which entail engineering shall be prepared by registered engineers with appropriate expertise.

- A. Drafting standards. The same standards are required for lot add-on, lot consolidation, and revised subdivision plans as specified for a preliminary plan in § 318-15A.
- B. Location and identification.
 - (1) The proposed project name or identifying title, including "Lot Add-On Plan Final Plat," "Lot Consolidation Plan Final Plat," or "Revised Subdivision Plan Final Plat," as applicable.
 - (2) The municipality in which the project is to be located. If the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.
 - (3) A location map, drawn to scale, relating the property to at least two intersections of existing road center lines, and showing the street names of all adjoining streets to the proposed subdivision.
 - (4) The name, address, and telephone number of the owner, authorized agent of the tract, the developer and the firm that prepared the plans.

- (5) Source of title to the land included within the subject application, as shown in the office of the Lebanon County Recorder of Deeds. If the equitable owner, the name, address and reference to the equity agreement.
 - (6) The Geographic Information System geographic identification number.
 - (7) The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
 - (8) A North arrow, a graphic scale, and a written scale.
 - (9) The total acreage of the entire existing tract.
 - (10) A statement on the plan identifying the Zoning Ordinance district for the subject property and surrounding land. Additionally, the lot size and/or density, lot coverage, building coverage, and yard requirements of the Zoning Ordinance shall be identified for the subject property.
- C. Existing and proposed features.
- (1) The names of all immediately adjacent landowners, and the names and current deed references of the most recent version of previously recorded plans for all adjacent projects.
 - (2) The location and description of existing and proposed lot line markers and monuments along the perimeter of the entire tract, including a note that all monuments and lot line markers are set or indicating when they will be set.
 - (3) The following items when located on the subject tract.
 - (a) The location, size, and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
 - (b) The location and size of the following existing features (e.g., public sanitary sewer facilities, public water supply facilities, fire hydrants, buildings, swales, watercourses, bodies of water, wetland, rock outcroppings, sinkholes, and stormwater management facilities which affect stormwater runoff on the subject tract) and any related rights-of-way.
 - (c) The location and size of existing rights-of-way and easements.
 - (4) Lot numbers in consecutive order.
 - (5) A statement on the plan indicating any proposed waivers, special exceptions, conditional uses or variances. This statement must be revised upon action on the request to acknowledge the outcome of the requested waiver or variance prior to recordation of the plan.
- D. Certifications and notifications.
- (1) A statement on the plan acknowledging final plan approval. (See Appendix No. 5.) This statement must be placed on the first sheet of plans which are subject to recording in the office of the Lebanon County Recorder of Deeds.

- (2) A statement on the plan acknowledging Plan Review by the Borough Planning Commission. (See Appendix No. 3.) This statement must be placed on the first sheet of plans which are subject to recording in the office of the Lebanon County Recorder of Deeds.
 - (3) A notice from the Pennsylvania Department of Environmental Protection that a sewer facilities plan revision or supplement has been approved, or notice that a plan revision or supplement is not necessary.
 - (4) A notarized statement on the plan signed by the landowner, duly acknowledged before an officer authorized to take acknowledgement of deeds, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded. (See Appendix No. 2.) This must be dated following the last change or revision to said plan.
 - (5) A statement on the plan to accommodate the Lebanon County Recorder of Deeds information. (See Appendix No. 5.)
 - (6) A statement on the plan to accommodate the Lebanon County Planning Department certificate of review.
 - (7) An application. (See Appendix No. 6.)
 - (8) An application requesting the review by the Lebanon County Planning Department.
 - (9) If the plan proposes an addition to an existing lot, an accurate description of the parcel to be added to the existing lot and an accurate description of the new lot to be created after the addition. After the lot add-on plan is recorded, the applicant shall prepare and record a deed containing a consolidated legal description for the new lot.
- E. Filing fee. The final plan shall also be accompanied by a check or money order drawn to Palmyra Borough in an amount specified on the fee schedule adopted by resolution of the Borough Council and available at the Borough Municipal Center.

ARTICLE V Improvement Guarantees

§ 318-18. General provisions.

- A. No project shall be considered in compliance with this chapter until the streets, street signs, sidewalks, curbs, survey monuments, landscaping required by this chapter, storm drainage for dedication or which affects adjacent properties or streets, sanitary sewer facilities for multiple use, water supply facilities for multiple use, fire hydrants, and other such improvements required by this chapter have been installed in accordance with this chapter and other applicable Borough ordinances.
- B. When sanitary sewer and water supply facilities are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority

separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

- C. No final plan shall be signed by the Borough Council for recording in the office of the Lebanon County Recorder of Deeds unless a financial security in accordance with § 318-19 is accepted by the Borough Council and Borough Council has received confirmation that the public utility or municipal authority has been provided with financial security, if applicable, and/or the improvements required by this chapter have been installed, in accordance with § 318-20.

§ 318-19. Financial security.

The administration of the financial security shall comply with the provisions of this article, the most recent version of the MPC, and other applicable laws of the Commonwealth.

- A. Submission of financial security. Final plan applications which include required improvements that have not been installed shall include a financial security and memorandum of understanding. (See sample memorandum available at the Borough Municipal Building.)
- (1) Type of financial security. Financial security must comply with the following and is subject to review by the Borough Solicitor and Borough Council for adequacy.
 - (a) Irrevocable letter of credit. A letter provided by the developer from a federally chartered financial institution.
 - (b) Escrow account. A deposit of cash either with the Borough or in escrow with a federally chartered financial institution.
 - (2) General contents. The terms of any financial security documents shall be acceptable to the Borough Solicitor. In addition to other information required by the Borough, financial securities shall include the following:
 - (a) The amount of secured funds.
 - (b) In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement, the funds shall be paid to the Borough immediately and without further action, upon presentation of a signed draft in an amount necessary to finance the completion of those improvements, up to the limit of the security.
 - (c) The security is irrevocable and may not be withdrawn or reduced in amount by other than the Borough until released or partially released by the Borough.
 - (3) Amount of financial security.
 - (a) The amount of financial security shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount

of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date schedule for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this chapter.

- (b) The amount of financial security required shall be based upon an estimate of the cost of completion (including quantities and unit cost) of the required improvements, submitted by a developer and prepared and certified by an engineer to be a fair and reasonable estimate of such cost. The Borough Council, upon recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough Council are unable to agree on an estimate, then the estimate shall be recalculated and rectified by another professional engineer licensed and registered as such in the commonwealth and chosen mutually by the Borough Council and the applicant or developer. The estimate certified by the third shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- (c) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

B. Release of financial security.

- (1) When all or part of the financially secured improvements are completed, the developer may notify the Borough Council and request a release of the financial security. Requests for a reduction of a portion of the financial security shall be limited to an amount that is at least a minimum 20% of the original total financial security, unless a smaller percentage equals at least \$100,000.
- (2) All requests for release of financial security shall be in writing, by certified or registered mail to the Borough Council, at the Borough Municipal Center, and a copy thereof shall be sent to the Borough Engineer. This notice shall include the as-built plan in accordance with § 318-24.
- (3) After receipt of notice for release of financial security, the Borough Council shall, within 10 days, authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, within 30 days of authorization, file a written report with the Borough Council, and shall promptly mail a copy of the

same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Borough Engineer, said report shall contain a statement of reasons for such rejection.

- (4) The Borough Council shall notify the developer, within 15 days of receipt of the Borough Engineer's report, in writing, by certified or registered mail, of the action of the Borough Council with relation thereto.
 - (5) If any portion of said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
 - (6) A portion of the financial security may be retained as a maintenance guarantee in accordance with § 318-22.
- C. Other remedies. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

§ 318-20. Installation of public improvements in conjunction with conditional final plan approval.

The procedure is available for the installation of required improvements in lieu of placing financial security with the Borough.

- A. Authorization for construction. The applicant may receive approval to construct only the improvements required as part of this chapter upon receipt of conditional final plan approval with the only outstanding condition being the guarantee of public improvements, the memorandum of understanding (See sample memorandum available at the Borough Municipal Center.) and approvals/permits from other agencies with jurisdiction grants the authority to install. Required improvements are limited to streets, street signs, sidewalks, curbs, landscaping required by this chapter, storm drainage for dedication or which affects adjacent properties or streets, sanitary sewer facilities for multiple use, water supply facilities for multiple use, fire hydrants, survey monuments and other such public improvements.
- B. Completion of public improvements.
 - (1) When all or part of the required improvements are complete, the developer shall notify the Borough Council. Notification of completion of a portion of the required

improvements is only necessary should the developer elect to financially secure the remaining improvements in accordance with § 318-19.

- (2) Notification of completion of improvements shall be in writing, by certified or registered mail, and a copy thereof shall be sent to the Borough Engineer. This notice shall include the as-built plan in accordance with § 318-24.
- (3) After receipt of notice that improvements are completed, the Borough Council shall, within 10 days, authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, within 30 days of authorization, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Borough Engineer, said report shall contain a statement of reasons for such rejection.
- (4) The Borough Council shall notify the developer, within 15 days of receipt of the Borough Engineer's report, in writing, by certified or registered mail, of the action of the Borough Council with relation thereto.
- (5) If any portion of said improvements shall not be approved by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- (6) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.

§ 318-21. Dedication of improvements.

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the Borough Council. No responsibility of any kind with respect to improvements shown on the plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall be made in accordance with Borough rules and regulations, shall include all information required by the Borough for processing such a request, and shall be accompanied by any required filing fee.

§ 318-22. Maintenance guarantee.

The Borough Council may, at its discretion, require the developer to submit a maintenance guarantee or other approved guarantee as specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication by the Borough Council. Said guarantee shall be 15% of the actual cost of installation of said improvements and be of the same type of financial security as required in this article.

§ 318-23. Inspections of improvement during construction.

Inspections shall be required prior to the start of construction, during installation of materials and structures, and upon the completion of all improvements. Prior to the initiation of construction, the developer shall arrange a pre-construction meeting with the Borough Engineer or designee so that an inspection schedule can be coordinated with the construction schedule. The Borough Engineer or designee shall be notified two working days in advance of any intended date of construction. The provisions stated herein shall not be construed as mandating periodic inspections, and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction. The Borough, at the expense of the developer, reserves the right for the Borough Engineer to require drawing detail or shop drawing, and/or tests by an approved testing facility to determine whether the improvement complies in all respects with the requirements of the Borough. A specific schedule and procedure for information will be established for each project. The following is intended to describe the format of inspections:

- A. Subsoil system: inspection and testing to determine subsoil compaction to required density, and inspection of subsoil elevation to insure grade and profile compatibility.
- B. Subgrade structure: inspection and testing of subgrade type and required density.
- C. Underground utilities and storm drainage system: inspection and testing of pipe installation, including service laterals, inlets, manholes, endwalls, and bridges prior to backfilling. Air testing of water distribution system to required standards.
- D. Concrete curb structure: inspection prior to installation of string line to show type of curb, grade, and alignment. Material inspection, including the submittal of all certified material delivery slips.
- E. Street subbase course: inspection of materials placed as subbase prior to installation of base course, including the submittal of all certified material delivery slips.
- F. Street base course: inspection of materials placed as base, including the submittal of all certified material weight slips.
- G. Street wearing course structure: inspection of materials placed as wearing surface, including the submittal of all certified material weight slips.
- H. Sidewalk structures: inspection of subbase grade and form grade and alignment prior to any pour.
- I. Right-of-way profile: inspection of required finish grade elevations to limits of street right-of-way.
- J. Storm drainage easement structures: inspection of required finish grade elevations, alignments and profiles to limits of easement.
- K. Seeding, sodding and erosion controls: inspection as required to assure compliance with storm drainage regulations.

§ 318-24. As-built plans.

Upon completion of all required improvements and prior to final inspections of improvements, the developer shall submit a plan labeled "as-built plan," showing the actual location, dimension and elevation of all existing improvements. In addition, the plan shall demonstrate that the existing grading, drainage structures and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall specifically identify all deviations from the previously approved drawings. The applicant's engineer shall certify that the construction of the stormwater management facility was completed in accordance with the plans and specifications as originally submitted and approved by the Borough. Three paper copies of the plan shall be submitted to the Borough Manager, or his or her designee, who shall distribute a paper copy to the Borough Engineer and retain two copies for the Borough files. The applicant shall also submit a computer-readable as-built plan in the form specified by the Borough which includes all of the information contained on the paper copy of the as-built plan.

ARTICLE VI
Design Standards

§ 318-25. General provisions.

The standards and requirements contained in this article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Borough ordinances or regulations impose more restrictive design standards than those contained herein, the more restrictive shall apply. Subdivisions and/or land developments shall be designed to comply with the requirements of the Zoning Ordinance, the Stormwater Management Ordinance, and regulations of PennDOT, as applicable. Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision and/or land development approval shall constitute a use by special exception or a conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or the Borough Council, as applicable, prior to the submission of the final plan. The Plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception or conditional use by the Zoning Hearing Board or the Borough Council, as applicable. Whenever the applicant proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Zoning Ordinance, the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of the final plan. The Plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such variance or variances by the Zoning Hearing Board. Whenever all or any portion of the land contained within an application for subdivision or land development approval constitutes all or any portion of land included in a prior subdivision or land development plan approved by the Borough or the Lebanon County Planning Department and recorded in the office of the Recorder of Deeds in and for Lebanon County, Pennsylvania, the application for subdivision or land development approval shall comply with all conditions, restrictions and notes imposed on the prior plan approval and/or included upon the recorded subdivision or land development plan. The applicant shall identify all prior recorded subdivision and/or land development plans of which all or any portion of the land contained in the application was a part and all conditions,

restrictions and notes which affect the current application. Failure to identify all applicable conditions, restrictions and notes of record on prior recorded plans constitutes a violation of this chapter. The applicant shall submit with the application for preliminary plan approval, or with the application for final plan approval if no application for preliminary plan approval is required, a statement identifying the prior plans reviewed; the conditions, restrictions and notes which would impact development in accordance with the application for which approval has been requested; and an explanation of the manner in which the proposed application has been designed to comply with all such conditions, restrictions and notes. This statement shall be signed by the applicant or the applicant's engineer, landscape architect, or land surveyor.

- A. Site analysis. An analysis shall be made of the site characteristics, such as site configuration, geology, soil, topography, water bodies, ecology, vegetation, structures, road network, visual features and past/present use of the site. Development of the site shall be designed to:
 - (1) Preserve the natural features of the site;
 - (2) Avoid areas of environmental sensitivity; and
 - (3) Minimize negative impacts and alteration of natural features.
- B. Preservation of natural and cultural features. The following specific areas shall be preserved and incorporated into the overall design:
 - (1) Wetlands, as defined by this chapter, except as otherwise authorized and required by permits or approvals obtained from applicable state and federal agencies (See § 318-36.); and
 - (2) Historical structures, land, and related plant materials as defined by this chapter. [See § 318-15E(6).]
- C. General design goals. The development shall be laid out to avoid unnecessary impervious cover and to mitigate adverse effects of shadow, noise, glare, odor, traffic, drainage, and utilities on neighboring properties.
- D. Conformance with adopted plans. Design of the development shall take into consideration all adopted Borough, county, and state plans for the Borough and surrounding community.
- E. Relationship of the development to existing facilities and properties.
 - (1) All proposed subdivisions and land developments shall be designed, laid out, arranged, constructed, and coordinated to assure that abutting properties will continue to have safe and convenient access in accordance with the standards of this chapter or, if such abutting properties do not presently have such access, to have access at least equal to the level existing prior to the proposed subdivision or land development. This shall include, but not be limited to, the ability to make turning movements into and out of such abutting property to the same extent as existed prior to the proposed subdivision or land development.

- (2) All proposed subdivisions and/or land developments shall be designed, laid out, arranged, constructed, and coordinated with all presently existing facilities and improvements which serve the tract proposed to be developed, including, but not limited to, the transportation network; sewer collection, conveyance and treatment facilities; water supply and distribution facilities; and stormwater management facilities, as necessary to accommodate prospective traffic, provide adequate sewer and water service, promote proper stormwater management, facilitate fire protection, and conform to the Comprehensive Plan and Official Map.
- (3) The applicant shall submit studies and reports with the preliminary plan and the final plan which shall demonstrate that abutting properties access meets the requirements of this section. The applicant shall also submit studies and reports with the preliminary plan to demonstrate that the development meets § 318-25B of this chapter.
- (4) If an applicant submits a study, report or plan to demonstrate compliance with this section or any other section of this chapter which identifies any assumed improvements to existing facilities, the applicant shall also identify whether such assumed improvements to existing facilities shall identify the status of such improvements, i.e., whether the improvements are under construction, are in the design phase, are fully financed, or are tentative on a long-range plan. If an applicant submits a study, report or plan which indicates that assumed improvements to existing facilities will be considered in demonstrating compliance with the design standards in this chapter, the applicant shall present evidence that such assumed improvements are under construction, are the subject of existing contracts, the Borough is holding financial security to secure completion of such improvements or a governmental entity has budgeted funds for such improvements. The Borough shall not consider the impact of a proposed future improvement unless the applicant demonstrates that such future improvement will be completed.

§ 318-26. Streets, access drives, alleys and driveways.

A. General.

- (1) Streets, access drives, alleys, and driveways form the circulation system. The conventional grid system is preferred for future street systems. The circulation system shall be designed to:
 - (a) Permit the safe, efficient and orderly movement of vehicles;
 - (b) Meet the needs of the present and future population;
 - (c) Provide a simple and logical pattern;
 - (d) Function under a hierarchy system where the intensity of intersections decrease as traffic volumes and speed increase;
 - (e) Respect the natural features and topography; and
 - (f) Present an attractive streetscape.

- (2) The design and construction of all developments must be coordinated with all existing streets, access drives, alleys, and driveways that are necessary to serve the development, accommodate prospective traffic, conform to the most recent version of the Borough's Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof.
- (3) The development must insure that other properties will continue to have safe and convenient vehicular access in accordance with the standards of this chapter and Chapter 21 (Streets and Sidewalks) of the Code of Ordinances of the Borough of Palmyra or to the level of service that existed prior to the development.
- (4) Studies and reports shall clearly identify all assumed improvements to the existing facilities. A study, report or plan that contains an assumption of future construction of improvements shall include evidence that:
 - (a) A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements; or
 - (b) An approved and recorded plan guarantees the assumed improvements.

B. Private streets.

- (1) Private streets are prohibited, unless such streets meet the design standards of this chapter and the objectives of the development warrant private ownership. In all situations, the approval of a private street shall be at the discretion of Borough Council.
- (2) Applications which proposed private streets shall include an agreement which shall be recorded with the Lebanon County Recorder of Deeds in conjunction with the final plan. To avoid a delay, the applicant is encouraged to submit the agreement with the preliminary plan. Said agreement shall stipulate the following:
 - (a) The street shall be maintained in conformance with this chapter;
 - (b) Any future offer of dedication will include sufficient monies, as estimated by the Borough Council, to restore the street to conformance with Borough standards;
 - (c) That an offer of dedication will include whole streets and adequate circulation;
 - (d) The method of assessing maintenance and repair cost; and
 - (e) That an agreement by the owners of 51% of the front footage is binding on the remaining lot owners.

C. Improvements of existing streets.

- (1) Where a proposed subdivision and/or land development abuts any existing street, whether a Borough street, a state highway or a private street, the application shall conform to the following:

- (a) Ultimate right-of-way. The ultimate right-of-way width shall be provided on Borough-owned streets and shall be a minimum of 50 feet for local streets and 60 feet for arterial and collectors.
 - (b) Installation of improvements. Where the traffic indicates that improvements are required on abutting or nearby streets, the application shall include the installation of the improvements. Where the existing abutting streets do not meet the standards of this chapter, the application shall include the improvement along the side of the street that the project fronts.
 - (c) Guarantee of improvements. Improvement guarantees in the form permitted by this chapter shall assure that such improvements will be made within such period of time as the Borough shall determine, such determination to be based on the likely timing of the project and the improvements of the other portion of said street. In lieu of the improvement guarantee for the specific road on which the project lies, the applicant may request a waiver to contribute a fee in-lieu of to be used by the Borough whenever said street is upgraded. The amount of the fee shall be based upon the estimated cost of the improvements.
- D. Arterial and major collector streets. The primary function of arterial and major collector streets is to provide free traffic flow. Interruptions in the flow of traffic from intersections and driveways to adjoining properties is a minor and secondary responsibility of the street.
- (1) The Borough of Palmyra has designated one arterial street: US Route 422 (Main Street).
 - (2) The Borough of Palmyra has designated the following major collector streets:
 - (a) Cherry Street.
 - (b) Forge Road.
 - (c) North Grant Street (SR4009).
 - (d) Lingle Avenue (SR3017).
 - (e) Railroad Street SR3009 & SR4011).
 - (f) Ridge Road (SR4008).
 - (3) Developments which adjoin arterial and major collector streets are required to conform with the following:
 - (a) Where possible, vehicular access for nonresidential land uses along arterial roads shall incorporate shared access drives among adjoining land uses with interconnected off-street parking lots. Such shared access drives shall be accompanied by a cross access easement in a form acceptable to the Borough Solicitor.

- (b) Whenever a use has the ability to connect its access drive(s) to either of two different roadway classifications, such access drives shall be required to connect to the road with the lowest rated roadway classification.
 - (c) Intersections of streets, access drives, or alleys with arterial or major collector streets shall not be located closer than 600 feet, measured along the center line of the street.
 - (d) Intersections of driveways with arterial or major collector streets shall be limited to one per lot. Each driveway shall be provided with adequate turnaround within the lot so egress to the street is in a forward direction. Shared driveway entrance points are encouraged when provided with an easement agreement, in a form acceptable to the Borough Solicitor, which shall be recorded with the Lebanon County Recorder of Deeds in conjunction with the final plan. Any easement agreement shall stipulate the method of assessing maintenance and repair costs.
- E. Street function. Streets shall be designed to form continuations of streets with similar function and access streets of a greater function. Streets shall conform with the circulation routes of the Borough, adjoining development patterns, topography, and natural features. Curvilinear streets shall not be used immediately adjacent to the existing grid street system without providing a transition that continues and protects the historic grid.
- F. Street provisions for future development.
 - (1) Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved solely for future street usage will not be required to be improved; however, the right-of-way for these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.
 - (2) Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project, provided this use is not adverse to significant man-made or natural features of the site.
 - (3) When connecting a proposed street to an existing temporary cul-de-sac, such connection and all restoration work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.
- G. Street signage. Street signs, including name, and traffic controls shall be installed by the Borough and funded by the developer. Streets which are continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to approval by the Borough and the U.S. Postal Service.

H. Vertical alignments. Vertical street alignments shall be measured along the center line. The minimum grade of all streets shall be 1%. The maximum grade for streets shall not exceed 10%.

- (1) Vertical curves shall be used in changes of grade exceeding 1%. The minimum lengths (in feet) of vertical curves shall be 30 times the algebraic difference in grade for a crest and 20 times the algebraic difference in grade for a sag. For example, if a three-percent upgrade is followed by a four-percent downgrade, the algebraic difference in grade is seven; the minimum length of the vertical curve would then be 210 (30 times seven equals 210).
- (2) Where the approaching grade, within 100 feet of the center line intersection, exceeds 7% on streets at a four-way street intersection, or the terminating street at a three-way intersection, a leveling area shall be provided. Such leveling area shall have a maximum grade of 4% for a minimum length of 100 feet measured from the intersection of the center lines.
- (3) The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall be at least 1% and not exceed 5% in all directions.
- (4) All areas within the street right-of-way shall be graded substantially consistent with the street center line. The maximum slopes of banks located outside of the street right-of-way, measured perpendicular to the right-of-way of the street, shall not exceed 3:1 for fills and 2:1 for cuts.

I. Horizontal alignments.

- (1) Horizontal street alignments shall be measured along the center line. Horizontal curves shall be used at all angle changes.
- (2) Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.
- (3) The minimum horizontal curve radius shall be 150 feet. All curves shall be tangential arcs.
- (4) The following minimum tangent shall be provided between reverse curves:
 - (a) Controlled access arterial/arterial/collector street: 100 feet.
 - (b) Local street: 50 feet.
- (5) Perimeter streets. Street locations along the perimeter of a property shall be required to provide building setback lines and clear sight triangles when located within the adjacent properties. Permission for building setback lines and clear sight triangles that encroach on adjacent landowners shall be obtained in the form of a right-of-way.
- (6) Cartway alignment. The center line of the street cartway shall correspond with the center line of the street right-of-way.

J. Street right-of-way and cartway widths. The minimum street right-of-way width is 50 feet, and the minimum cartway width is 34 feet. The extension of existing streets which are presently constructed with a cartway different from the standards of this chapter shall be provided with a transition area, the design of which is subject to Borough approval.

K. New street improvements. All street paving shall conform to the following specifications:

- (1) Streets must be surfaced to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the applicant and approved by Borough Council after consulting with the Borough Engineer. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate stormwater drainage for the street acceptable to the Borough Council. The pavement base, wearing surface and shoulders must be constructed according to the following specifications, excepting, however, that for the construction of arterial roads or highways, the developer shall consult with the Borough Engineer and be governed by PennDOT for the method of construction to be used, and the design shall conform to PennDOT Pub. 242.
- (2) All new streets shall be designed according to the following cross-sectional specifications: all courses are compacted thicknesses.
- (3) The use of recycled materials is strongly encouraged.
- (4) Pavement. The pavement base and wearing surface must be in accordance with, and constructed in accordance with, PennDOT Pub. 408, as revised to date. The following table will outline the alternatives available to the developer:

Flexible Payments	Pavement Courses	Streets	
		Minor (inches)	Collector (inches)
Option No. 1	Wearing ⁽¹⁾	1 1/2	1 1/2
	Binder ⁽²⁾	0	2
	Base ⁽³⁾	4 1/2	4
	Subbase	8	8
Option No. 2	Wearing ⁽¹⁾	1 1/2	1 1/2
	Binder ⁽²⁾	2	2
	CABC ⁽⁴⁾	6	8
	Subbase	8	8

NOTES:

- (1) Wearing: Superpave Asphalt Mixture Design, HMA Wearing Course. PG 64-22, 0.0 to 0.3 million ESALs, 9.5 mm mix, SRL L.
- (2) Binder: Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 to 0.3 million ESALs, 19.0 mm mix.

NOTES:

- (3) Base: Superpave Asphalt Mixture Design, HMA Base Course. PG 64-22, 0.0 to 0.3 million ESA's, 25.0 mm mix.
- (4) Crushed aggregate base course.

- (5) For the construction of arterial roads or highways, the developer shall consult the Borough Engineer and be governed by the PennDOT specifications for the method of construction to be used (Pub. 408, as revised to date) and to submit pavement design calculations in accordance with PennDOT Pub. 242.
- (6) The Borough Council, after consulting with the Borough Engineer, shall decide if a collector or arterial street is required as a direct result of the construction of this development, in which case the applicant is responsible for paving the additional width required and submitting pavement design calculations in accordance with PennDOT Pub. 242.
- (7) Shoulders. If curb and gutters are not provided, streets shall be provided with shoulders in accordance with the following:
 - (a) All shoulders shall be constructed in accordance with PennDOT Pub. 408, latest revision.
 - (b) Minor roads shall be a Type 3 shoulder as shown on RC-25 of the PennDOT Standards for Roadway Construction, Pub. 72, latest revision.
 - (c) Collector roads shall be a Type 1 Shoulder, Type 1-I Shoulder, or a Type 1-S Shoulder as shown on RC-25 of the PennDOT Standards for Roadway Construction, Pub. 72, latest revision.
 - (d) Arterial road shoulders shall be the type as determined by the Borough Council, after consulting with the Borough Engineer, and PennDOT.

L. Street intersections.

- (1) All street intersections with a state highway shall be subject to the approval of PennDOT and shall be required to meet all design standards of this chapter.
- (2) Multiple intersections involving the junction of more than two streets are prohibited. Only "T" and four-way intersections are permitted.
- (3) The distance between the center line intersections of streets shall be measured along the center line of the street being intersected and conform with the following:

Function	Minimum Separation (feet)
Arterial	600
Major collector	300

Function	Minimum Separation (feet)
All other streets	150

- (4) Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than 75° nor more than 105°.
- (5) The cartway edge at intersections shall be rounded by a tangential arc with a minimum radii of 55 feet for collector and/or arterial streets and 20 feet for all other streets. The right-of-way radii at intersections shall be substantially concentric with the cartway edge.
- (6) There shall be provided and maintained at all existing and proposed intersections a clear sight triangle with a line of sight between points which are established along the center line of the intersecting streets. The minimum clear sight triangle is 150 feet for arterial and collector streets and 75 feet for all other streets. Clear sight triangles shall be indicated on all plans. No building, structure, planting, or other obstruction that would obscure the vision of a motorist shall be permitted within these areas. No obstructions, grading and/or plantings greater than three feet above the cartway grade are permitted in the clear sight triangle. A public right-of-way shall be reserved for the purpose of removing any object, material or other obstruction to the clear sight.

M. Sight distance. All intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The sight distance shall be measured at the center line of the cartway to an object 3.50 feet above the pavement, from a height of 3.50 feet and 15 feet from the edge of travel lane at the intersection. The following are minimum sight distances:

Speed (M.P.H.)*	Street Grade in Percent													
	<1	+1	-1	+2	-2	+3	-3	+4	-4	+5	-5	+6	-6	
15	75 feet	74 feet	75 feet	73 feet	76 feet	73 feet	77 feet	23 feet	77 feet	73 feet	78 feet	72 feet	79 feet	
20	109 feet	108 feet	110 feet	107 feet	111 feet	106 feet	112 feet	105 feet	113 feet	105 feet	114 feet	104 feet	115 feet	
25	147 feet	145 feet	148 feet	144 feet	150 feet	143 feet	151 feet	142 feet	153 feet	140 feet	155 feet	139 feet	157 feet	

Speed (M.P.H.)*	Street Grade in Percent													
	+7	-7	+8	-8	+9	-9	+10	-10	+11	-11	+12	-12	+13	-13
15	72 feet	79 feet	73 feet	80 feet	71 feet	81 feet	71 feet	82 feet	70 feet	83 feet	70 feet	84 feet	70 feet	85 feet
20	103 feet	117 feet	102 feet	118 feet	102 feet	119 feet	101 feet	121 feet	101 feet	123 feet	100 feet	125 feet	100 feet	127 feet
25	138 feet	159 feet	137 feet	161 feet	136 feet	164 feet	135 feet	166 feet	134 feet	169 feet	134 feet	172 feet	133 feet	175 feet

NOTES:

- * If the 85th percentile speed varies by more than 10 miles per hour from the speed limit, the Borough may require the 85th percentile speed to be used.

Sight distance for roads with grades greater than 13% shall be calculated in accordance to the following:

$$SSSD = 1.47 Vt + \frac{V^2}{30(f \pm g)}$$

Where:

- SSSD = Minimum safe stopping sight distance (feet).
 V = Velocity of vehicle (miles per hour).
 t = Perception time of motorist (average = 2.5 seconds).
 f = Wet friction of pavement (average = 0.30).
 g = Percent grade of roadway divided by 100.

Source: Pennsylvania Code. Title 67. Transportation, Chapter 44, Access to And Occupancy of Highways by Driveways and Local Roads, (January 1982).

N. Cul-de-sac streets.

- (1) Permanent cul-de-sac streets will not be approved when a through street is feasible. Temporary or permanent cul-de-sac streets shall not exceed a center line distance of 400 feet in length, measured from the center line intersection with a street which is not a cul-de-sac to the center of the cul-de-sac turnaround. All cul-de-sac streets, whether permanently or temporarily designed, shall be provided at the closed end with a fully paved turnaround with a minimum width of 80 feet. The minimum right-of-way width in the turnaround is 100 feet. The use of such turnaround shall be guaranteed until such time as the street is extended.
- (2) Standards for driveway locations along the perimeter of the turnaround are provided in Subsection P.
- (3) The Borough Council may permit an alternative turnaround design, including a turnaround incorporated into a parking court or landscaped island, provided safe movement of traffic is assured, adequate radii are used and guaranteed long-term maintenance is in place.

O. Alleys.

- (1) The use of alleys is encouraged to provide access to off-street parking in developments of fee simple townhouses. Alleys shall be limited to providing a secondary means of access to the side and/or rear of those lots with street frontage and designed to discourage through traffic. Alleys shall conform to the following standards:
- (2) Alleys shall be designed in accordance with the street standards in Subsections A, B, F, G, H, I, K, L and M.

- (3) An alley may not terminate as a cul-de-sac.
 - (4) A minimum right-of-way width of 20 feet and a minimum cartway width of 16 feet shall be provided for alleys.
 - (5) On-street parking is prohibited along alleys, and this prohibition must be acknowledged both on the plan and on the site.
- P. Driveways. Driveways shall only be used to provide vehicular access between a parking area for a single residential unit of occupancy and a street, alley, or access drive. Driveways shall conform with Section 305 (Driveway Requirements) of the Borough of Palmyra Zoning Ordinance, as amended.
- Q. Access drives. Access drives are private drives, which provide vehicular movement between a street and any use other than one single-family dwelling unit or farm. Access drives shall be in accordance with Section 301 (Access Drive Requirements) of the Borough of Palmyra Zoning Ordinance, as amended.
- R. Bicycle paths.
- (1) Separate bicycle paths shall be provided when such paths are specified as part of an adopted municipal plan or recommended in the applicant's park and recreation report.
 - (2) The preferred location of bicycle paths is outside the street right-of-way. Bicycle paths, where located along streets, shall be four feet wide per traffic lane and placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. The lanes shall be delineated with markings, preferably striping, full pavement coloring, pavement markers (dots), or recessed reflectors. Bicycle paths which are located outside the street right-of-way shall be a minimum of eight feet wide. Surface materials shall be either bituminous mixes, concrete, or an equivalent stabilized material.
 - (3) Gradients of bicycle paths shall not exceed 8%, except for short distances where the grade shall not exceed 15%.
 - (4) Horizontal alignments of bicycle paths shall be based upon the grade of the path entering the curve. Grades less than 5% shall maintain a minimum horizontal radius of 70 feet. All other grades shall maintain at least a one-hundred-twenty-five-foot horizontal radius.
- S. Recreation or nonlicensed vehicle crossings of streets, alleys, access drives and driveways. The following standards shall apply for all recreation or nonlicensed vehicle trail crossings (e.g., bicycles, carriages, equestrian, golf cart, off-road vehicles, snowmobiles):
- (1) Crossings shall be provided in a manner consistent with the design, construction, and stormwater drainage of the street, alley, access drive, or driveway.
 - (2) Crossings shall be perpendicular or radial to the vehicular traffic movements.

- (3) No crossing shall be located closer than 40 feet from the cartway edge of a street, alley, access drive, or driveway intersection.
 - (4) Crossings shall be provided with a clear sight triangle of 75 feet measured along the center line of the street, access drive, or driveway, and five feet from the edge of the roadway at the center line of the recreation vehicular crossing. No obstructions, grading and/or planting greater than three feet above the cartway grade are permitted in the clear sight triangle. A public right-of-way shall be reserved for the purpose of removing any object, material or other obstruction to the clear sight.
 - (5) A clear sight distance, in accordance with Subsection M, shall be provided at all crossings.
 - (6) Crossings shall not exceed a slope of 8% within 25 feet of the cartway being crossed.
 - (7) Crossings shall be easily identifiable by licensed and nonlicensed vehicular drivers. The surface of the crossing shall be signed and brightly painted with angle stripes to warn motorists and crossers of the crossing.
 - (8) Crossing of collector or arterial streets shall consist of a tunnel, bridging or other suitable measures to assure safe crossing.
- T. Specific traffic control and access requirements. All subdivisions and land developments containing 50 or more dwelling units or units of occupancy or nonresidential buildings containing, either singly or in combination, 20,000 or greater square feet of gross floor area shall be provided with at least two separate and distinct means of access for the subdivision or land development. Where a single tract of land is subdivided into lots for subsequent development, all of the lots created by the initial subdivision plan and any subsequent plans shall be considered in determining whether there will be 50 or more dwelling units or units of occupancy or nonresidential buildings containing, either singly or in combination, 20,000 or greater square feet of gross floor area. All development, whether existing or proposed, and all existing dwelling units or units of occupancy and buildings shall be considered in determining whether there will be 50 or more dwelling units or units of occupancy or nonresidential buildings containing, either singly or in combination, 20,000 or greater square feet of gross floor area. For the purpose of this section, all development indicated on subdivision and/or land development plans which have been submitted to the Borough and which are either pending approval or have been approved but not constructed shall be considered proposed development.
- (1) Access may be provided through the location of two or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all of the requirements of this chapter concerning design, number of access points, and construction.
 - (2) Access for a land development may be provided through two or more access drives into the land development from an existing public street or private street meeting the requirements of this chapter unless such access drives are prohibited by other provisions of this chapter. Such access drives shall be separated by a distance of at

least 150 feet unless a greater separation distance is required by this chapter or by any other law or regulation. The intersection of the access drive with the abutting street shall comply with all requirements of this chapter.

- (3) If the applicant is unable to provide access to the subdivision or land development meeting the requirements of Subsection T(1) or (2), the applicant shall provide an emergency access.
 - (a) The emergency access shall be improved in a manner that emergency vehicles may safely transverse the area. Borough Council may consider the recommendations of providers of emergency services within the Borough when determining the nature and extent of the improvements which are required. The area of the emergency access shall be clearly indicated on the plan.
 - (b) The applicant shall submit evidence that the emergency access design has been reviewed and approved by the providers of emergency services within the Borough. The applicant shall demonstrate that the emergency access will be accessible to emergency vehicles after completion of construction.
 - (c) The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location unsuitable for regular access with the existing public street.
 - (d) The emergency access may be located so that access is gained from an adjoining tract. For example, a subdivision or land development adjoining a parking lot of another use may provide emergency access through a point with a break chain. Applicants with plans indicating emergency access through an adjoining tract shall provide evidence that the adjoining property owner has irrevocably consented to such emergency access location.

§ 318-27. Vehicular parking and off-street loading facilities.

- A. General. Vehicular parking shall be provided in accordance with Section 315 of the Zoning Ordinance or any future corresponding provision thereof.
- B. Parking space dimensions. All parking spaces shall measure, at minimum, 10 feet wide by 18 feet deep.
- C. Design standards for handicapped parking spaces. Off-street parking facilities required by the Americans with Disabilities Act (ADA) shall be in accordance with the most recent versions of the ADA Standards for Accessible Design of the United States Department of Justice and Chapter 5, related to buildings, whichever is more restrictive. The applicant shall certify, in writing, or plan note that the application for development complies with all relevant ADA requirements.
- D. Aisles. Aisles are intended principally to provide vehicular access within a parking compound and the entrance/exit area for individual parking spaces. Aisles may not be used to and shall not intersect streets. All aisles shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Driveway (feet)	
	One-Way Traffic	Two-Way Traffic
90°	20	24
60°	20	24
45°	15	24
30°	12	24
Parallel	12	24

- (1) All aisles in areas where there is no parking permitted shall be 12 feet wide for each lane of traffic.
- (2) The maximum permitted length of aisles between rows of parking spaces shall be 200 feet.

E. Marking of parking spaces for interior drives.

- (1) All parking lots shall be adequately marked and maintained for the purpose of defining parking stalls and interior drives. As a minimum, the lines of all parking stalls and interior drives (including directional arrows, etc.) shall be solid and four inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white nonreflective traffic line paint, or equivalent.
- (2) Parking lots with greater than 50 spaces shall isolate parking spaces from aisles by either raised curb or concrete wheel stops.

F. Curb radii. Not less than a five-foot radius of curvature shall be permitted for horizontal curves in parking areas.

G. Dead-end parking spaces. All dead-end parking lots shall be designed to provide sufficient backup area for all end-spaces.

H. Lighting. Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to direct, reflect, or otherwise cause glare beyond the property line. Lighting shall comply with Section 310 of the Borough of Palmyra Zoning Ordinance.

I. Landscaping and screening requirements. When a parking lot abuts a street or adjacent property, a landscaped strip shall be provided in accordance with Section 315.V of the Borough of Palmyra Zoning Ordinance.

J. Speed bumps and traffic-calming devices.

- (1) All speed bumps provided as part of access drives or parking lot aisles shall be marked with permanent, yellow diagonal stripes.
- (2) The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.

- (3) There shall be a warning sign posted at each entrance to a parking area having speed bumps.
 - (4) In no case shall the overall height (or depth) of speed bumps exceed two inches.
 - (5) Speed bumps and traffic-calming devices shall be set back 50 feet from the street right-of-way of any local, marginal access or collector road, and at least 100 feet from the street right-of-way of any expressway or arterial road.
- K. Off-street loading facilities. Off-street loading facilities shall be designed to conform with Section 314 of the Borough of Palmyra Zoning Ordinance.

§ 318-28. Sidewalks.

- A. Sidewalks shall be provided along all street frontages. Additionally, sidewalks may be required to continue existing sidewalk systems to the terminus of a service area or provide access to vehicular parking compounds, school bus zones, or recreational, commercial, industrial or other community facilities.
- B. Sidewalks which are located along streets or access drives shall be located along the side(s) of the street upon which lots front and pedestrian traffic is anticipated.
- C. Sidewalks which are provided off street or off access drives shall be located along anticipated pedestrian traffic routes.
- D. Sidewalks located adjacent to streets shall be constructed in accordance with Chapter 21 (Streets and Sidewalks) of the Code of Ordinances of the Borough of Palmyra, and the most recent version of the Americans With Disabilities Act Standards for Accessible Design.
- E. Sidewalks located outside of the public right-of-way (e.g., adjacent to driveways, access drives, and parking compounds) may be constructed of any stable and mud-free material. Sufficient protection shall be provided to restrict parked vehicles from encroaching onto the sidewalk.
- F. Sidewalks along streets shall, when possible, be located within the street right-of-way and physically divided from the street cartway by a curb and a two-foot-wide grass strip.
- G. Maintenance and repair costs for sidewalks are the sole responsibility of the frontage lot owner.
- H. Pedestrian easements, which may be required by the Borough to facilitate pedestrian circulation or to give access to community facilities shall have a minimum right-of-way width of 10 feet. This walkway shall be improved to the standards assigned by the Borough.

§ 318-29. Curbs.

- A. Curbs shall be provided along all streets.

- B. Depending on stormwater drainage conditions, traffic, parking and/or safety of pedestrians, curbs may be required along access drives.
- C. Curbs along streets and across access drives shall be vertical type.
- D. Curbs shall be constructed in accordance with Chapter 21 (Streets and Sidewalks), Part 1, Construction of Sidewalks, of the Code of Ordinances of the Borough of Palmyra.
- E. Transitions in curb type shall be subject to approval by the Borough.
- F. Curbs shall conform with the Americans With Disabilities Act Accessibility Guidelines.

§ 318-30. Blocks and lots.

- A. General. The configuration of blocks and lots shall be based upon the lot area requirements, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.
- B. Residential blocks. All blocks in a residential subdivision shall have a maximum length along any side of 600 feet. Where practical, the minimum length of any side shall be 300 feet.
- C. Nonresidential blocks. Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation and salient natural features.
- D. Lot configuration.
 - (1) Whenever practical, side lot lines shall be radial to street lines.
 - (2) In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.
 - (3) Lots with areas that are two or more times the minimum area requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision. The Borough may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.
 - (4) All lots shall front on a public street, or a private street that complies with the requirements of § 318-26B.
 - (5) Double frontage or reverse frontage lots front upon two parallel streets, or upon two streets which do not intersect, and vehicular access is provided solely from the street of lesser functional classification. All residential double frontage or reverse frontage lots shall designate one frontage as the rear yard and have a planted buffer easement of at least 20 feet in width located immediately contiguous to the street right-of-way. Vehicular access shall be prohibited from the rear of double frontage or reverse frontage lots. All double frontage or reverse frontage lots shall include

an identification of the frontage for use as a road access. The street designated for frontage must be consistent with contiguous lots.

- (6) All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.
 - (7) All lots shall be designed to provide sufficient building area based upon building setbacks, easements, etc.
- E. Lot size and/or intensity. Lot areas shall conform with the prevailing Borough of Palmyra Zoning Ordinance requirements.

§ 318-31. Building setback lines and building separations.

The building setback lines and building separations shall conform with the prevailing Borough of Palmyra Zoning Ordinance requirements.

§ 318-32. Easements.

Easements for sanitary sewer facilities, stormwater drainage facilities, public utilities, or pedestrian access shall meet the following standards:

- A. To the fullest extent possible, easements shall be adjacent to property lines.
- B. Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- C. The plan and easement agreement shall clearly identify who has the right of access and responsibility for function of the easement area.
- D. Pedestrian easements shall have a minimum width of 10 feet.
- E. Sanitary sewer and water supply easements shall have a minimum width of 20 feet. In the case of a shared utility easement, sufficient area shall be provided to allow a minimum of 10 feet between the center line of the utility and the edge of the right-of-way.
- F. Stormwater easements shall have a minimum width of 20 feet and shall be adequately designed to provide area for the collection and discharge of water, the maintenance, repair, and reconstruction of the drainage facilities, and the passage of machinery for such work.
- G. Where any electric or telephone, telecommunication or petroleum transmission line traverses a property, the applicant shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the center line of such petroleum or petroleum product transmission line. All applications shall include a copy of the recorded agreement or a letter from the owner of the transmission line stating any conditions on the use of the tract and the right-of-way width.

§ 318-33. Survey monuments and markers.

- A. Monuments must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented.
- B. Monuments and markers must be set so that the top of the monument or marker is level to one inch above the finished grade.
- C. Monuments must be set at points of intersection in the perimeter of a subdivision or land development unless a corner monument already exists at that point.
- D. Street right-of-way lines shall be provided with monuments at all points of intersection.
- E. Monuments shall be four inches square or four inches in diameter and shall be 30 inches in length.
- F. Monuments shall be made of concrete, stone, or by setting a four-inch metallic pipe filled with concrete. Monuments which are not constructed by filling a four-inch metallic pipe shall have embedded a metallic bar and/or cap to facilitate locating the monument with electronic locating devices.
- G. Markers must be set at all lot corners, except those monumented, and must be placed before the property is offered for sale.
- H. Markers shall be a minimum of 5/8 of an inch square, or 5/8 of an inch in diameter, and 30 inches in length. Markers shall be made of iron or steel bars.
- I. All markers and monuments shall be placed by a registered land surveyor.
- J. All existing monuments and lot line markers shall be delineated on the preliminary plan. All existing and proposed monuments and lot-line markers shall be delineated on the final plan.

§ 318-34. Stormwater management.

- A. All subdivision and land development plans shall conform with the Borough of Palmyra Stormwater Management Ordinance, as amended. The design and construction of all developments must be coordinated with all existing stormwater management facilities that are necessary to serve the development, prevent flooding, conform to the most recent version of the Borough's Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof.
- B. The development must insure that other properties will continue to have safe and convenient stormwater management in accordance with the standards of this chapter, or to the level of service that existed prior to the development.
- C. Studies and reports shall clearly identify all assumed improvements to the existing facilities. A study, report or plan that contains an assumption of future construction of improvements shall include evidence that:

- (1) A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements; or
- (2) An approved and recorded plan guarantees the assumed improvements.

§ 318-35. (Reserved)

§ 318-36. Wetlands.

All subdivision and land development plans shall identify the location of existing wetlands in accordance with the Borough of Palmyra Zoning Ordinance, as amended.

§ 318-37. Landscaping.

Any required landscaping shall be designed and installed in accordance with the Borough of Palmyra Zoning Ordinance, as amended.

- A. Protection of natural features. The finished topography of the site shall adequately facilitate the proposed development without excessive earthmoving and destruction of natural amenities. Natural features shall be preserved and incorporated into the final landscaping wherever possible and desirable. The applicant shall demonstrate the means whereby the natural features shall be protected during construction.
- B. Street trees.
 - (1) Street trees shall be provided along all street frontages, in accordance with the following criteria:
 - (a) The street trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of the Borough and shall be in accordance with the List of Appropriate Trees for Specific Planting Conditions contained herein. The applicant is encouraged to be creative in selecting tree varieties and locations to achieve a pleasing appearance.
 - (b) Street trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - (c) All street trees shall have a minimum trunk caliper of two inches, measured at a height of six inches above finish grade.
 - (d) Street trees planted within 10 feet of a curb, sidewalk, or noncurbed street shall have an appropriate root barrier installed of a type to be approved by the Borough Planning Commission.
 - (e) The planting of any tree species other than those identified on the List of Appropriate Trees for Specific Planting Conditions shall be prohibited.

- (f) No street tree shall be planted less than 30 feet from an intersection of two streets, whether curbed or noncurbed, measured from the right-of-way line of the intersecting streets, or less than eight feet from a fire hydrant, sewer inlet, light standard, utility pole, or underground utility lines. These spacing restrictions may be modified at the discretion of the Borough Planning Commission.
 - (g) Where trees are to be planted in existing pavement areas, a space of at least three feet by three feet, five feet by five feet preferred, shall be provided for each tree. Each tree shall be planted with a root barrier. The opening shall be level with the sidewalk and covered with an appropriate material (e.g., mulch or grating) to reduce the spread of weeds.
 - (h) All planting shall be performed in conformance with good nursery and landscape practice.
 - (i) Requirements for the measurements, branching, grading, quality, balling, and the burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.
 - (j) Street trees shall be planted on a lot prior to the issuance of a certificate of use and occupancy by the Borough for the lot and any building or structure erected thereon.
 - (k) Street tress shall be maintained in accordance with Chapter 25 (Trees) of the Code of Ordinances of the Borough of Palmyra, as amended.
- (2) List of Appropriate Trees for Specific Planting Conditions. Planting conditions shall be considered hierarchical. For example, if a tree is acceptable to plant within Condition A, it shall also be acceptable for planting within Condition B or C. Consideration should be given for the creation of tree canopy within the Borough, and larger trees are preferred if conditions exist where they will thrive.
- (a) Condition A: small compact trees.
 - [1] Planting strip is at least two feet wide and typically less than four feet wide.
 - [2] Sidewalk openings shall be at least three feet by three feet.
 - [3] Utility lines run overhead, between 25 and 45 feet aboveground.
 - [4] Building facade setback is less than 10 feet from the center of the tree.

Common Name	Scientific Name	Variety
Canadian serviceberry	Amelanchier Canadensis	Autumn Sunset (single-trunk)
Canadian serviceberry	Amelanchier Canadensis	Cumulus (single-trunk)

Common Name	Scientific Name	Variety
Canadian serviceberry	Amelanchier Canadensis	White Pillar (single-trunk)
Allegheny serviceberry	Amelanchier laevis	Cumulus (single-trunk)
Serviceberry	Amelanchier x grandiflora	Autumn Brilliance (single-trunk)
Serviceberry	Amelanchier x grandiflora	Trazam (single-trunk)
Serviceberry	Amelanchier x grandiflora	Cole's Select (single-trunk)
Galaxy magnolia	Magnolia sp	Galaxy
Crabapple	Malus sp	Adirondack
Crabapple	Malus sp	Ballerina
Crabapple	Malus sp	Donald Wyman
Crabapple	Malus sp	Pink Dawn
Sargent cherry	Prunus sargentii	Columnaris
Japanese flowering cherry	Prunus serrulata	Amanogawa (single-trunk)
Japanese flowering cherry	Prunus serrulata	Accolade
Japanese flowering cherry	Prunus serrulata	Autumnalis
Japanese flowering cherry	Prunus serrulata	Kwanzan
Japanese flowering cherry	Prunus serrulata	Okame
Common chokeberry	Prunus virginiana	Schubert
Snow goose cherry	Prunus sp	Snow Goose

(b) Condition B: medium-sized trees.

- [1] Planting strip is at least four feet wide or greater.
- [2] Sidewalk openings shall be at least four feet by four feet.
- [3] Utility lines are at least 45 feet aboveground or absent.
- [4] Building facade setback is 10 feet or greater from the center of the tree.

Common Name	Scientific Name	Variety
Hedge maple	Acer camestres	Evelyn

Common Name	Scientific Name	Variety
Hedge maple	<i>Acer camest</i>	Miyabe
Red horsechestnut	<i>Aesculus x carnea</i>	Briotti
Red horsechestnut	<i>Aesculus x carnea</i>	Fort McNair
Heritage river birch	<i>Betula nigra</i>	Heritage (single-trunk)
Upright European hornbeam	<i>Carpinus betulus</i>	Fastigiata
American hornbeam, musclewood	<i>Carpinus caroliniana</i>	
Carolina silverbell	<i>Halesia carolina</i>	
Sweet magnolia	<i>Magnolia virginiana</i>	
Sourwood	<i>Oxydendrum arboretum</i>	
Hophornbeam	<i>Ostrya virginiana</i>	
Japanese tree lilac	<i>Syringa reticulata</i>	Ivory Silk

(c) Condition C: large trees.

- [1] Planting strip is at least six feet wide or greater.
- [2] Holes cut in sidewalks should be at least six feet by six feet.
- [3] Utility lines are at least 45 feet aboveground or absent.
- [4] Lawns and pocket parks in which tree planting space is greater than 70 feet wide.
- [5] Municipal parks and school properties with ample open, unobstructed space to plant trees (planting space of at least 70 feet wide, preferably 100 feet wide).

Common Name	Scientific Name	Variety
Black maple	<i>Acer nigrum</i>	
Red maple	<i>Acer rubrum</i>	Armstrong
Red maple	<i>Acer rubrum</i>	Autumn Blaze
Red maple	<i>Acer rubrum</i>	October Glory
Red maple	<i>Acer rubrum</i>	Red Sunset
Sugar maple	<i>Acer saccharum</i>	Green Mountain
Sugar maple	<i>Acer saccharum</i>	Goldspire
American chestnut	<i>Castanea dentate</i>	Blight-resistant hybrids
Common hackberry	<i>Celtis occidentalis</i>	

Common Name	Scientific Name	Variety
Katsuratree	<i>Cercidiphyllum japonicum</i>	
Thornless honeylocust	<i>Gleditsia triacanthos</i> var <i>inermis</i>	Only thornless cultivars like Shademaster or Majestic
Kentucky coffeetree	<i>Gymnocladus dioicus</i>	
Tuliptree, yellow poplar	<i>Liriodendron tulipifera</i>	
Sweetgum	<i>Liquidambar styraciflua</i>	
Cucumber magnolia	<i>Magnolia acuminata</i>	
Dawn Redwood	<i>Metasequoia glyptotrobooides</i>	
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	
London plane tree	<i>Platanus x acerifolia</i>	Bloodgood
American sycamore	<i>Platanus Occidentalis</i>	
White oak	<i>Quercus Alba</i>	
Swamp white oak	<i>Quercus bicolor</i>	
Scarlett oak	<i>Quercus coccinea</i>	
Northern pin oak	<i>Quercus ellipsoidalis</i>	
Shingle oak	<i>Quercus imbricaria</i>	
Bur oak	<i>Quercus macrocarpa</i>	
Pin oak	<i>Quercus palustris</i>	
Willow oak	<i>Quercus phellos</i>	
English oak	<i>Quercus robur</i>	Attention
English oak	<i>Quercus robur</i>	Skymaster
English oak	<i>Quercus robur</i>	Skyrocket
Red oak	<i>Quercus rubra</i>	
Shunard oak	<i>Quercus shumardii</i>	
American linden, basswood	<i>Tilia americana</i>	
Littleleaf linden	<i>Tilia cordata</i>	Corinthian
Littleleaf linden	<i>Tilia cordata</i>	Chancellor
American elm	<i>Ulmus Americana</i>	Only cultivars resistant to Dutch Elm Disease
Japanese zelkova	<i>Zelkova serrata</i>	Green Vase
Japanese zelkova	<i>Zelkova serrata</i>	Village Green

- (3) Invasive tree species. The following trees are considered invasive species by the Pennsylvania Department of Natural Resources and/or the U.S. Department of Transportation. These trees are not native to Pennsylvania and are known to spread uncontrollably into natural areas. Therefore, the planting of these trees is discouraged in order to protect the state's natural heritage and biodiversity:

Common Name	Scientific Name
Amur maple	Acer ginnala
Norway maple	Acer platanoides
Sycamore maple	Acer pseudoplatanus
Tree-of-heaven	Ailanthus altissima
Mimosa	Albizia julibrissin
Goldenrain tree	Koelreuteria paniculata
Melaleuca	Melaleuca quinquenervia
Chinaberry tree	Melia azedarach
Princess tree	Paulownia tomentosa
Callery pear	Pyrus calleryana
Chinese tallow tree	Sapium sebiferum
Siberian elm	Ulmus pumila

- C. Strips and interior landscaping. Any required landscaping for off-street parking lots shall be designed to conform with Section 315.V.3. of the Borough of Palmyra Zoning Ordinance, as amended.
- D. Landscape materials. Trees and shrubs shall be typical of their species and variety and have normal growth habits, well-developed branches, and densely foliated, vigorous, and fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.
- E. Ground cover. Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Borough Council (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all nonsurviving plants shall be replaced promptly.
- F. Planting schedule. Landscaping (other than street trees which are to be planted on individual lots prior to the issuance of a certificate of occupancy), including, but not limited to, trees, shrubs and vegetative or other screens and buffers, shall be planted in accordance with the planting schedule contained in the land development agreement (Appendix No. 10) or the developer's letter-agreement (Appendix No. 11). If the land development agreement or the developer's letter agreement, as applicable, does not contain a planting schedule, then all such landscaping shall be planted not later than the

date by which 25% of the dwellings or units of occupancy for a residential development have been constructed or 25% of the nonresidential space has been constructed in a nonresidential development as shown on the approved final plan. The Borough may use any financial security posted by the applicant to complete landscaping if the applicant fails to complete the landscaping in accordance with the planting schedule.

§ 318-38. Sanitary sewage disposal.

- A. When, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, a sewer facilities plan revision (plan revision module for land development), or supplement, is required, approval from the Pennsylvania Department of Environmental Protection shall be submitted as a condition of final plan approval.
- B. The applicant shall provide the type of sanitary sewage disposal facility consistent with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.
- C. Sanitary sewer systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Protection and Chapter 18 (Sewage and Sewage Disposal) of the Code of Ordinances of the Borough of Palmyra.
- D. The final plan application shall include:
 - (1) Evidence that the supplier is a certificated public utility; a bona fide cooperative association of lot owners; or a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
 - (2) The applicant shall insure that sufficient capacity is legally available to the Borough to serve all of the proposed lots or units of occupancy within the site. If the Borough does not have sufficient capacity contractually available with North Londonderry Township Authority, the City of Lebanon or any other provider of conveyance and/or wastewater treatment services, the Borough shall not be required to approve a final subdivision or land development plan. If the applicant is unwilling to grant an extension of time within which the Borough may consider the application, the Borough shall deny approval of the final plan due to unavailability of sewage disposal service.
 - (3) Notice of approval of the design, capability to service, method of installation, and possible financial guarantee from the provider.
- E. Where individual on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system and a replacement system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended, and the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

- F. The design and construction of all developments must be coordinated with all existing sanitary sewer facilities that are necessary to serve the development, conform to the most recent version of the Borough's Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof. The development must ensure that other properties will continue to have an adequate treatment/conveyance system in accordance with the standards of this chapter, or to the level of service that existed prior to the development. Studies and reports shall clearly identify all assumed improvements to the existing facilities. A study, report or plan that contains an assumption of future construction of improvements shall include evidence that:
- (1) A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements; or
 - (2) An approved and recorded plan guarantees the assumed improvements.

§ 318-39. Water supply.

- A. Water supply systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Protection and Pennsylvania American Water Company, or its successor.
- B. Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be provided. Fire hydrants shall meet the specifications of the Middle Department Association of Fire Underwriters and the local fire department. Fire hydrants shall typically be located at street intersections no more than 10 feet from the curb. All fitting types shall be in accordance with the standards of the applicable fire department. The large fitting shall face the street and be a minimum of 16 inches above the ground level. Fire hydrants shall be spaced so that all proposed buildings will be no more than 600 feet from a hydrant measured along travelled ways.
- C. Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.
- D. The final plan application shall include:
- (1) Evidence that the supplier is a certificated public utility; a bona fide cooperative association of lot owners; or a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
 - (2) Notice of approval of the design, installation, and possible financial guarantee from the provider.
- E. The design and construction of all developments must be coordinated with all existing water supply facilities that are necessary to serve the development, conform to the most recent version of the Borough's Comprehensive Plan, and conform to all regulations or

maps adopted in furtherance thereof. The development must ensure that fire hydrant flows will not be jeopardized and other properties will continue to have an adequate quality, supply and pressure in accordance with the standards of this chapter, or to the level of service that existed prior to the development. Studies and reports shall clearly identify all assumed improvements to the existing facilities. A study, report or plan that contains an assumption of future construction of improvements shall include evidence that:

- (1) A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements, or
- (2) An approved and recorded plan guarantees the assumed improvements.

§ 318-40. Park and open space provision.

This section shall only apply to proposals that would result in the creation of new residential lots or dwelling units. It is the purpose of this section to implement the language contained in Section 503(11) of the most recent version of the MPC and thereby provide needed recreation/open space to accommodate growth. All park and open space proposals shall be submitted with the subdivision or land development application.

A. Mandatory dedication.

- (1) Any proposal that would result in the creation of one or more new residential lots or dwelling units shall be required to dedicate a minimum of 0.026 acre of park and/or open space per dwelling unit to the Borough prior to final plan approval.
- (2) Deeds for transfer of dedicated land shall be executed and recorded:
 - (a) After improvement of the land as required on the approved plan;
 - (b) Prior to the transfer or occupancy of 50% of the lots within the development;
 - (c) In accordance with the terms of any written agreement with the Borough; or
 - (d) Within 60 days of notice issued by the Borough.
- (3) As an alternative to dedication, and upon agreement with the Borough Council, the applicant may agree to provide any of the following:
 - (a) Construct and/or improve existing recreation facilities.
 - (b) Pay a fee-in-lieu of dedication.
 - [1] Fees-in-lieu shall be paid prior to the approval of the final subdivision or land development plan. Where final plan phases are proposed, applicable fees shall accompany each phase of the plan.
 - [2] The Borough shall not be required to execute the final plan until the fee-in-lieu of dedication has been paid.
 - (c) Guarantee the private reservation and maintenance of parkland or open space.

(d) Provide for any combination of the above.

- (4) Any of the preceding alternatives must be at least equal to the predetermined Borough of Palmyra fee schedule or the pre-development fair market value of the open space which would have been otherwise required for dedication. Fair market value shall be submitted by the developer and determined by a member of the Appraisal Institute of the American Institute of Real Estate Appraisers (MAI) and shall include any documentation used to derive the site's fair market value. Should the Borough dispute the appraised fair market value, it can require mandatory dedication of needed acreage.

B. Parkland and open space standards and criteria.

- (1) Recreation and open space shall be intended for public access, with amenities suitable for access, use, and maintenance.
- (2) Additions to adjacent existing or future park and recreation areas are a priority for land dedication.
- (3) Prior to plan approval, documentation shall be provided to the Borough Planning Commission verifying an agreement with the Borough to accept dedication of offered land. Absent an acceptance verification, fees-in-lieu of dedication shall be required.
- (4) Land suitable for recreation and open space use shall have minimal limitations or intrusions to detract from the intended use, with no more than 15% of the land area to contain easements, steep slopes, wetlands, stormwater facilities, and similar limiting features (unless such areas are vital to achieving trail and greenway initiatives of the most recent version of the Borough's Comprehensive Plan and/or Lebanon County Comprehensive Plan).
- (5) With the agreement of the Borough Planning Commission, credit toward land dedication or fee-in-lieu costs may be granted to the developers who propose and complete acceptable public recreation site improvements, facilities construction, or equipment installation at approved locations. Credit value shall be documented by the developer and be subject to review and approval of the value by the Borough Engineer.

C. Park and Open Space Capital Reserve Fund.

- (1) Any funds collected as fees-in-lieu of dedication of recreation and open space shall be deposited in an interest-bearing account. This account shall be separate from other Borough accounts and shall be clearly identified for the purpose of funding acquisition and development of recreation facilities.
- (2) Interest earned on all monies deposited in such accounts shall become funds of that account.
- (3) Funds from such accounts shall be expended at the discretion of the Borough Council to fund the acquisition and site development of public recreation and open space sites. Expenditures shall be designed to meet the goals of the Palmyra Area

Comprehensive Park, Recreation, and Open Space Plan of 2008, as amended, and the Lebanon County Recreation and Open Space Plan.

- (4) A maximum of 10% of the funds expended during any calendar year may be utilized for maintenance or administration of recreation facilities and sites, where the need is demonstrated for remediation to create safe, accessible recreational facilities.
- (5) Funds collected under this section shall be expended within three years of receipt (unless the developer extends the period) or the Borough shall refund such fee, plus interest accumulated thereon from the date of payment, to the developer upon presentation of a written request for refund.
- (6) Funds collected under this section may be used by the Borough to provide funding assistance, matching funds for grants and donations, and funding support for recreational organizations, conservancies, and similar recreational-oriented agencies, which are cooperating with Borough Council to facilitate the acquisition and/or development of public recreation and open space.

§ 318-41. (Reserved)

§ 318-42. Lighting.

All outdoor lighting shall be designed and installed in accordance with Section 310 (Outdoor Lighting) of the Borough of Palmyra Zoning Ordinance, as amended.

§ 318-43. Multiuse trails.

- A. If sidewalks are waived in favor of a private trail system which is deemed to be more efficient and desirable to provide circulation and access within the development, and to schools, parks, playgrounds, open spaces, shopping centers, transportation, and other facilities, then the developer must provide a plan, accompanying the waiver request, indicating the layout and arrangement of the proposed trail system. This provision shall not be construed as a mechanism for developers to merely parallel street right-of-way lines with trails, but shall be applied where, owing to unique physical constraints, development theme, or building placement, an on-site trail system is more advantageous to the Borough than a formal sidewalk system.
- B. General criteria:
 - (1) Multiuse trails shall be located within a minimum twenty-foot-wide access easement for the benefit of the general public. Boundary surveys for the easement area, and center line surveys, with cross sections of the trail alignment at intervals of every 50 to 100 feet, depending on topography and existing site features, shall be required.
 - (2) Access to the public street system shall be provided at regular intervals throughout the development, not exceeding 800 feet.

- (3) Multiuse trails shall be a minimum ten-foot-wide paved surface, with an additional minimum two-foot-wide shoulder, three feet recommended, on either side of the trail surface to provide clearance from trees, poles, walls, fences, or any other lateral obstruction. Minimum overhead clearance shall be a minimum of eight feet minimum, 10 feet recommended.
- (4) Multiuse trails shall be constructed according the most recent standards established for such trails by the American Association of State Highway and Transportation Officials (AASHTO) and the Pennsylvania Department of Transportation.
- (5) Multiuse trails shall be privately owned and maintained under a reliable arrangement acceptable to the Borough, including routine maintenance, trimming, mowing, snow and ice removal, and overlayment or reconstruction as required.
- (6) Multiuse trails shall be designed to provide the required handicapped accessibility along the trail and at all intersecting points with public streets.
- (7) Multiuse trails shall be designed to be interconnected with existing and future trails and sidewalks.

ARTICLE VII

Mobile/Manufactured Home Parks

§ 318-44. General provisions.

Manufactured home park plans shall be processed in accordance with Article III. Manufactured home park plans shall comply with the design standards set forth in the Borough of Palmyra Zoning Ordinance, as amended.

ARTICLE VIII

Administration

§ 318-45. Scope.

This article outlines the procedures for enforcement and amendment of this chapter, as well as procedures for challenges and appeals of decisions rendered under this chapter.

§ 318-46. Amendments.

- A. Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a subdivision and land development ordinance in the most recent version of the MPC.
- B. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each amendment to the Borough and County Planning Commissions for recommendations at least 30 days prior to the date of the public hearing on such proposed amendment.

§ 318-47. Waivers.

- A. The provisions of this chapter are intended as minimum standards for the protection of the public health, safety and welfare. The Borough Council may modify any mandatory provision of these regulations to the benefit of the applicant, provided the majority of the members of a quorum of the Borough Council present at a scheduled public meeting determines that the waiver:
- (1) Will remove or reduce an unreasonable standard, or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results.
 - (2) Provides reasonable utilization of the property while securing the public interest.
- B. All waivers shall be processed in accordance with the waiver provision described in § 318-12 of this chapter. It shall be the burden of the applicant to demonstrate compliance with the above conditions.
- C. In granting waivers, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of this chapter.
- D. The granting of a waiver shall not have the effect of making null and void the intent and purpose of this chapter.

§ 318-48. Challenges and appeals.

The decision of the Borough Council may be appealed, as provided for in the most recent version of the MPC.

§ 318-49. Fees and charges.

The Borough may impose fees and charges to recover all costs incurred in the administration of this chapter. All fees and charges shall be adopted by resolution or ordinance. These fees shall include, but not be limited to, an application fee; fees for the review of the plans, studies, financial security and associated documentation by the Borough Engineer, Borough Solicitor or other professional consultant; fees for the inspection of improvements installed in connection with development authorized by a plan; and fees for the acceptance of dedication of improvements.

§ 318-50. Violations.

Any person, partnership or corporation, or the members of such partnership or the officers of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or sell, transfer or agree or enter into an agreement to sell or transfer any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise, or erect any building or buildings which constitute a land development thereon, or commence site

grading or construction of improvements prior to recording of a final plan, unless such grading or construction is for the sole purpose of installing improvements as prescribed in § 318-20 herein unless and until a final plan has been prepared in full compliance with the provisions of this chapter and has been recorded as provided herein, or who or which in any other way is in violation of or violates any of the provisions of this chapter, shall be subject to the penalties and remedies set forth in § 318-51 herein.

§ 318-51. Violations and penalties.

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. The authority to deny such a permit or approval shall apply to any of the following:
 - (1) The owner of record at the time of such violation.
 - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
- D. Jurisdiction. District justices shall have initial jurisdiction in proceedings brought under this chapter.
- E. Enforcement remedies. Any person, partnership or corporation who or which has violated the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough must pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays

nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

- F. No person shall proceed with any site grading or construction of improvements prior to recordation of a final plan, unless such grading or construction is for the sole purpose of installing the public improvements as prescribed in § 318-11D, Compliance with conditions of approval.
- G. No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Borough Council has approved the final plan and such plan is recorded with the office of the Lebanon County Recorder of Deeds.

§ 318-52. Records.

The Borough shall keep an accurate, public record of its findings, decisions, and recommendations relevant to all applications filed with it for review or approval.

§ 318-53. Severability.

Should any section, subsection or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this chapter as a whole, or of any other part thereof.

§ 318-54. Conflicts.

If a discrepancy exists between any regulations contained within this chapter, that regulation which imposes the greater restriction shall apply.

§ 318-55. Repealer.

The Lebanon County Subdivision and Land Development Ordinance, enacted in 1989, and as subsequently amended, is hereby repealed in total; provided, however, that this repeal shall in no manner be construed as a waiver, release or relinquishment of or in equity pertaining to any act done which would have constituted a violation of the Lebanon County Subdivision and Land Development Ordinance of 1989, as amended. All provisions of the Lebanon County Subdivision and Land Development Ordinance of 1989, as amended, shall remain in

full force and effect, and are not repealed hereby, as they pertain to such acts and to the processing of such plans filed prior to the effective date of this chapter which are protected from the effect of intervening ordinances by Section 508(4) of the most recent version of the MPC.

§ 318-56. Erroneous approvals.

An approval issued in violation of the provisions of this chapter is void without the necessity of any proceedings for revocation. Any work undertaken pursuant to such an approval is unlawful. No action may be taken by a board, agency, or employee of the Borough purporting to validate such a violation.

§ 318-57. When effective.

This chapter shall take effect and be in force from and after its approval as provided by law.

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 2

Borough of Palmyra

Appendix No. 2

Statement of Ownership, Acknowledgement of Plan and Offer of Dedication

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LEBANON

On this, the ____ day of _____, 20 ____, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, disposes and says that he is the* _____ of the property shown on this plan, that the plan thereof was made at his direction, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20 ____

- * Identify Ownership or Equitable Ownership
- ** Signature of the Individual
- *** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

(See § 318-16F.)

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CO-PARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LEBANON

On this, the ____ day of _____, 20 ____, before me, the undersigned officer, personally appeared _____, being one of the firm of _____, who being duly sworn according to law, disposes and says that the co-partnership is the * _____ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledge the same to be its act and plan and desires the same to be recorded, and that all street and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20 ____

* Identify Ownership or Equitable Ownership

** Signature of the Individual

*** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

(See § 318-16F.)

SUBDIVISION AND LAND DEVELOPMENT

CORPORATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LEBANON

On this, the ____ day of _____, 20 ____, before me, the undersigned officer, personally appeared* _____, being** _____ of *** _____, the **** _____ of the property shown on this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the corporation desires the same to be recorded and on behalf of the corporation further acknowledges, that all streets and other property identified as proposed public property are hereby dedicated to the public use – (excepting those areas labeled “NOT FOR DEDICATION”).

***** _____

Corporate Seal

***** _____

My Commission Expires _____, 20 ____

- * Individual's Name
- ** Individual's Title
- *** Name of Corporation
- **** Identify Ownership or Equitable Ownership
- ***** Signature of Individual
- ***** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

(See § 318-16F.)

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 3

Borough of Palmyra

**Appendix No. 3
Planning Commission Review Statement**

At a meeting on _____, 20 _____, the Borough Planning Commission reviewed this plan.

BOROUGH OF PALMYRA
PLANNING COMMISSION

Chairman or Designee

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 4

Borough of Palmyra

**Appendix No. 4
Preliminary Plan Approval Statement**

At a meeting on _____, 20____, the Council of the Borough of Palmyra granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) _____ through _____ which form a part of the application dated _____, last revised _____. This plan may not be recorded in the office of the Lebanon County Recorder of Deeds, nor may any construction be initiated.

BOROUGH OF PALMYRA
BOROUGH COUNCIL

(Vice) President of Council

ATTEST _____
Borough of Palmyra Secretary

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 5

Borough of Palmyra

**Appendix No. 5
Final Plan Approval Statement**

At a meeting on _____, 20____, the Council of the Borough of Palmyra approved this project, based upon its conformity with the standards of the Borough of Palmyra Subdivision and Land Development Ordinance, and all conditions of approval have been met. This approval includes the complete set of plans/reports which are filed with the Borough and available for public review.

BOROUGH OF PALMYRA
BOROUGH COUNCIL

(Vice) President of Council

ATTEST _____
Borough of Palmyra Secretary

RECORDER OF DEEDS CERTIFICATE

Recorded in the Office for Recording of Deeds, in and for Lebanon County, Pennsylvania, in Plan Book _____, Page _____, this _____ day of _____, 20 _____.

(See §§ 318-10I, 318-11E, 318-15F and 318-16F.)

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 6

Borough of Palmyra

Appendix No. 6

Application for Consideration of a Subdivision and/or Land Development Plan

(For Borough Use Only)			
Borough File No.:	Date of Filing: _____	Deadline for Action: _____	
Date of Revisions:	Date of Revisions:	Date of Revisions:	Date of Revisions:

The undersigned hereby applies for approval under the Borough of Palmyra Subdivision and Land Development Ordinance for the plan, submitted herewith and described below:

- Plan Name: _____
Plan No: _____ Plan Date: _____
- Project Location: _____

- Name of Property Owner(s): _____
Address: _____ Phone No. _____
- Land Use and Number of Lots and/or Units (indicate answer by number of lots or units):

_____ Single Family (Detached)	_____ Commercial
_____ Multi-Family (Attached-Sale)	_____ Industrial
_____ Multi-Family (Attached-Rental)	_____ Institutional
_____ Manufactured/Mobile Home Park	_____ Other (please specify)
- Total Acreage: _____
- Application Classification:

_____ Pre-Application Review (Section 302)	_____ Revised Preliminary Plan (Section 303.03.1)
_____ Preliminary Plan (Section 303)	_____ Revised Final Plan (Section 304.03.1)
_____ Final Plan (Section 304)	
_____ Plans Exempted from Standard Procedures (Section 306)	
- Name of Applicant (if other than owner): _____
Address: _____ Phone No. _____
- Firm Which Prepared Plan: _____
Address: _____ Phone No. _____
Person Responsible for Plan: _____

PALMYRA CODE

9. Is a Zoning Variance, Special Exception, Conditional Use or waiver Approval Necessary?
_____ If yes, please specify:

10. Type of Water Supply Proposed: _____ Public
_____ Semi-Private
Please indicate if a capped system is proposed. _____ Individual

11. Type of Sanitary Sewage Disposal Proposed: _____ Public
_____ Semi-Private
_____ Individual

Please indicate if a capped system is proposed.

12. Lineal Feet of New Street _____

13. Sewer Facilities Plan Revision or Supplement Number _____ and
Date Submitted _____

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct, and complete.

Date: _____
Signature of Landowner or Applicant

Revision
Date: _____
Signature of Landowner or Applicant

Revision
Date: _____
Signature of Landowner or Applicant

Revision
Date: _____
Signature of Landowner or Applicant

Revision
Date: _____
Signature of Landowner or Applicant

See §§ 318-9, 318-10E, 318-11, 318-13A, 318-14, 318-15F and 318-16F.)

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 7

Borough of Palmyra

Appendix No. 7

Application for Consideration of a Waiver

(For Borough Use Only)
Plan No. _____
Date of Receipt/Filing: _____

The undersigned hereby applies for approval of a waiver, submitted herewith and described below:

1. Name of Project: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____ Phone No. _____

4. Name of Applicant (if other than owner): _____

Address: _____ Phone No. _____

5. Specify Section(s) of the Borough of Palmyra Subdivision and Land Development Ordinance for which a waiver is requested: _____

6. The Proposed Alternative to the Requirement: _____

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7. Justification for the waiver: _____

8. Identification of Plans, Reports, or Supplementary Data, which are part of the Application.

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct, and complete.

Date: _____ Signature: _____

(See § 318-12C.)

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 8

Borough of Palmyra

Appendix No. 8

**Acceptance of Conditions Upon Approval of Subdivision or
Land Development Plan Imposed by
Borough Council of Borough of Palmyra**

I have reviewed the conditions imposed by the Council of the Borough of Palmyra upon the approval of the subdivision and/or land development plan entitled _____ prepared by, dated, 20____, last revised, 20____. In my capacity as developer/developer’s agent and being authorized to do so, and intending to be legally bounded, I hereby accept the imposition of the conditions attached hereto as part of the approval of the above-described subdivision and/or land development plan. If signing as developer’s agent, I expressly state that I have been authorized to agree to the conditions imposed upon the approval of the above-described subdivision and/or subdivision plan.

Date: _____

Signature

[Printed Name]

Title

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 9

Borough of Palmyra

**Appendix No. 9
Standard Plan Format**

					Statement of Ownership	
					See Appendix No. 2	
					Plan Review and Approval Certificates	
					See Appendix Nos. 3, 4 & 5	
					Zoning Data	Site Data
						See Sections 402.02.9 & 402.04.5
					Recorder of Deeds Certificate	
					See Appendix No. 3	SEAL
					Statement of Accuracy	
					See Appendix No. 1	SEAL
					Individual/Firm Name Address	
					Landowner/Developer	
					Name Address	
					Location Map	Plan Notes
			Book Page	xx of xx		
			Tax Map			
			Book Block Lot			

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 10

Borough of Palmyra

**Appendix No. 10
Land Development Agreement**

Prepared By: Morgan, Hallgren, Crosswell & Kane, P.C.
700 North Duke St., P. O. Box 4686
Lebanon, PA 17604-4686
(717) 299-5251

Return To: Same

LAND DEVELOPMENT AGREEMENT

THIS AGREEMENT made as of the ____ day of ____, 20____, by and between the Borough of Palmyra, a municipality operating under the laws of the Commonwealth of Pennsylvania with municipal offices at 325 South Railroad, Palmyra, Lebanon County, Pennsylvania (“Borough”), and _____, a (“Developer”).

WITNESSETH

WHEREAS, Developer is the legal or equitable owner of a certain tract of ground comprising ____ acres, more or less, located at _____, in Borough of Palmyra, Lebanon County, Pennsylvania, which entire parcel is more fully described in the legal description attached hereto, made a part hereof and marked Exhibit “A” (the “Tract”); and

WHEREAS, Developer desires to develop the Tract in accordance with a certain final subdivision and/or land development plan for the development known as _____ (the “Development”), as shown on the plans prepared by _____, being Plan or Drawing No. _____, consisting of ____ sheets, dated _____, 20____, with the last revision dated _____, 20____, setting forth the proposed development of the Tract into ____ lots and ____ units of occupancy in accordance with those plans, said plans hereinafter referred to as “Plans” (a complete schedule of the plan to be recorded and all supporting plans is attached hereto as Exhibit “B” and expressly made a part hereof); and

WHEREAS, Developer desires to develop the Tract and install the public improvements shown on said Plans in accordance with the Palmyra Borough Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code; and

WHEREAS, Developer has entered into a separate agreement or agreements with the North Londonderry Township Authority, Lebanon County, (“Authority”) to guarantee sewer and water service to the Development and has delivered true, correct and fully executed copies of same to the Borough (the “Utility Agreement”); and

WHEREAS, Borough is prepared to approve aforesaid Plans provided the duties and obligations of the Developer with regard to the public and common improvements shown on

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the plans and such other off-site public improvements as are reasonably related to the burdens to be placed upon the Borough by the Development are clarified and the completion of those public and common improvements is secured in the manner prescribed by the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants and agreements contained herein, and intending to be legally bound hereby, agree as follows:

1. IMPROVEMENTS. All public and common improvements to be constructed and/or installed and/or paid for in whole or in part by the Developer (as well as the estimated costs of completing each) are listed on Exhibit "C" for improvements required to be constructed by the Borough Subdivision and Land Development Ordinance, Stormwater management ordinance, or other applicable Ordinances or the rules and regulations of the Authority and on Exhibit "D" for capital contributions to be made by the Developer or other improvements to be constructed by Developer to address the impact of the Development upon the Borough which are not expressly required by applicable Ordinances or by the Authority, both of which are attached hereto and are expressly made a part hereof (the said public and common improvements shall hereinafter be referred to collectively as "Improvements"). Improvements which will be dedicated to the Authority shall hereafter be referred to as "Authority Improvements", and all other public and common improvements, including but not limited to improvements which will be dedicated to the Borough and stormwater management facilities, shall be referred to hereafter as "Borough Improvements". The following provisions shall be applicable to the Borough Improvements and Authority Improvements:
 - A. Sidewalks and Streets. Developer shall construct all sidewalks and streets as shown on the plans. No roadway shall be constructed between November 15 and March 15 of any year without prior written approval of the Borough Engineer.
 - B. Sanitary Sewers. Developer shall construct sanitary sewers to service the Tract and shall also provide laterals to serve each building erected thereon consistent with the plans and the Utility Agreement.
 - C. Water Lines. Developer shall construct and install all water lines shown on the plans so that each building to be constructed on the Tract shall be served with public water facilities consistent with the plans and the Utility Agreement. Furthermore, Developer shall submit to the Borough satisfactory proof that public water will be adequately supplied to each and every aspect of the Development which requires water.
 - D. Storm Water Management. Developer shall construct stormwater management facilities as shown on the plans in order to adequately drain the Tract of surface waters. In the event that at any time during the construction period the Borough Engineer determines that the stormwater management facilities as designed are inadequate. Developer shall submit for approval a revised stormwater management plan and shall make all of the changes necessary to the stormwater management facilities to adequately drain the tract of surface water. However, if in such an instance Developer does not agree with the Borough Engineer that the design is inadequate or that changes are necessary. Developer, within 10 working days of written notice of inadequacy from the Borough,

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may notify the Borough that the determination of inadequacy is disputed. If within 20 days of the date of written notice of inadequacy from the Borough, the Borough and Developer cannot agree on the changes, if any, necessary to the stormwater management plans, Developer and the Borough shall jointly, by mutual agreement, appoint an independent professional engineer licensed as such in the Commonwealth to review the determination of adequacy of the stormwater management plan and to determine the changes, if any, that are necessary. The determination by said professional engineer and the appointment of an engineer if the parties cannot agree on one shall be determined in a manner consistent with that set forth with respect to fee reimbursement disputes in the Pennsylvania Municipalities Planning Code at Section 510(g)(3), (4) or any amendment to those statutory provisions. The fee of the appointed professional engineer shall be paid by the Borough if the independent engineer determines that Developer's existing or proposed revised stormwater management plans are adequate. If the plans or revised plans are not adequate in the opinion of the independent professional engineer, Developer shall pay the fee of the appointed professional engineer and shall make all of the changes necessary to the stormwater management facilities. Developer shall obtain at its sole expense any necessary storm drainage easements. Developer and the Borough shall enter into a separate agreement concerning the maintenance of the stormwater management facilities.

- E. Curbs. Developer shall construct all curbs and curb depressions as shown on the plans providing sufficient curb depressions for each building as shown thereon.
- F. Park, Open Space and Recreational Area. Developer shall provide park, open space or recreational land area or a fee in lieu thereof in accordance with Section 616 of the Borough of Palmyra Subdivision and Land Development Ordinance. The land or lands to be dedicated and/or the fee to be paid to the Borough shall be as indicated on Exhibit "C". Any fee shall be paid prior to final approval of the plans and shall be maintained by the Borough in a capital reserve or other appropriate fund. Developer may agree to waive certain requirements normally applicable to the dedication of land or the payment of fees in lieu thereof in connection with the approval of the plans by the Borough.
- G. Plantings. Developer shall plant all trees, shrubs, lawns and other landscaping materials as shown on landscaping plans filed with the Borough and, in addition thereto, shall comply with all screening and buffering requirements of Borough of Palmyra Ordinances. Developer shall remove all unauthorized plantings within the rights-of-way of the Borough or the Authority and refrain from the planting of any shrubbery or landscaping materials in any of the rights-of-way or intersection lines of sight as shown on the plans.
- H. Signs. Developer shall erect such street sign or signs, traffic control sign or signs and no parking sign or signs within the Tract as shall be determined exclusively by the Borough. Such signs shall be of the type, size and construction designated by the Borough and shall be paid for by the Developer. Developer shall also pay for the cost of any traffic studies required to be performed under the Vehicle Code and any legal and advertising costs incurred by the Borough to enact the necessary traffic ordinances in connection with the erection of such signs.

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- I. Other Improvements. The list of Borough Improvements and Authority Improvements contained in paragraphs 1.A. through 1.H. is not intended to encompass all of the Improvements required or shown on the plans aforesaid. Developer shall install, construct or supply all other Improvements set forth on the plans, listed on Exhibit "C" or required by Borough, Authority, County, State or Federal laws, ordinances, rules or regulations as the same may be required.
- J. Capital Improvements. Developer and Borough expressly recognize that development of the Tract will have effects which cannot be addressed through the Improvements constructed and/or installed by Developer on the Tract. Developer and Borough also expressly realize that the effects of the development of the Tract will interact with existing conditions and other proposed and potential development within the Borough. Developer and Borough agree that development of the Tract will contribute to the need for the Improvements set forth on Exhibit "D" but that development of the Tract is not the sole cause of such need. In order to address the need for the Improvements set forth in Exhibit "D", Developer shall contribute the sums set forth in Exhibit "D" which shall be placed in a capital or similar account maintained by the Borough and/or install such Improvements as are indicated on Exhibit "D" and the plans. Should one or more of the Improvements set forth on Exhibit "D" not be completed within 10 years from the date of this Agreement, the Borough, upon Developer's written request, shall return to Developer the sum contributed for such Improvement or Improvements.

Developer acknowledges that the capital contributions and/or off-site improvements set forth in Exhibit "D" herein have not been required by the Borough as a condition of the approval of the plans and are voluntarily made by Developer to address the effects of the proposed development. Developer acknowledges that the capital contributions set forth herein are not impact fees and are not governed by Article V-A of the Pennsylvania Municipalities Planning Code.

- K. Payment of Fee in Lieu of Completion of Required Improvements. Developer acknowledges that certain Borough Improvements are required to be constructed by applicable Borough Ordinances, the installation of which Developer has requested the Borough to modify and/or to waive for reasons set forth in the request for a modification and/or waiver. In order to enable the Borough to install such improvements at an appropriate future date, Developer has made a contribution to the Borough as set forth in Exhibit "E".

2. CONDITIONS PRECEDENT TO CONSTRUCTION.

- A. Before commencing construction of the Improvements, Developer shall submit to the Borough Engineer the specifications for materials to be used in such construction, and Developer shall not proceed with any construction without the written approval of the Borough Engineer.
- B. No zoning or building permit shall be issued and no construction of the Improvements shall commence until:

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- (1) The plan is recorded according to law;
 - (2) Developer presents evidence satisfactory to the Borough Solicitor that Developer has legal title to the Tract;
 - (3) This Agreement is duly signed, acknowledged and delivered;
 - (4) All fees required by Borough ordinances and regulations are paid, including payment of legal and engineering fees and expenses incidental to review of the Development;
 - (5) All amounts due the Borough under Paragraph 1(F) and/or 1(J) have been paid;
 - (6) Developer provides Financial Security to the Borough and to the Authority, as applicable; and
 - (7) Developer enters into the Utility Agreement.
3. CONSTRUCTION, INSTALLATION OR SUPPLY OF IMPROVEMENTS IN ACCORDANCE WITH THE SPECIFICATIONS. Developer shall construct, install or supply all Borough Improvements and Authority Improvements in accordance with the requirements and specifications of the Borough of Palmyra, the Authority, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and all other laws, ordinances, rules and regulations of all duly constituted public authorities which shall have jurisdiction over the installation, construction, supply or maintenance of any Improvements. Developer shall install all utility lines in the Tract underground. Developer shall locate all underground structures and utilities which may be encountered during the construction of the Development, including but not limited to water, steam, oil and gas mains and lines, storm and sanitary sewers, telephone lines, cable television lines, electric conduits, and other underground installations and shall make adequate provisions to protect the same from damage or disruption. In order to determine the location of the underground structures and utilities aforesaid, Developer shall arrange with the owners of such underground structures or utilities to assign a representative to mark the locations thereof. Developer shall pay the cost of determining the location and all other costs attendant with the identification and protection of all underground utilities in accordance with the provisions of the Act of December 10, 1974, P.L. 852, No. 287, as amended, 73 P.S. § 176 et seq. Developer shall not enter upon or occupy with workers, tools or materials, any private lands outside the Tract without the written permission of the owners of such private adjacent tracts having been obtained in advance.
4. DAMAGE TO EXISTING STREETS, DRAINAGE STRUCTURES OR OTHER FACILITIES. In the event any existing streets (regardless of whether such streets are Borough streets, private streets or state highways), drainage structures or other facilities are disturbed, subjected to excessive wear and tear, damaged or destroyed during the course of the development of the Tract, including but not limited to damages resulting from openings into streets to install underground facilities or resulting from travel or use by vehicles or construction equipment, Developer agrees, at its cost, to repair or, if necessary, replace such streets, drainage structures or other facilities.

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Developer shall be responsible for all damage to the sanitary sewer system of the Authority and the water system of the Authority which results from Developer's construction or development of the Tract and shall immediately repair all such damage.

5. **PRIOR NOTICE TO THE BOROUGH OF INTENT TO BEGIN GROUND CLEARING.** No grading, excavating, removing or destruction of top soil, trees or other vegetative cover of any kind nor changes in the contours of the Tract shall be made unless and until the Borough Engineer has been given 72 hours' written notice of Developer's intention to do so. Upon receipt of such written notice, the Borough Engineer shall certify that all appropriate soil erosion and sedimentation control measures applicable to the specific work being initiated by Developer have been put into place. In addition, Developer shall have installed snow fencing or other barriers acceptable to the Borough Engineer to specify the limits of ground clearing so that trees and other vegetation not proposed to be affected by the construction of roads, buildings or other Improvements are not affected during the ground clearing process. The Borough Engineer shall not grant permission to grade and/or clear ground for any portions of the Tract on which soil and erosion control measures have not been fully installed. If it is the intention of Developer to clear lots on an individual basis, the notice required by this Paragraph shall be given to the Borough Engineer for each lot on which grading or tree clearing of any kind is necessary.
6. **SOIL EROSION, SEDIMENTATION CONTROL AND CONTROL OF WATER POLLUTION.** No changes shall be made in the contours of the Tract and no grading, excavating, removing or destruction of topsoil, trees or other vegetative cover on the Tract shall be made until such time as a plan for minimizing soil erosion and sedimentation has been reviewed and approved by the Borough. Developer shall submit such a plan for minimizing soil erosion and sedimentation control to the Department of Environmental Protection of the Commonwealth of Pennsylvania or its designee. Developer represents and warrants that it has delivered evidence of the approval of such plan to the Borough together with all other required state and federal permits and approvals relating to soil erosion, sedimentation control, stormwater management, and control of water pollution prior to the date of this Agreement, and Developer shall comply with the plan and all such permits and approvals during the course of construction. Developer shall use all care possible to prevent siltation and other pollution of the waters of the Commonwealth of Pennsylvania even if measures exceeding those set forth on approved plans prove necessary.
7. **COMPLIANCE BY CONTRACTORS.** Developer shall procure and be responsible for compliance by all of its contractors, subcontractors and suppliers with all applicable Federal, State, County, Authority and Borough statutes, ordinances, rules and regulations in connection with any of the work on the Tract. Such compliance shall include, but not be limited to, the procuring of all necessary permits and licenses in connection with the work to be done and the payment of all of the contributions, fees, premiums, and taxes required by such laws, ordinances, rules and regulations.
8. **PROTECTION OF REASONABLE ACCESS DURING CONSTRUCTION.** At all times during the construction of the Development, Developer and its contractors and subcontractors as aforesaid, shall conduct their work in such manner as to ensure that there is a minimum obstruction to traffic and that the convenience of the general public, the

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residences and/or the commercial or industrial establishments adjacent to the Tract are provided for in an adequate manner. No materials shall be stored upon any streets (whether or not such streets have yet been dedicated to or accepted by the Borough) unless such storage is absolutely necessary. Any materials which must be stored upon such streets shall be placed so as to cause as little obstruction to traffic as possible. Fire hydrants on or adjacent to the Tract shall be kept accessible to fire apparatus at all times, and no materials or obstructions shall be placed within 15 feet of any such hydrant. All storm drainage and storm sewer inlets shall be kept unobstructed at all times. Developer shall maintain such barricades and warning lights or flares as are necessary during the course of construction to protect traffic and the public in general. Any work in a street which is unfinished for any reason whatsoever shall be left in such a condition as to make the Tract accessible at all points to fire and other emergency apparatus. Access to the Development by construction vehicles and equipment during all phases of construction shall be limited to _____. Developer agrees that construction vehicles and equipment shall not enter or leave the Development site from any other point of access.

9. **INSURANCE/INDEMNIFICATION.** Developer agrees to defend, indemnify and hold harmless the Borough, the Authority and their officers, agents and employees from and against all claims, damages, liability, losses and expenses, including attorneys' fees and costs of investigation, arising out of or resulting from (a) the performance of the work on the Tract, (b) the approval of the Borough Improvements and Authority Improvements or Plans, (c) the granting of any permit or approval, (d) the rough grading and final grading of the land within the Tract, and (e) as a result of any water or storm drainage runoff from Developer's premises. Developer assumes all risks and shall bear all loss resulting from any injury to property or persons occasioned by neglect or accident during the progress of development of the Tract. Developer shall obtain and maintain at its expense, at all times during the course of construction, comprehensive general liability insurance in commercially reasonable amounts with minimum limits of liability with respect to bodily injury and personal injury of at least \$1,000,000 for each person and \$2,000,000 for each occurrence and with respect to property damage of at least \$500,000 for each occurrence or a combined single limit for bodily injury, property damage, and personal injury liability of at least \$1,000,000 per occurrence and \$2,000,000 aggregate. The said insurance shall contain a provision prohibiting its cancellation by the carrier without 30 days' prior written notice of such cancellation to the Borough. Prior to the commencement of any construction. Developer shall deliver to the Borough a certificate issued by an insurance company, reasonably satisfactory to the Borough, indicating that Developer has obtained comprehensive general liability insurance in accordance with the provisions of this Agreement and that premiums for the said insurance have been paid in advance for the entire period covered by said insurance. At least 30 days prior to the expiration date(s) of the said insurance, Developer shall deliver to the Borough a certificate of insurance indicating that the said policy or policies have been renewed and that the premiums for the renewal period have been paid in advance. During the construction period. Developer shall have the right to substitute other insurance policies containing the same provisions as the original policies, provided however, that all such policies shall be in a form and issued by insurance companies reasonably acceptable to the Borough, and the Borough and the Authority shall at all times be indicated as an additional insured.

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In the event that a third party, his agents, servants, employees, heirs, assigns or grantees should institute any legal action whatsoever against Borough of Palmyra and/or the Authority, its or their officers, agents, servants, or employees for the hereinbefore stated reasons, Developer hereby agrees to further pay any and all attorneys' fees, engineering fees, court costs or any other expenses whatsoever incurred by Borough of Palmyra and/or the Authority, its or their officers, agents, servants or employees in regard thereto. Developer agrees that if suit is brought by Borough against Developer to enforce this Agreement, Borough shall be entitled to collect from Developer, provided that Borough shall prevail in its suit, all reasonable costs and expenses of suit, including reasonable attorneys' fees.

10. **WASTE MATERIALS AND MAINTENANCE OF SANITARY FACILITIES DURING CONSTRUCTION.** Developer shall collect and properly discard all waste material, such as paper, cartons and the like, and shall prevent the same from being deposited, and then either thrown or blown upon the tracts adjacent to the Tract or upon the Tract itself. In addition, Developer shall require that all contractors, subcontractors and material suppliers shall comply with the provisions of this Paragraph. All rubbish and unused materials and tools shall be removed promptly from the Tract and, as work progresses, the Tract shall be carefully cleaned and kept clean of any rubbish or refuse. Developer shall maintain the Tract in a clean condition by removing all debris from the site or otherwise disposing of such debris in an appropriate fashion and with the prior approval of the Borough. If Developer or any of the contractors, subcontractors or material suppliers shall fail to comply with any of these conditions, the Borough shall have the right to enter upon the Tract and perform such cleaning and disposal with its own employees or with its contractors, and the Borough may draw upon Developer's Financial Security to reimburse itself for such expense. Developer shall provide and maintain properly secluded sanitary conveniences in accordance with the prevailing regulations of the Pennsylvania Departments of Labor and Industry and Environmental Protection and any other applicable governmental agency for the use of the workers.
11. **"AS-BUILT" PLANS.** Upon the completion of all of the Borough Improvements and Authority Improvements and all of the structures to be constructed within Tract, Developer shall cause its registered professional engineers to certify the plans and supply "as-built" plans to the Borough and to the Authority.
12. **BOUNDARY MARKERS.** The boundaries of the Tract shall be marked with permanent surveyor monuments. The monuments shall be placed at each corner of the Development and in such additional locations as the shape of the Tract requires for clear designation of all boundary lines. In addition, the corners of all lots within the subdivision shall be "pinned" in a manner deemed sufficiently permanent by the Borough Engineer. All such monuments and pins shall be placed by a registered surveyor and shall be visible when final grading has been completed and before any occupancy permit is issued. Developer shall provide the Borough with a plan showing the accurate placement of said monuments and pins which shall be certified by Developer's registered surveyor.
13. **INSPECTIONS.** The Borough and the Authority shall have the right, at any time, to inspect any of the work to be performed on the Tract, and all such inspections may be made by the Borough and the Authority through their employees or by consultants retained by the

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Borough or the Authority to determine that the construction has been and is being carried out in compliance with the approved Plans, the specifications of the Borough, the Authority and other duly constituted authorities and this Agreement. Developer shall reimburse the Borough or the Authority, as applicable, for all costs incurred in such inspections, and if Developer fails to do so, the Borough shall have the right to draw upon the Financial Security to reimburse itself for such costs, and the Authority shall be permitted to draw upon any improvement guarantee furnished to it.

14. OCCUPANCY PERMITS. No structure shall be occupied until it and all of its appurtenances have been completed, all roads necessary for ingress and egress to the said structure have been completed to an extent which will permit unquestionable case of access for emergency vehicles, and all of the other requirements of this Agreement and the plans and other ordinances, laws, rules or regulations regarding such structure have been complied with, and the same have been inspected and approved by the Borough, and the Borough has issued an occupancy permit or permits therefor. Furthermore, no structure shall be occupied until provisions satisfactory to the Borough Engineer have been made (including but not limited to seeding and sodding) to prevent runoff of rain water, melting snow, etc., from being discharged onto adjacent tracts or onto the street or pavement and to prevent such runoff from coming onto said lot, street or pavements from other adjacent tracts. The provisions of this Paragraph shall not prevent occupancy where the asphalt base course of any roadway or easement is constructed to the extent required by the Borough and Developer desires to delay the top surfacing of said roadway until the end of the term in which the improvements are required to be completed.
15. FAILURE TO PROCEED. If Developer fails to prosecute the work of the development with promptness and diligence, or fails in the performance of any of the provisions contained in this Agreement, the Borough shall give to Developer written notice of such default. In the event Developer does not commence to correct such default within two business days of such notice, and thereafter to diligently continue to correct such default, the Borough shall have the right to secure materials of the quality and quantity required by the Agreement and the plans and the necessary numbers of workers, mechanics and the required equipment in the open market at the then current market prices, from any party or parties, to cure such default. Provided, however, if the Borough shall determine that curing such default shall require the Borough to undertake completion of the Improvements, the procedures and time limits of Paragraph 17(B) shall apply.

If the Borough secures workers, mechanics and equipment in the open market to carry forward such work, the Borough shall have the right to take possession of all materials, tools, appliances and equipment on the premises intended for use in the performance of this Agreement for the purpose of including them in the Improvements, and Developer hereby assigns to the Borough all of its right, title and interest in and to such materials, tools, appliances and equipment for use in the completion of the Improvements.

All workmanship and materials incorporated in the Improvements shall be subject to inspection, examination and testing at any time and at all times during the installation or construction and at any and all places where such installation or construction is carried on. The Borough shall have the right to reject defective materials and workmanship; and such workmanship shall be satisfactorily corrected, and rejected materials, equipment and other

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articles shall be replaced. If Developer fails to proceed at once with the replacement of rejected materials, equipment or articles or the correction of any defective workmanship, the Borough may proceed with the work as provided in this Paragraph.

16. FINANCIAL SECURITY.

A. Financial Security.

- (1) The term "Financial Security" shall have the same meaning as provided by Section 509 of the Pennsylvania Municipalities Planning Code.
- (2) Developer shall provide the Borough with Financial Security to secure the completion of the Borough Improvements and capital contributions set forth in Exhibits "C", "D" and "E", the cost and/or amounts of which Borough Improvements are set forth in Exhibit "F" attached hereto and incorporated herein in the following form (check applicable Financial Security:)

_____ irrevocable letter of credit
_____ cash escrow agreement

in accordance with the requirements of Section 509 of the Pennsylvania Municipalities Planning Code. The terms and conditions of the Financial Security are subject to the approval of the Borough Solicitor.

B. Amount of Financial Security. Developer agrees that the estimated cost of the Borough Improvements is _____ Dollars (\$_____) as set forth on Exhibit "F" attached hereto. Developer shall present to the Borough Financial Security in the sum of _____ Dollars (\$_____) in a form acceptable to the Borough Solicitor, which sum is 110% of the estimated cost of the Borough Improvements, calculated in the manner provided in Section 509 of the Pennsylvania Municipalities Planning Code. The amount of the financial security has been computed to reflect the costs which will be incurred by the Borough, including but not limited to the costs of public bidding and Pennsylvania Prevailing Wage Act requirements, if the Borough is required to complete the Borough Improvements upon a default by Developer. Developer agrees that the Financial Security is to be held and released in accordance with the provisions of this Agreement.

C. Authority Financial Security. To the extent the Developer has not otherwise furnished the financial security required for the Authority Improvements, the Developer shall provide the Authority with financial security in accordance with the requirements of the Municipality Authorities Act, as amended.

17. Escrow for Reimbursement of Expenses. Developer shall deposit with the Borough the sum of _____ Dollars (\$_____) (the "Escrow Fund"). The Escrow Fund shall be used to reimburse the Borough for all engineering, inspection and legal fees incurred in connection with the preparation of this Agreement, plan reviews and reports, the preparation and recording of the appropriate deeds of dedication and any other expenses which the Borough may incur in the furtherance of the development of the Tract.

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The Borough is hereby irrevocably authorized to withdraw from time to time any monies deposited in the Escrow Fund by Developer in order to pay expenses and fees incurred by the Borough. At such point as the Escrow Fund has been reduced to the sum of _____ Dollars (\$_____) or less as a result of withdrawals as herein provided, then, and in that event, and at that time, the Borough shall bill Developer an amount sufficient to restore the Escrow Fund to the sum of _____ Dollars (\$_____). In the event the Escrow Fund is insufficient at any time to pay such costs, the Borough shall bill Developer for the actual or anticipated additional costs. In the event the Escrow Fund is in excess of the Borough's costs, the Borough shall refund such excess monies, without interest, to Developer upon completion of the development of the Tract.

- A. Periodic Withdrawals from the Financial Security Upon Completion of the Borough Improvements. As Developer completes the various segments or categories of the Borough Improvements, it may certify to the Borough that such Borough Improvements have been completed in accordance with the terms of this Agreement and the plans. The Borough Engineer shall inspect the segments or categories of Borough Improvements which Developer alleges have been completed. If the Borough Engineer shall determine that the said Borough Improvements have been completed in accordance with this Agreement and the plans, the Borough Engineer shall certify to the Borough that portion of the Financial Security which is appropriate for release. No amount requested to be released by Developer shall exceed 90% of the value of the Borough Improvements alleged to have been completed nor shall such release result in the reduction of the total remaining Fund to an amount less than 110% of the estimated cost of the work remaining to be completed. Upon receipt of the written certification of the Borough Engineer, the Borough shall release that portion of the Financial Security. If, at any time during the work, the Borough Engineer believes that the funds necessary to complete the Borough Improvements are in excess of the amount then held as Financial Security, the Borough Engineer shall so notify the Borough and Developer, and Developer shall provide such additional Financial Security as is determined by the Engineer to be needed to complete the Borough Improvements. In lieu of the provision of additional Financial Security, the Borough Engineer may require that any funds then due to be released to pay for completed Borough Improvements shall continue to be held as Financial Security so that at all relevant times the Financial Security equals 110% of the estimated cost of the work necessary to complete the Borough Improvements.
- B. Default by Developer. If the Borough determines that Developer has failed to construct or install the Borough Improvements in accordance with the plans and its obligations under this Agreement and the Borough shall desire to undertake the completion of the Borough Improvements, the Borough shall notify Developer of its intention to undertake the completion of the Borough Improvements in accordance with the plans. Developer shall have 20 days from the date of receipt of said notice in which to notify the Borough in writing whether it will undertake the completion of the Borough Improvements in accordance with the plans. If Developer does not notify the Borough of its intent to undertake completion of the Borough Improvements within 20 days, it will be conclusively presumed Developer has agreed to make the remainder of the Financial Security available to the Borough to pay for the costs of the completion of the

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Borough Improvements in accordance with the plans. If the proceeds of the Financial Security are insufficient to pay the cost of installing or making repairs or corrections to all of the Borough Improvements covered by this Agreement, the Borough may, at its option, install part of such Borough Improvements in all or part of the Development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the Borough Improvements. In all cases, Developer shall be responsible for 100% of the costs of the installation of the Borough Improvements plus all related expenses, including such reasonable attorneys' fees as may be incurred by the Borough in enforcing the provisions of this Agreement against Developer.

C. Confession of Judgment.

- (1) Developer agrees that, in the event of any default under the terms of this Agreement, Borough may cause judgment to be entered against Developer, and for that purpose Developer authorizes and empowers the Borough or any prothonotary, clerk of court or attorney of any court of record to appear for and confess judgment against Developer and agrees that Borough may commence an action pursuant to the Pennsylvania Rules of Civil Procedure for the recovery from Developer of all damages provided for herein, as well as for interest and costs and attorneys' fees, for which authorization to confess judgment this Agreement, or a true and correct copy thereof, shall be sufficient warrant. Such judgment may be confessed against Developer for the amount of damages provided herein, as well as for interest, costs and attorneys' fees in the amount of 15% of the full amount of the Borough's claim against Developer. Neither the right to institute an action pursuant to said Pennsylvania Rules of Civil Procedure nor the authority to confess judgment granted herein shall be exhausted by one or more exercises thereof, but successive complaints may be filed and successive judgments may be entered for the aforesaid damages as they are incurred under the provisions of this Agreement.
- (2) In any procedure or action to enter judgment by confession for money pursuant to the above paragraph, if the Borough shall first cause to be filed in such action an affidavit or averment of the facts constituting the default, the occurrence of the condition precedent, or the event, the happening of which default, occurrence or event authorizes and empowers the Borough to cause the entry of judgment by confession, such affidavit or averment shall be conclusive evidence of such facts, default, occurrences, conditions precedent, or events, and if a true copy of this Agreement be filed in such procedure or action, it shall not be necessary to file the original as a warrant of attorney, any rule of court, custom or practice to the contrary notwithstanding.
- (3) Developer hereby releases to Borough and to any and all attorneys who may appear for Borough all errors in any procedure or action to enter judgment by confession by virtue of the warrant of attorney contained in this Agreement, and all liability therefor. Developer further authorizes the prothonotary or any clerk of any court of record to issue a writ of execution or other process and further agrees that real estate may be sold on a writ of execution or other process.

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18. DATE OF COMPLETION.

- A. Developer shall complete all of the Borough Improvements on or before _____, 20____. In the event that the Borough Improvements are not completed by such date, or in the event that Developer is otherwise in default of this Agreement, then any undrawn funds remaining under the Financial Security shall, upon draw by Borough, be paid to Borough. Upon such payment, such funds shall be used and applied by Borough for the purposes of paying the cost of completing the Borough Improvements and for such other costs as are described herein. In completing said Borough Improvements, Borough may, at its option, have such Borough Improvements completed by Developer or by independent contractors or by Borough employees or by any combination of the foregoing, as Borough may elect.
- B. The Borough Improvements shall not be deemed to be completed until the Borough receives a certificate of final completion or similar report issued by the Borough Engineer stating that the Borough Improvements have been satisfactorily completed in accordance with the terms of this Agreement. If required by Borough Council, this certificate of final completion or similar report shall be signed by Developer, the Borough Engineer and the Borough Secretary.
- C. In the event that Developer requires more than one year to complete the required Borough Improvements, the Borough may adjust the amount of Financial Security by comparing the actual cost of the Borough Improvements which may have been completed and the estimated cost for the completion of the remaining Borough Improvements as of the expiration of the 90th day after the date scheduled for completion of the Borough Improvements. Developer shall provide additional Financial Security, if necessary, in order that the posted Financial Security shall equal 110% of the cost of completing the required Borough Improvements as reestablished at that time.

19. DEDICATION OF CERTAIN IMPROVEMENTS.

- A. Sanitary Sewer and Water Facilities. When all sanitary sewer and water facilities are satisfactorily installed on the Tract, those portions which are deemed necessary for the proposed operation of the Authority's sewer system and water system shall be dedicated by Developer to the Authority consistent with the Utility Agreement. Developer shall comply with the provisions of the Utility Agreement.
- B. Streets and Other Improvements. When all of the Borough Improvements are completed to the satisfaction of the Borough and certified as such by the Borough Engineer, Developer shall dedicate the roads, rights-of-way, and recreational areas, as applicable, as shown on the plans to be dedicated to the Borough. Developer shall provide legal descriptions of the areas which have been so dedicated to the Borough for the preparation of the Deeds of Dedication. The Deeds of Dedication shall be prepared or approved by the Borough Solicitor, executed by Developer or the appropriate landowner for the transfer of the same to the Borough. Prior to the acceptance of the Deeds of Dedication, Developer shall furnish to the Borough, at Developer's expense, a commitment for title insurance issued by a title insurance company reasonably

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acceptable to the Borough, indicating that the areas to be conveyed are free and clear of all encumbrances, restrictions, easements or covenants of any nature. Such commitment and title insurance policy, to be issued to the Borough at the time of the acceptance of the Deeds, shall be in an amount satisfactory to the Borough and shall be paid for by Developer. Developer shall also provide plans and specifications of such streets or other facilities as may be required by the Borough Solicitor. Developer shall also be entirely responsible for any transfer tax which may be assessed by virtue of the deeds or other documents of title conveying the Borough Improvements or any associated easements to the Borough. Developer shall reimburse the Borough for all costs associated with the acceptance of such Borough Improvements, and if Developer fails to do so, the Borough may draw upon Developer's Financial Security or Escrow Fund to reimburse itself for all costs incurred. A schedule of all the Borough Improvements proposed to be dedicated upon completion is attached hereto as Exhibit "G".

20. **RIGHT TO CONNECT TO STORM, SANITARY SEWER AND WATER SYSTEMS.** Developer, on behalf of itself, its successors or assigns, irrevocably grants to the Borough and the Authority and all others approved by the Borough or the Authority, the right to connect storm sewer lines at any time to the storm drainage system to be constructed by Developer within the Tract aforesaid or adjacent thereto and to connect to the sanitary sewer lines and water mains constructed by Developer in the Tract aforesaid or adjacent thereto.
21. **MAINTENANCE SECURITY.** Developer acknowledges that, pursuant to Section 509 of the Pennsylvania Municipalities Planning Code, the Borough is entitled to require the posting of Financial Security to secure the structural integrity of the Borough Improvements, as well as the functioning of said Borough Improvements, which are to be dedicated to the Borough in accordance with the design and specifications as depicted on the final Plans (the "Maintenance Security"). This posting of Maintenance Security shall be for a period not to exceed 18 months from the date of the acceptance of the dedicated public improvements. It is agreed by Developer that simultaneously with the offering of deeds of dedication and any bills of sale, Developer will supply Maintenance Security in the form authorized by the statute aforesaid and acceptable to the Borough Solicitor in an amount equal to 15% of the actual costs of installation of said Borough Improvements, said security being posted for a period of 18 months to guarantee the structural integrity of the Borough Improvements as aforesaid. A condition to the Maintenance Security to be posted herein shall be that Developer shall, for the period of 18 months as aforesaid, repair and maintain such Borough Improvements and construct and make good and replace all materials, equipment and work, and remedy all defects in materials, equipment and workmanship, all shrinkage, settlement and other defaults of any kind whatsoever arising therefrom at its own expense, and to the satisfaction of the Borough, when notified in writing to do so.

Developer agrees that the Borough shall have the right to make or cause to be made good or replace all inferior materials, equipment and workmanship, and remedy all defects in materials, equipment and workmanship, all shrinkage, settlement or other faults of any kind whatsoever arising therefrom in case Developer shall fail or refuse to do so in accordance with the terms of this Agreement. In the event that the Borough should exercise and give effect to such rights, Developer shall be liable hereunder to pay and indemnify the Borough upon completion for the final cost thereof to the Borough, including but not limited to

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engineering, legal and any associated costs, together with any damages, either direct or consequential, which the Borough may sustain as a result of the failure of Developer to carry out and execute all of the provisions of this Agreement.

In addition to the agreement by Developer to provide Maintenance Security to the Borough in accordance with this provision to guarantee the structural integrity and functioning of the Borough Improvements as aforesaid, Developer agrees that it will post appropriate financial security consistent with Section 509 as aforesaid for the purpose of providing similar maintenance security for any Authority Improvement installed by or at the request of the Authority. Such security as may be required by the Authority shall be separate and apart from the security required by the Borough for the protection of the other Borough Improvements as defined herein.

22. **STREET NUMBERS.** Developer agrees that neither it nor its successors or assigns shall permit occupancy of any buildings erected on the Tract without placement of the address numbers of such buildings on the premises so erected.
23. **CABLE TELEVISION AND FTTP SERVICE.** Prior to final road surface application, Developer, its agents, servants, workers or employees, contractors, subcontractors, independent contractors, successors or assigns shall arrange for the installation of cable television and FTTP lines to service the Tract if the Tract is within the service area of a cable television company granted a franchise by the Borough. In the event that such installation must be postponed for any reason until after the lots, parcels or portions of the Tract are sold or if the Tract is not within a service area, Developer on behalf of itself, its successors or assigns, agrees that it, they, or any of them, will set aside or otherwise reserve an easement along and across the Tract, for the installation of said service in the future.
24. **WETLANDS.** Approval by the Borough of the plans shall not be construed as compliance with the provisions of federal or state laws or regulations regarding building, dredging or filling in areas which are or may be deemed to be wetlands within the jurisdiction of the U. S. Army Corps of Engineers, the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.
25. **OPEN SPACE.** Except as may be specifically set forth on the plans. Developer agrees that there shall be no construction, traffic or work on any open space area. Developer agrees that no dirt will be stockpiled on the open space, nor will the open space be altered from its original condition. No stumps, roots or debris will be buried in the open space. Developer agrees to do any necessary cleanup of the open space whether or not such land is proposed to be dedicated to the Borough.
26. **SNOW REMOVAL.** During the period of construction and occupancy and until the roads within or abutting the Development are deeded to and accepted by the Borough or approved by the Pennsylvania Department of Transportation for public travel in the case of state highways, Developer shall keep the roads cleared of snow and in default thereof, the Borough may at its option contract for the removal of snow as the Borough deems necessary to make the roads passable, and Developer shall reimburse the Borough for the expense thereof. If Developer fails to provide snow removal service and fails to reimburse the Borough for providing or contracting for such service, the Borough may draw upon

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Developer's Financial Security or Escrow Fund to reimburse itself for all costs incurred. The removal of snow by the Borough prior to acceptance of the roads shall not be considered an acceptance thereof.

27. SWALES AND DETENTION/RETENTION BASINS. All swale and detention/retention basin construction, including infiltration facilities, required by the plans to be done by Developer on the Tract or on the property of any third party shall be done prior to the construction or erection of any buildings or other improvements which will create water runoff intended to be controlled by any such swale, detention/retention basin or infiltration facility. The construction of such swales, basins or infiltration facilities shall be done simultaneously with and in conjunction with the construction of other public or common improvements for the Development so that there can be a stabilization process before the erection and construction of any buildings.
28. FEES AND COSTS. Developer shall pay to the Borough the following:
- A. All inspection and engineering fees incurred by the Borough during the course of construction of the Development.
 - B. All recording fees and applicable transfer taxes (if any).
 - C. All legal fees and costs incurred in connection with the Development including plan reviews and reports thereon, document preparation, the negotiation, preparation, recording or enforcement of this Agreement, review of Financial Security or the acceptance of any public improvements, including streets.

If Developer fails or refuses to pay such fees and costs after receipt of an invoice therefor, the Borough may draw upon Developer's Financial Security or Escrow Fund to reimburse itself for such fees and costs and/or take any other appropriate action to collect such fees and costs.

29. APPROVAL. Provided that Developer complies with all of its obligations at the time of the execution of this Agreement, and the plans are in conformity with all applicable laws and regulations, the Borough shall approve the plan. Developer shall also comply with all conditions attached to the approval of the plans by the Borough, and this covenant shall survive the recording of the plans.
30. NOTICES. All notices or other communications required to be given under the terms of this Agreement shall be in writing and shall be sent certified mail, postage prepaid, addressed as follows:
- A. If to the Developer, addressed to:
 - B. If to the Borough, addressed to:

Borough of Palmyra
325 S Railroad Street
Palmyra, PA 17078

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With a copy to:

Josele Cleary, Esquire
Morgan, Hallgren, Crosswell & Kane, P.C.
700 North Duke Street
P. O. Box 4686
Lebanon, PA 17604-4686

or to such other address or addresses and to the attention of such other person or persons as any of the parties may notify the other in accordance with the provisions of this Agreement.

31. COVENANTS RUNNING WITH THE LAND. This Agreement may be recorded in the Recorder of Deeds' Office in and for Lebanon County, Pennsylvania, if the Borough so desires, at the expense of Developer. The provisions of this Agreement shall be binding on the heirs, legal representatives, assigns, grantees, lessees and successors of the parties hereto and shall constitute covenants running with the land.
32. CHANGE IN WRITING. This Agreement may be amended only by a written instrument executed by or on behalf of the parties hereto.
33. RELATIONSHIP OF PARTIES. Developer shall not be considered an agent or employee of the Borough for any purpose. Developer agrees that it has no right or authority, express or implied, to bind or obligate the Borough in any manner whatsoever.
34. PENNSYLVANIA LAW. This Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania.
35. SEVERABILITY. The provisions of this Agreement are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Agreement. It is hereby declared to be the intent of the Borough and Developer that this Agreement would have been entered into if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.
36. CONSTRUCTION. When so required, words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural and vice versa.
37. AUTHORITY AND CAPACITY. Developer has the full legal authority and capacity to enter into, execute and deliver this Agreement and to perform all of the obligations set forth herein. The person or persons signing this Agreement on behalf of Developer has or have all necessary authorization to execute this Agreement on behalf of the Developer. This Agreement has been validly executed by Developer and constitutes a legal, valid and binding contract of Developer, enforceable in accordance with its terms.
38. THIRD PARTIES. This Agreement is not intended to create any rights in or powers of enforcement by third parties except to the extent expressly set forth herein.

PALMYRA CODE

39. CAPTIONS. The captions preceding the text of the paragraphs of this Agreement are inserted only for convenience of reference and shall not constitute a part of this Agreement, nor shall they in any way affect its meaning, construction or effect.
40. WAIVERS. No failure or delay on the part of the Borough in exercising any right, power or privilege under this Agreement shall operate as a waiver of any right, power or privilege. No single or partial exercise of, or abandonment or discontinuance of steps to enforce, any right, power or privilege by the Borough under this Agreement shall preclude any other or further exercise of such right, power or privilege, or the exercise of any right, power or privilege.

Developer agrees that any alterations, changes and/or additions to the Improvements to be installed pursuant to this Agreement and/or the plans, and/or the giving by the Borough of any extensions of time for the performance of the Developer's obligations with respect to the installation of the Improvements or any other term, duty or requirement of this Agreement or the plans, shall not release, in any manner whatsoever, the Developer, or its successors and assigns, from any liabilities and obligations under this Agreement.

IN WITNESS WHEREOF, the Borough of Palmyra and have executed this Agreement or caused this Agreement to be duly executed as of the day and year first above written.

BOROUGH OF PALMYRA

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President
Borough Council

BOROUGH SEAL

SUBDIVISION AND LAND DEVELOPMENT

(INDIVIDUAL OR HUSBAND AND WIFE DEVELOPER)

(Signature of Individual) (SEAL)

(Signature of Spouse if Husband and
Wife are Co-Developers) (SEAL)

Witness:

Trading and doing business as:

(PARTNERSHIP DEVELOPER*)

(Name of Partnership)

Witness:

_____ By _____ (SEAL)

_____ By _____ (SEAL)

_____ By _____ (SEAL)

_____ By _____ (SEAL)

* All partners must sign. Additional signature lines should be attached if necessary.

PALMYRA CODE

(CORPORATION DEVELOPER)

(Name of Corporation)

Attest: _____
(Secretary or Assistant Secretary)

By: _____
(President or Vice President or
**Authorized Representative)

Title: _____

Title: _____

[CORPORATE SEAL]

** Attach appropriate proof, dated as of the same date as the Agreement, evidencing authority to execute on behalf of the corporation.

LIMITED LIABILITY COMPANY DEVELOPER*)**

(Name of Limited Liability Company)

Witness:

By _____
Member

By _____
Member

By _____
Member

*** All members must sign. Additional signature lines should be added or attached if necessary.

SUBDIVISION AND LAND DEVELOPMENT

[BOROUGH ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEBANON)

On this ____ day of _____, 20 ____, before me, the undersigned officer, a notary public in and for the aforesaid Commonwealth and County, personally appeared _____, who acknowledged himself/herself to be (Vice) President of Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, and that he/she, as such officer, being authorized to do so, executed the foregoing land development agreement for the purposes therein contained by signing the name of such Borough by himself/herself as such officer.

IN WITNESS WHEREOF, I set my hand and official seal.

Notary Public

My commission expires:

[INDIVIDUAL OR HUSBAND AND WIFE ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEBANON)

On this the ____ day of _____, 20 ____, before me, the subscriber, a notary public in and for the aforesaid Commonwealth and County, came the above-named _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) is(are) subscribed on the within instrument, and acknowledged the foregoing land development agreement to be (his)(her)(their) act and deed and desired the same to be recorded as such.

Witness my hand and notarial seal.

Notary Public

My commission expires:

PALMYRA CODE

[PARTNERSHIP ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEBANON)

On this ____ day of _____, 20____, before me, a notary public, the undersigned officer, personally appeared _____, who acknowledged themselves to be all of the partners of a general partnership, and that as such partners, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by themselves as such partners.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

My commission expires:

[CORPORATION ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEBANON)

On this ____ day of _____, 20____, before me, a notary public, the undersigned officer, personally appeared, _____ who acknowledged himself/herself to be the _____ of _____, a corporation, and that as such officer being authorized to do so, acknowledged the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as _____.

Notary Public

My commission expires:

SUBDIVISION AND LAND DEVELOPMENT

[LIMITED LIABILITY COMPANY ACKNOWLEDGMENT]

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEBANON)

On this ____ day of _____, 20 ____, before me, the undersigned officer, personally appeared _____, who acknowledged themselves to be all of the members of _____, a limited liability company, and that they as such members, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of said limited liability company by themselves as such members.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My commission expires:

PALMYRA CODE

EXHIBIT "A"

Legal Description of Tract

EXHIBIT "B"

Schedule of Plans

EXHIBIT "C"

Listing of Improvements, Recreational Land Dedications and/or Contributions or Fees
in Lieu of Dedication Required by Applicable Statutes and Ordinances

EXHIBIT "D"

Listing of Capital Contributions and/or Off-site Improvements to
Address Impacts of the Development

EXHIBIT "E"

Listing of Capital Contributions for On-site Improvements for
Which Modifications Have Been Granted

EXHIBIT "F"

Listing of Improvements and Costs Certified to be Fair and Reasonable by
Developer's Engineer and Capital Contributions for which Financial Security
is to be Posted with the Borough

EXHIBIT "G"

Improvements to be Dedicated to the Borough upon Completion

SUBDIVISION AND LAND DEVELOPMENT

318 Attachment 11

Borough of Palmyra

**Appendix No. 11
Developer's Letter-Agreement**

Borough Council
Borough of Palmyra
325 S. Railroad Street
Palmyra, PA 17078

Re: Final Plan of _____ (1)

Dear Members of Council:

In consideration for the Borough Council of the Borough of Palmyra accepting an improvement guarantee in the form of a letter of credit from _____ (2) in the amount of \$ _____ (3) as security for the completion of the necessary subdivision and/or land development improvements pertaining to the final plan of _____ (4) prepared by _____ (5), the undersigned agrees to complete all of the improvements, except as hereinafter provided, which are part of the above-referenced subdivision and/or land development on or before _____ (6), said time being of the essence of this commitment to complete said improvements.

All improvements to be constructed and/or installed and/or financed in whole or in part by the undersigned (as well as the estimated costs of completing each) are listed on Exhibit "A" attached hereto, which is expressly made a part of this commitment to complete said improvements.

The listing on Exhibit "A" of the estimated cost of completing each improvement is for the purpose of determining the total amount of the required financial security, and the undersigned acknowledges that such estimates shall not be used as the basis for releasing or reducing the amount of the financial security as the work progresses. Any such releases or reductions of financial security shall be governed by the applicable provisions of the Pennsylvania Municipalities Planning Code. The following shall be applicable to the improvements:

1. Sidewalks, curbing and cartways. The undersigned shall complete all sidewalks, curbing and cartways as shown on the plans. No roadway shall be constructed between November 15 and March 15 of any year without prior written approval of the Borough Engineer. In accordance with Borough policies, the final bituminous wearing course for all streets shall not be constructed until at least _____ (7) in order to permit the streets to settle and to experience one freeze and one thaw. The final street wearing course shall be completed on or before _____ (8), unless such time is extended by Borough Council. The approval of the Borough Engineer shall be obtained before such bituminous wearing course is installed.

PALMYRA CODE

2. Sanitary Sewers. If indicated on the plans, the undersigned shall construct sanitary sewers to service the tract and shall also provide laterals to serve each building erected thereon consistent with the plans.
3. Stormwater Management. The undersigned shall construct stormwater management facilities as shown on the plans in order to adequately control and manage surface water. In the event that at any time during the construction period the Borough Engineer determines that the stormwater management facilities as designed are inadequate, the undersigned shall submit for approval a revised stormwater management plan and shall make all the changes necessary to the stormwater management facilities to adequately control and manage surface water. The undersigned shall obtain at its sole expense any necessary storm drainage easements. The undersigned and the Borough shall enter into a separate agreement concerning the maintenance of the stormwater management facilities.
4. Water Lines. If indicated on the plans, the undersigned shall construct and install all water lines shown on the plans so that each building to be constructed on the tract shall be served with public water facilities.
5. Signs. The undersigned shall erect such street sign or signs, traffic control sign or signs and no parking sign or signs within the tract as shall be determined exclusively by the Borough. Such signs shall be of the type, size and construction designated by the Borough and shall be paid for by the undersigned. The undersigned shall also pay for the cost of any traffic studies required to be performed under the Vehicle Code and any legal and advertising costs incurred by the Borough to enact the necessary traffic ordinances in connection with the erection of such signs.

During construction the undersigned agrees to maintain the tract in a safe and sanitary fashion and shall insure the collection and proper disposal of all waste material, such as paper, cartons and the like and shall prevent the same from being deposited, and then either thrown or blown upon the tracts adjacent to the tract or upon the tract itself. The undersigned shall maintain the streets within the development, including the removal of snow, until such streets are finally accepted by the Borough or, if such streets are to remain private, until all lots within the development have been sold.

The undersigned agrees to pay all inspection fees imposed by the Borough in connection with the inspection of the improvements set forth on Exhibit "A". The undersigned also agrees to reimburse the Borough for the necessary legal and advertising expenses in the preparation of traffic ordinances, deeds and resolutions for the acceptance of streets, the review of improvements guarantees and like matters.

In the event all of said improvements with the exception of the final street wearing course are not completed on or before _____ (9), and all inspection fees are not paid, or in the event the final street wearing surface is not completed on or before _____ (10) the undersigned acknowledges that the Borough shall have the right, without further notice to the undersigned, to submit a demand to _____ (11) for disbursement of funds under the aforesaid letter of credit. The undersigned also acknowledges that if the proceeds of such letter of credit are insufficient to pay the cost of installing or making repairs or corrections to all of the improvements covered by said letter of credit and to pay all

SUBDIVISION AND LAND DEVELOPMENT

inspection fees, the Borough may, at its option, install all or part of said improvements and may institute appropriate legal or equitable actions to recover the monies necessary to complete the remainder of the improvements and to collect any inspection fees.

The Borough shall also have the right to demand payment of all or a portion of the letter of credit in the event the Borough receives notice that the letter of credit will be cancelled or terminated prior to the time that all of the improvements have been completed and approved by the Borough Engineer. Furthermore, in accordance with the provisions of Section 509 of the Pennsylvania Municipalities Planning Code (“MPC”), the undersigned agrees to post additional security with the Borough if, as a result of annual adjustments concerning the estimated cost for the completion of the remaining improvements, such additional security is necessary to assure that the financial security in effect at that time equals 110% of the estimated cost of completion calculated in the manner required by said Section 509 of the MPC.

With respect to any of the improvements which are dedicated to and accepted by the Borough following completion, the undersigned, if required to do so by the Borough, shall post financial security or otherwise guarantee the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security, if required, shall be in the form and in the amount required by Section 509 of the MPC.

The construction of all improvements shall be completed in strict conformity to the specifications and regulations of the Borough, and, to the extent applicable, the specifications and regulations of Borough of Palmyra, Lebanon County, Authority, (the “Authority”) and the Pennsylvania Department of Transportation. The Borough, the Authority, their officers, agents, servants and employees, shall have no responsibility or liability with regard to the design and/or installation of the improvements which are to be installed in connection with the development of this subdivision, and the undersigned shall indemnify and hold harmless the Borough, the Authority, their officers, agents, servants and employees, from any costs of investigation or defense, claims, liability or damages arising therefrom.

In the event any existing Borough streets, drainage structures or other facilities are disturbed, subjected to excessive wear and tear, damaged or destroyed during the course of the development of the tract or the installation of the above-described subdivision or land development improvements, including but not limited to damages resulting from openings into Borough streets to install underground facilities or resulting from travel or use by vehicles or construction equipment, the undersigned agrees, at its cost, to repair or, if necessary, replace such Borough facilities.

This commitment shall be binding upon the respective heirs, personal representatives, successors and assigns of the undersigned.

Unless the contrary clearly appears from the context, for the purposes of this document the singular number includes the plural number and vice versa; and each gender includes the other genders.

PALMYRA CODE

IN WITNESS WHEREOF, the undersigned, intending to be legally bound by the herein stated commitments, has signed this letter this _____ day of _____, _____.

(INDIVIDUAL DEVELOPER)

_____ (SEAL)
(Signature of Individual)

Witness:

Trading and doing business as:

(PARTNERSHIP DEVELOPER*)

(Name of Partnership)

Witness:

_____ By _____ (SEAL)
_____ By _____ (SEAL)
_____ By _____ (SEAL)
_____ By _____ (SEAL)

* All partners must sign. Additional signature lines should be added or attached if necessary.

SUBDIVISION AND LAND DEVELOPMENT

(CORPORATION DEVELOPER)

(Name of Corporation)

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President

[CORPORATE SEAL]

(LIMITED LIABILITY COMPANY DEVELOPER**)

(Name of Limited Liability Company)

Witness:

_____ By _____
Member

_____ By _____
Member

_____ By _____
Member

_____ By _____
Member

** All members must sign. Additional signature lines should be added or attached if necessary.

PALMYRA CODE

**Instructions to Complete Developer's Letter-Agreement Regarding
Subdivision and/or Land Development Improvements**

1. Name of subdivision and/or land development
2. Name of lending institution issuing letter of credit.
3. Amount of letter of credit.
4. Full name of developer.
5. Name of firm which prepared subdivision or land development plan.
6. Date by which all improvements except street wearing course(s) is(are) to be completed.
7. Earliest date when street wearing course(s) is(are) to be installed.
8. Latest date when street wearing course(s) is(are) to be installed.
9. Date by which all improvements except street wearing course(s) is(are) to be completed.
10. Latest date when street wearing course(s) is(are) to be installed.
11. Name of lending institution issuing letter of credit.