

2011

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Borough of Strasburg

Ordinance No. 1995-5

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BOROUGH OF STRASBURG
Lancaster County, Pennsylvania

ORDINANCE NO. 1995-5

AN ORDINANCE SETTING FORTH PROVISIONS AND STANDARDS REGULATING SUBDIVISION AND LAND DEVELOPMENT WITHIN THE BOROUGH OF STRASBURG, LANCASTER COUNTY, PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED AND REENACTED BY ACT 170 OF 1988, AND ESTABLISHING THE PROCEDURES TO BE FOLLOWED BY THE STRASBURG BOROUGH PLANNING COMMISSION AND STRASBURG BOROUGH COUNCIL IN THE APPLICATION AND ADMINISTRATION OF SAID PROVISIONS AND STANDARDS, AND PROVIDING PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, as follows:

ARTICLE I

GENERAL PROVISIONS

SECTION 101 TITLE.

This Ordinance shall be known and may be cited as the “Strasburg Borough Subdivision and Land Development Ordinance of 1995.”

SECTION 102 PURPOSE.

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

- 102.01 Assisting in the orderly and efficient integration of land developments within the Borough.

- 102.02 Ensuring conformance of development plans with the Comprehensive Plan, and other municipal documents.
- 102.03 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.
- 102.04 Ensuring coordination of inter-municipal and intra-municipal public improvement plans and programs.
- 102.05 Securing the protection of water resources, drainageways and other environmental resources.
- 102.06 Facilitating the safe and efficient movement of traffic.
- 102.07 Securing equitable handling of all development plans by providing uniform standards and procedures.
- 102.08 In general, promoting greater health, safety, and welfare of the citizens of the Borough.

SECTION 103 ADOPTION-AUTHORITY.

The Council of Strasburg Borough, Lancaster County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended, hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Strasburg Borough.

The Borough Council shall administer and enforce this Ordinance and does hereby designate the Strasburg Borough Planning Commission as an agency of the Borough Council:

- 103.01 With which applicants may hold all pre-application consultations relating to the plans.
- 103.02 Which makes recommendations to the Borough Council concerning subdivision plans, land development plans and waivers.

SECTION 104 JURISDICTION.

- 104.01 This Ordinance shall apply to all subdivision and land development plans submitted after the effective date of this Ordinance, and to all subdivision and land development plans submitted before the effective date of this Ordinance which no longer have protection from the effect of changes in governing ordinances granted by Section 508(4) of the Pennsylvania Municipalities Planning Code.

- 104.02 From the time an application for approval, whether preliminary or final, is duly filed, as provided in this Ordinance, 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.
- 104.03 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.

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 the 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.

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.

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.

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.

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 ordinance enacted by the Borough, subsequent to the date of the initial Preliminary Plan submission.

- 104.04 This Ordinance 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 Strasburg, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance 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 Strasburg Borough Subdivision and Land Development Ordinance.
- 104.05 No subdivision or land development of any lot, tract, or parcel of land in Strasburg Borough shall be effected; 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 Ordinance.
- 104.06 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.
- 104.07 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

SECTION 201 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 section.

SECTION 202 GENERAL TERMS.

In this Ordinance, when not inconsistent with the context:

Words in the present tense imply also the future tense,

The singular includes the plural,

The male gender includes the female gender,

The term “person” includes an individual, partnership, corporation, unincorporated association, estate, or any other legally recognized entity.

The term “shall” or “must” is always mandatory,

The term “may” is permissive.

SECTION 203 SPECIFIC TERMS.

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

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

Active Adult Community. A development meeting the definition of “active adult community” in the Zoning Ordinance and for which Council has granted conditional use approval.

(Note: The above definition was added on June 14, 2005 by Ordinance No. 2005-5.

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.

Authority. The Strasburg, Lancaster County, Borough Authority.

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 Council of Strasburg Borough, Lancaster County, Pennsylvania.

Borough Engineer. A duly registered professional engineer, licensed as such by the Commonwealth of Pennsylvania, employed by the Borough or engaged as a consultant thereto.

Building. Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals, or property.

Building, Accessory. A detached, subordinate building, not used for habitation, which is customarily incidental and subordinate to that of the principal building, and is located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

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 designed for housing, shelter, enclosure, and support of individuals, or property of any kind, and which is a main structure on a given lot.

Building Area. The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered patios, decks, awnings, terraces, and steps.

Cartway. The surface of a street, access drive, driveway, or alley available for vehicular traffic, including travel lanes and parking lanes but not

including curbs, sidewalks or swales.

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 adopted *Strasburg Borough 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.

Curb Line. The outside edge of the cartway.

Curb, Vertical. A straight curb.

(Note: The above definition of Curb, Vertical was added on May 13, 2003, by Ordinance No. 2003-3.)

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 public rights-of-way and 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 provide 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.

(Note: The above definition was added on November 9, 2010 by Ordinance No. 2010-3.)

Floodplain. A one hundred (100) year flood of record for all watercourses.

Frontage. The linear measurement taken along a property's common boundaries with adjoining street rights-of-way.

Grade. The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

Healthy Trees. Trees which exhibit no symptoms or signs of injury or disease.

(Note: The above definition was added on November 9, 2010 by Ordinance No. 2010-3.)

Land Development. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

A group of two or more residential or non-residential 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

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.

The addition of an accessory building, with a gross floor area up to six hundred (600) square feet, shall not be considered a land development. It should be noted that the accessory building exclusion is required to conform with all other applicable ordinances and regulations of the Borough.

A land development is also defined as a subdivision of land.

Landowner. The legal, beneficial, equitable 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 having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Landscaping Material. Living trees, shrubs and ground cover, fences and other similar natural and decorative features.

(Note: The above definition was added on November 9, 2010 by Ordinance No. 2010-3.)

Landscape Architect. A landscape architect registered as such in the Commonwealth of Pennsylvania.

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. Any parcel, or tract of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, Double Frontage. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundary of the lot, and vehicular access provided to both streets.

Lot, Flag. A lot whose frontage does not satisfy the minimum width requirements for the respective zone, but that does have sufficient lot width away from the lot's frontage.

Lot, Reverse Frontage. A double frontage lot with vehicular access solely from the street with lesser volume of traffic.

Mobile Home Park. A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted by Act 170 of 1988, 53 P.S. §10101 et seq., and as further amended.

(Note: The above definition was added on June 14, 2005 by Ordinance No. 2005-5.)

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 a native plant 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.

(Note: The above definition was added on November 9, 2010 by Ordinance No. 2010-3.)

Nonresidential. Any use other than single or multi-family dwellings. 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.

(Note: The above definition was added on June 14, 2005 by Ordinance No. 2005-5.)

Peak Hour. The hour during which the heaviest volume of traffic occurs on a street.

(Note: The above definition was added on June 14, 2005 by Ordinance No. 2005-5.)

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.

(Note: The above definition of PennDOT was added on June 9, 1998, by Ordinance No. 1998-3.)

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

As-Built. A revised Final Plan, showing dimensions and locations of all streets and other public improvements as actually constructed.

Concept 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.

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.

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 Strasburg Borough.

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. Land reserved for use as a street, alley, crosswalk, utilities or other public or private use.

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 one hundred (100) feet.

Street. A strip of land over which there is a public or private right-of-way intended to serve principally as a means of vehicular access to and frontage for abutting properties, as well as general traffic circulation. Streets are further classified as follows:

Arterial. A street which provides for inter-community 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 Ordinance does not distinguish between "arterial" and "controlled access arterial" streets, the term "arterial" shall be interpreted to include "controlled access arterial" streets.

(Note: The above definition of Arterial was revised on June 9, 1998, by Ordinance No. 1998-3.)

Arterial, Controlled Access. A street which provides for inter-community 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 Ordinance and, where applicable, in accordance with a permit, plat or map approved by the Pennsylvania Department of Transportation.

(Note: The above definition of Arterial, Controlled Access was added on June 9, 1998, by Ordinance No. 1998-3.)

Collector. A street which conducts and distributes traffic between arterial and local streets. Collector street's 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 direct driveway access is limited.

Cul-de-Sac. A street with a single common ingress and egress.

Minor. A street which provides frontage for access to lots, and carries traffic having destination or origin on the street itself.

Alley. (See Alley)

Street Grade. The elevation of a street along the centerline of the cartway.

Street Line (Right-of-Way Line). A 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.

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 one, 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; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (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.

Tree Stands. A contiguous grouping of grand trees that has been determined or is determined by Borough Council to be of exceptional value. This determination shall be based on some or all of the following criteria: a relatively mature even-aged stand, a stand with a purity of species composition or of a rare or unusual nature, a stand with historical significance, and a stand with exceptional aesthetic beauty.

(Note: The above definition was added on November 9, 2010 by Ordinance No. 2010-3.)

Trip (Vehicular). A single or one direction vehicle movement with either the origin or the destination (exiting or entering) inside the study site.

(Note: The above definition was added on June 14, 2005 by Ordinance No. 2005-5.)

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 Ordinance pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended. Waivers are provided under Sections 305 and 803.

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. Area with the characteristics of wetland, as defined by either the U. S. Environmental Protection Agency; U. S. Army Corps of Engineers; Pennsylvania Department of Environmental Resources; or the U. S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

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.

(Note: The above definition was added on November 9, 2010 by Ordinance No. 2010-3.)

Zoning Ordinance. The current version of the Strasburg Borough Zoning Ordinance.

ARTICLE III

PLAN PROCESSING PROCEDURES

SECTION 301 GENERAL.

The procedures set forth in this Article shall be followed for all subdivision and/or land development plans.

The Borough Planning Commission, Borough Engineer, various Borough officials, the County Planning Commission, 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.

Plans and supporting information will be provided to such Borough boards, committees, agencies and officials, including the Shade Tree Committee and the Historical Architectural Review Board (HARB), and to the Authority as are deemed appropriate by the Borough Manager (or his or her designee) or Borough Council based upon the nature of the Plans.

The Pre-Application Review specified in Section 302 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.

Two (2) 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:

Subdivision of residential land into five (5) or greater lots, or

Subdivision of commercial or industrial land into new lots, or

Land development with greater than ten (10) parking spaces, or

Subdivision or land development which includes construction of streets, alleys or storm water detention/retention basins.

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.

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.

This Article also includes Waiver provisions in Section 305 which allow Borough Council to modify provisions of the Ordinance as they apply to a specific project.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

SECTION 302

PRE-APPLICATION REVIEW

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.

A request for a Pre-Application Review shall be submitted to the Borough Manager, or his or her designee, at the Borough Municipal Building at least twenty (20) days prior to the Borough Planning Commission meeting in order to be placed on the agenda. The request shall include one (1) 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 (1) paper copy of the design plan. The submission of eleven (11) paper copies of the design plan will provide the applicant with comments from various Borough officials.

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 Planning Commission's ability to assist the applicant will be greatly limited.

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.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

SECTION 303

PRELIMINARY PLAN APPLICATION.

A Preliminary Plan application is required for the following:

Subdivision of residential land into five (5) or greater lots, or

Subdivision of commercial or industrial land into new lots, or

Land development with greater than ten (10) parking spaces, or

Subdivision or land development which includes construction of streets, alleys or storm water detention/retention basins.

Preliminary Plans shall be submitted to the Borough Manager, or his or her designee, at the Borough Municipal Building, on any business day. However, Preliminary Plans must be submitted at least twenty (20) days prior to the Borough Planning Commission meeting in order to be placed on the agenda.

The application record shall be closed twenty (20) days before the 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 Planning Commission and makes suitable provision for an extension of the review time.

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.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

303.01 Application Requirements. All Preliminary Plan applications shall include the following:

303.01.1 A minimum of four (4) copies of the Preliminary Plan and five (5) copies of all reports, notifications and certification which are specified in Section 402. Additional copies of the Preliminary Plan and reports may be required by the Borough.

303.01.2 A minimum of seven (7) copies (at a reduced scale to fit on an eleven (11) inch by seventeen (17) inch paper) of a plan which identifies at least the horizontal location of the streets, parking, buildings, lot layout, storm water 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.

- 303.01.3 One (1) application form (see Appendix No. 6).
- 303.01.4 Filing fee as set by resolution of the Borough Council (see Fee Schedule available at the Borough Municipal Building), and the filing fee set forth by the Lancaster County Planning Commission for review of the Plan.
- 303.01.5 One (1) Lancaster County Planning Commission's Application for Consideration of Subdivision and/or Land Development Plan.

The Borough Manager shall have seven (7) 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 Ordinance. If defective, the application may be returned to the applicant with a statement of rejection, within the seven (7) 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.

- 303.02 Distribution. The Borough Manager, or his or her designee, shall distribute the Preliminary Plan to the Borough Zoning Officer, Borough Planning Commission, Borough Council, and, if deemed necessary or appropriate as provided in Section 301, to the Authority and such other Borough boards, committees, agencies and officials (e.g., the Authority's engineer, adjacent municipalities, fire department, school board, PennDOT, Soil Conservation Service). The Borough Manager, or his or her designee, will sign the Lancaster County Planning Commission's Application for Consideration of Subdivision/Land Development.

The Applicant shall be responsible for the distribution and delivery of identical plan(s), reports, supporting documentation, and any other material to the Borough Engineer, Borough Solicitor, and the Lancaster County Planning Commission.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 303.03 Reviewing Agencies. The Preliminary Plan shall be reviewed by the Borough Manager, Borough Zoning Officer, Borough Engineer, County Planning Commission, 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, by the Authority and other Borough boards, committees, agencies and officials. These reviewers will report their findings to the Borough Planning Commission and Borough Council.

The County Planning Commission shall have thirty (30) days from the date the application was forwarded to them to transmit their comments on the Plan.

The Preliminary Plan will be placed on the Borough Planning Commission agenda for a meeting which is at least twenty (20) days following submission. Attendance at the Borough Planning Commission meeting by the applicant or authorized agent is mandatory to:

- 303.03.1 Display a plan which identifies at least the horizontal location of streets, parking, buildings, lot layout, storm water detention/retention basins, water supply, sanitary sewage disposal, and other planned features, as well as all existing buildings and infrastructure;
- 303.03.2 Establish the acceptance or rejection of any recommendation of the Borough Planning Commission, Borough Engineer, County Planning Commission, or other official; and,
- 303.03.3 Establish the intent to avail the application to the below procedure for compliance with the recommendations of the Planning Commission.

All Plan reviews shall be based upon provisions of this Ordinance as well as other applicable ordinances. All comments shall cite the provision of the ordinances relied upon or be specifically designated as a well as other applicable ordinances and statutes. All comments shall cite to the provision of the ordinances or statutes relied upon or be specifically designated as a suggestion.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

303.04 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 their report to Borough Council, eleven (11) copies of the revised data and one (1) application form shall be submitted to the Borough Manager, or designee, at the Borough Building, on any business day, at least fourteen (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 Sections 303.02 and 303.03.

303.05 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 mandatory. The applicant or authorized agent must be prepared to:

303.05.1 Display a plan which identifies at least the horizontal location of

streets, parking, building, storm water detention/retention basin, lot layout, water supply, sanitary sewage disposal and other planned features;

303.05.2 Establish the acceptance or rejection of any recommendation of the Borough Planning Commission, Borough Engineer, County Planning Commission or other officials; and,

303.05.3 Establish the acceptance of any conditions of approval. 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.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

303.06 Compliance with Conditions of Approval. 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 (2) copies to be submitted to the Borough Manager, or 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.

Compliance with the conditions of Preliminary Plan approval must be attained within one (1) year of Borough Council's ruling on the Plan (see Section 303.05) 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.

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 No. 3 and 4 for certificate.)

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

SECTION 304

FINAL PLAN APPLICATION.

A Final Plan application is required for all subdivision and land development plans. When a Preliminary Plan application is required in accordance with Section 303, an application for Final Plan approval can be submitted only after obtaining Preliminary Plan approval.

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 the Ordinance, regulations and other standards of the Borough, and includes a reasonable portion of the Preliminary Plan.

Final Plans shall be submitted to the Borough Manager, or his or her designee, at the Borough Municipal Building on any business day. However, Final Plans must be submitted at least twenty (20) days prior to the Borough Planning Commission meeting in order to be placed on the agenda.

The application record shall be closed twenty (20) days before the 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 Final Plan will be considered before the Planning Commission and makes suitable provision for an extension of the review time.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

304.01 Application Requirement. All Final Plan applications shall include the following:

304.01.1 A minimum of four (4) copies of the Final Plan and all reports, notifications and certificates which are specified in Section 403. Additional copies of the Final Plan and reports may be required by the Borough.

304.01.2 A minimum of seven (7) copies (at a reduced scale to fit on an eleven (11) inch by seventeen (17) inch paper) of a plan which identifies at least the horizontal location of the streets, parking, buildings, lot layout, storm water detention/retention basin, water supply, sanitary sewage disposal, and other planned improvements, as well as all existing buildings and infrastructure, along with an executive summary for each required report. These reports may be part of the data which makes up the full Final Plan.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

304.01.3 One (1) application form (see Appendix No. 6).

304.01.4 Filing fee as set by resolution of the Borough Council (see Fee Schedule available at the Borough Municipal Building), and the filing fee set forth by the Lancaster County Planning Commission for review of the Plan.

304.01.5 One (1) Lancaster County Planning Commission's Application for Consideration of Subdivision and/or Land Development Plan.

The Borough Manager shall have seven (7) 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 Ordinance. If defective, the application may be returned to the applicant with a statement of rejection, within the seven (7) 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.

- 304.02 Distribution. The Borough Manager, or designee, shall distribute one (1) copy of the Final Plan to the Borough Zoning Officer, Borough Engineer, Borough Planning Commission, Borough Council, and, if deemed necessary, other officials (e.g., Municipal Authority's engineer, adjacent municipalities, fire department, school board, PennDOT, Soil Conservation Service).

The Borough Manager, or designee, will sign the Lancaster County Planning Commission's Application for Consideration of Subdivision/ Land Development. Delivery of the application, plans, reports, and other material shall be the responsibility of the applicant.

- 304.03 Reviewing Agencies. The Final Plan is reviewed by the Borough Manager, Borough Zoning Officer, Borough Engineer, County Planning Commission, and, if deemed necessary, other officials. These reviewers will report their findings to the Borough Planning Commission and Borough Council.

The County Planning Commission will be provided with thirty (30) days from the date the application was forwarded to them to transmit their comments on the Plan.

The Final Plan will be placed on the Borough Planning Commission agenda for a meeting which is at least fourteen (14) days following submission. Attendance at the Borough Planning Commission meeting by the applicant or authorized agent is mandatory to:

- 304.03.1 Display a plan which identifies at least the horizontal location of streets, parking, building, lot layout, storm water detention/ retention basin, water supply, sanitary sewage disposal, and other planned features, as well as all existing buildings and infrastructure;
- 304.03.2 Verbally describe the property location and planned features in a presentation of no more than five (5) minutes;

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 304.04 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 Final Plan in accordance with the recommendations of the Borough Planning Commission, prior to their report to Borough Council, eleven (11) copies of the revised data and one (1) application form shall be submitted to the designated Borough representative, at the Borough Building, on any business day, at least fourteen (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 Sections 304.02 and 304.03.

304.05 Ruling on the Final Plan. The applicant will be advised of the scheduled meeting for consideration of the Final Plan by the Borough Council. Attendance at the Borough Council meeting by the applicant or authorized agent is mandatory. The applicant or authorized agent must be prepared to:

304.05.1 Display a plan which identifies at least the proposed streets, parking, building, lot layout, water supply, sanitary sewage disposal and other planned features, as well as all existing buildings and infrastructure.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

304.05.2 Verbally describe the property location and planned features in a presentation of no more than five (5) minutes.

304.05.3 Establish the acceptance or rejection of any recommendation of the Borough Planning Commission, Borough Engineer, County Planning Commission or other officials.

304.05.4 Establish the acceptance of any conditions of approval. 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.

The Borough Council shall approve, conditionally approve, or disapprove the Final Plan no later than the greater of the period of time required by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application was filed; provided, however, should said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the 30th day following the date the application was filed. Borough Council shall provide the applicant with written notice of its decision within fifteen (15) days thereafter. Should the applicant grant an extension of time within which Borough Council may act upon the Final Plan and/or render a written decision, Borough Council shall act in accordance with the limits of such extension of time.

The ruling of the Borough Council shall be in the form of a written notice. The written notice shall cite the conditions of approval, if any, and/or any plan defects, citing to specific sections of this Ordinance, any applicable statute, or applicable Borough Ordinance. The written notice shall be presented to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. Refusal by the applicant to accept conditions of approval shall constitute disapproval of the Plan.

In the event that any waiver of requirements from this Ordinance is deemed necessary by the Borough Council, action on the waiver shall be entered in the minutes of the Borough Council.

When the Final Plan is not approved in terms as presented to the Borough Council, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance.

When requested by the applicant, in order to facilitate financing, the Borough Council, shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining financial security in a form satisfactory to the Borough Council. The resolution's contingent approval shall expire and be deemed to be revoked if the Financial Security Agreement is not executed within ninety (90) days, unless an extension is requested in writing by the applicant and granted by the Borough Council.

No Final Plan will receive approval by the Borough Council, unless the applicant has completed all required public improvements, in accordance with the procedures provided in Section 503 of this Ordinance, or has filed with the Borough Council an improvements guarantee in the manner prescribed in Article V.

304.06 Compliance with Conditions of Approval.

If the Borough Council conditions its Final Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on two (2) copies to be submitted to the Borough Manager, or designee. The applicant shall include a brief written descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain Final Plan approval.

If the Borough Council conditions its Final Plan approval upon receipt of an

improvement guarantee, the applicant shall follow either the financial security provision in Section 502 of this Ordinance, or the provision for installation of public improvements specified in Section 503 of this Ordinance.

Compliance with the Conditions of Final Plan approval must be attained within one (1) year from the date of the decision of Borough Council granting conditional final plan approval, unless an extension of time is requested by applicant within such one-year period and Borough Council grants a waiver to extend this time period. Within this time period, the applicant must meet all conditions of approval and present plans for execution on behalf of the Borough in accordance with the procedure set forth in Section 304.07. Failure to comply with the conditions of approval within the above time limitation shall make the approval of the Final Plan null and void. The Borough has no responsibility to inform the applicant of the termination or the pending termination of the final plan approval.

(Note: The above paragraph was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 304.07 Final Plan Certification. After approval of the Final Plan, the applicant shall present to the Borough three (3) paper copies and two (2) transparent reproductions of the Final Plan which shall be black line on stable plastic base film. All five (5) copies of the Final Plan for certification shall be in black ink and bear original signatures on each certificate.

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 (1) paper copy of the plan will be retained by the Borough. The applicant shall submit the remaining plans to the Lancaster County Planning Commission for signatures and the Office of the Lancaster County Recorder of Deeds for a Certificate of Recordation. The transparent reproductions will be retained by the Recorder of Deeds, one (1) paper copy will be retained by the Lancaster County Planning Commission, and one (1) paper copy shall be returned by the applicant to the Borough for verification of recording.

- 304.07.1 The Final Plan shall be filed with the Lancaster County Recorder of Deeds within the time limitation established in Section 513 of the Municipalities Planning Code or any future corresponding provision thereof. No lot may be sold and/or construction initiated until the Final Plan is filed with the Lancaster County Recorder of Deeds. The Borough will not issue further approvals or permits until the evidence of recordation is provided by the applicant.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 304.07.2 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.

304.07.3 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, their 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.

304.07.4 At the time the applicant presents the Final Plan for execution on behalf of the Borough, the applicant shall submit a computer-readable file in the form specified by the Borough which shall provide a complete display of the entire Final Plan including the complete storm water 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 data shall be tied down to the State Plane Coordinate System.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

304.07.5 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.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

SECTION 305 WAIVER REQUEST.

In accordance with Section 803, the Borough Council may waive any provision of this Ordinance 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.

It shall be the burden of the applicant to demonstrate compliance with the above conditions to the satisfaction of Borough Council.

305.01 Waiver Application. All applications for waivers shall be submitted to the Borough Manager, or designee, at the Borough Building, on any business

day. A waiver request shall include eleven (11) copies of all applicable plans, reports, and supplementary data, and one (1) application form (see Appendix No. 7). If any of this information was filed with a Preliminary Plan or Final Plan, additional copies need not be submitted.

305.02 Distribution. One (1) copy of the waiver request will be distributed by the Borough Manager, or designee, to the Borough Zoning Officer, Borough Planning Commission, Borough Engineer, Borough Council, and, if necessary, other officials.

305.03 Review of the Waiver. The waiver will be placed on the Borough Planning Commission agenda for a meeting which is at least fourteen (14) days following submission. Attendance at the Borough Planning Commission meeting is necessary to present the justifications for the waiver.

All waiver review comments shall be based upon the proposal's compliance with the conditions stated in Section 305.

305.04 Ruling on the Waiver. 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.

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 Ordinance.

The acceptance or rejection of the conditions of 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.

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.

SECTION 306 PLANS EXEMPTED FROM STANDARD PROCEDURES.

306.01 Procedure for Processing Revised Subdivision and/or Land Development Plans. 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.

All revised subdivision and/or land development plan applications which meet the above, shall be submitted to the Borough Manager, or designee, at the Borough Municipal Building, on any business day. Each application shall include three (3) paper copies of the revised plan and one (1) application form (see Appendix No. 6). The applicant will be advised of the scheduled meeting for consideration of the revised plan.

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.

If the revision alters a previously recorded plan, the applicant shall, within ninety (90) days of the approval, present to the Borough three (3) paper copies and two (2) transparent reproductions of the revised plan which shall be blackline on stable plastic base film. All five (5) copies of the plan shall bear the original signatures, in black ink, on each certificate. The plan shall be signed by Borough Council. One (1) paper copy of the plan will be retained by the Borough. The applicant shall submit the remaining plans to the Lancaster County Planning Commission for signature and the office of the Lancaster County Recorder of Deeds for a Certificate of Recordation on all copies of the plan. The transparent reproductions will be retained by the Recorder of Deeds, one (1) paper copy will be retained by the Lancaster County Planning Commission, and one (1) paper copy shall be returned by the applicant to the Borough for certification of recording.

The plan shall be filed with the Lancaster County Recorder of Deeds within ninety (90) days of the Borough Council's certification of approval. No lot may be sold and/or construction initiated until the plan is filed with the Lancaster County Recorder of Deeds. The Borough will not issue further approvals or permits until the evidence of recordation is provided by the applicant.

The recorded plan is governed by the provisions of Section 304.06.2 and 304.06.3. It should be noted that the Lancaster County Planning Commission may delay and/or refuse to permit the recordation of the plan, in which case the plan shall be filed in accordance with the standard plan processing procedures.

306.02 Procedure for Processing Lot Add-On Plans. 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 Ordinance. 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, applicant shall prepare and record a deed containing a consolidated legal description for the new lot.

(Note: The above paragraph was revised on November 9, 2010 by Ordinance No. 2010-3.)

All lot add-on plans which meet the above shall be submitted to the Borough Manager, or designee, at the Borough Municipal Building, on any business day. Each application shall include three (3) paper copies of the lot add-on plan and one (1) application form (see Appendix No. 6). The applicant will be advised of the scheduled meeting for consideration of the revised plan.

The Borough Council shall have the authority to approve or disapprove the plan.

If the Borough Council determines that the lot add-on plan conforms with the above standards, the applicant shall, within ninety (90) days of the approval, present to the Borough three (3) paper copies and two (2) transparent reproductions of the lot add-on plan which shall be blackline on stable plastic film. All five (5) copies of the plan shall bear the original signatures, in black ink, for each certificate. The plan shall be signed by Borough Council. One (1) paper copy of the plan will be retained by the Borough. The applicant shall submit the remaining plans to the Lancaster County Planning Commission for signature and the office of the Lancaster County Recorder of Deeds for a Certificate of Recordation on all copies of the plan. The transparent reproductions will be retained by the Recorder of Deeds, one (1) paper copy will be retained by the Lancaster County Planning Commission, and one (1) paper copy shall be returned by the applicant to the Borough for certification of recording.

The plan shall be filed with the Lancaster County Recorder of Deeds within ninety (90) days of the Borough Council's certification of approval. No lot may be sold and/or construction initiated until the plan is filed with the Lancaster County Recorder of Deeds. The Borough will not issue further approvals or permits until the evidence of recordation is provided by the applicant.

The recorded plan is governed by the provisions of Sections 304.06.2 and 304.06.3. It should be noted that the Lancaster County Planning Commission may delay and/or refuse to permit the recordation of the plan, in which case the plan shall be filed in accordance with the standard plan processing procedures.

ARTICLE IV

**INFORMATION TO BE SHOWN ON OR SUBMITTED
WITH SUBDIVISION AND LAND DEVELOPMENT PLANS**

SECTION 401 CONCEPT PLAN.

The scale and sheet size of Concept Plans shall be as required for Preliminary Plans in Section 402.01. The Concept Plan shall be prepared by a landowner, engineer, land surveyor, landscape architect, or land planner. It is suggested that the Concept Plan show or be accompanied by the following data, legible in every detail, but not necessarily drawn to exact scale with precise dimensions:

- 401.01 Name and address of the landowner and applicant (if applicable).
 - 401.02 Name and address of the individual and the firm that prepared the plan.
 - 401.03 Location map with sufficient information to locate the property.
 - 401.04 North arrow.
 - 401.05 Written scale and graphic scale.
 - 401.06 Approximate location of existing tract boundaries.
 - 401.07 Significant topographical and manmade features (e.g. steep slope, bodies of water, quarries, floodplains, tree masses, structures, wetlands, natural features).
- (Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)*
- 401.08 Proposed street, parking, building, lot layout, type of water supply, type of sanitary sewage disposal, landscaping, recreational facilities, and other planned features.
 - 401.09 Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.

SECTION 402 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:

402.01 Drafting Standards.

- 402.01.1 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.
- 402.01.2 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 (1) foot in ten thousand (10,000) feet.
- 402.01.3 The sheet size shall be no smaller than eighteen by twenty-two inches (18" x 22") and no larger than twenty-four inches by thirty-six inches (24" x 36"). If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) 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).
- 402.01.4 Plans shall be legible in every detail to the satisfaction of the Borough.
- 402.01.5 All profile sheets shall include the corresponding horizontal alignment; utilities and storm water 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.

402.02 Location and Identification.

- 402.02.1 The proposed project name or identifying title.
- 402.02.2 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.
- 402.02.3 A location map, drawn to scale, relating the property to at least two (2) intersections of existing road centerlines.
- 402.02.4 The name and address of the owner, authorized agent of the tract, the developer and the firm that prepared the plans.
- 402.02.5 Source of title to the land included within the subject application, as shown in the office of the Lancaster County Recorder of Deeds. If equitable owner, the name, address and reference to the equity agreement.

- 402.02.6 The map and lot number assigned to the property by the Lancaster County Tax Assessment Office.
- 402.02.7 The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- 402.02.8 A north arrow, a graphic scale, and a written scale.
- 402.02.9 The total acreage of the entire existing tract.
- 402.02.10 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.
- 402.02.11 A statement on the plan identifying any existing waivers, variances, special exception, conditional use, and existing non-conforming structures/uses.
- 402.02.12 The location and description of all buildings and structures on the tract as well as the proposed disposition of each.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.03 Existing Conditions.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 402.03.1 Existing contours, at a minimum vertical interval of two (2) feet for land with average natural slope of four percent (4%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. 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. Unless required by the Borough for site evaluation, contour data is not necessary beyond the property of the applicant. The United States Geodetic Survey shall be used for benchmark datum. This information is not subject to recording with the Lancaster County Recorder of Deeds
- 402.03.2 The names of all immediately adjacent landowners, and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- 402.03.3 The location and description of existing lot line markers and monuments along the perimeter of the entire existing tract.
- 402.03.4 The following items when located (a) on the subject tract, (b) within

two hundred (200) feet of the subject tract, or (c) beyond two hundred (200) feet of the subject tract when the item affects the tract:

- (1) The location, size, and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
- (2) 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, floodplain, wetland, and storm water management facilities which affect storm water runoff on the subject tract) and any related rights-of-way.
- (3) The location and size of existing rights-of-way for electric, telephone, cable television, gas, and oil transmission lines, and railroads.

402.03.5 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 fifty (50) feet of the subject tract.

402.03.6 The location and identification by species of existing healthy trees with a caliper of six (6) inches or more as measured at a height of four and one-half (4 ½) feet above existing grade. In the case of healthy trees with a caliper of twelve (12) inches or more, an outline of the existing drip line must be included as well.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.03.7 The location, drip line, and identification by species of existing trees with a caliper of six (6) inches or more as measured at a height of four and one-half (4 ½) feet above existing grade located within 10 feet of the subject tract.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.03.8 The location and identification by species of existing, established landscape materials such as, but not limited to, boxwoods, lilac, etc.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.04 Proposed Features.

402.04.1 Complete description of the centerline 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 (1) foot in ten thousand (10,000) feet.

- 402.04.2 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.
- 402.04.3 Lot numbers in consecutive order.
- 402.04.4 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.
- 402.04.5 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.
- 402.04.6 Easements for utilities, access, storm water facilities, etc.
- 402.04.7 Building setback lines, with distances from the property and street right-of-way. A typical example may be used to identify side and rear yard setback, however, odd or unusual shaped lots shall be plotted with all setback lines.
- 402.04.8 Identification of buildings and other structures proposed for demolition. Additionally, the reason(s), in the developer's view, why the proposed demolition(s) is (are) necessary should be stated. The timeline for the proposed development project should include the proposed demolition(s).
- (Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)*
- 402.04.9 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 (50) foot station location.
- 402.04.10 Vertical and horizontal alignment on the same sheet for each proposed street, storm water management facility, sanitary sewer (including manhole numbers), and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, 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 Lancaster County Recorder of Deeds.

- 402.04.11 Proposed names for new streets, pavement markings and traffic control devices.
- 402.04.12 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.
- 402.04.13 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 Lancaster County Recorder of Deeds.
- 402.04.14 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.
- 402.04.15 Identification of any lands to be dedicated or reserved for public, semi-public, or community use.

402.05 Reports.

- 402.05.1 Sketch Plan. A plan drawn to the standards of a Concept 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.
- 402.05.2 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.
- 402.05.3 Storm Water. A Storm Water Management Plan in accordance with the Storm Water Management Ordinance for Strasburg Borough, as amended.
- 402.05.4 Traffic Impact Report. A Traffic Impact Report shall be submitted for residential projects that generate at least 75 new vehicle trips in the project's peak hour and for commercial and industrial projects that generate at least 60 new vehicle trips in the project's peak hour. However, any project that generates 1,000 or more new vehicle trips per day shall require a traffic impact report regardless of the peak hour trips generated.

(Note: The above paragraph of Section 402.05.4 was revised on June 9, 1998, by

Ordinance No. 1998-3.)

In addition to the above, Borough Council may require a Traffic Impact Report when, in their opinion, the following conditions exist:

Current traffic problems exist in the local area (e.g., high accident location, confusing intersection, congested intersection), or

The capability of the existing road system to handle increased traffic is questionable.

A Traffic Impact Report shall conform to the following:

- (1) **Area of Traffic Impact Study** - The Traffic Impact 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 Engineer and the traffic engineer preparing the Study. Borough Council shall resolve any disputes between the Borough Engineer and the traffic engineer.
- (2) **Preparation by Transportation Engineer Required.** Traffic impact studies shall be prepared under the supervision of a professional engineer experienced in the preparation of traffic impact studies and with specific training in traffic and transportation engineering. Engineers preparing reports shall have at least two (2) years of experience in preparing traffic engineering studies. Traffic impact study reports shall be signed and sealed by a professional engineer.

(Note: The above paragraph of Section 405.05.4(2) was revised on June 9, 1998, by Ordinance No. 1998-3.)
- (3) **Horizon Year.** The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the remainder of this Ordinance.
- (4) **Non-Site Traffic Estimates.** Estimates of non-site traffic shall be made, and will consist of through traffic and traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Non-site 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

report shall include a table showing the categories and quantities of land uses, 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 and interviews at similar land uses must be conducted or referenced.
- (7) **Rate Sums.** Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the Study report.
- (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 report.
- (9) **Definition of Influence Area.** Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (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.

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.** Trip distribution can be estimated using any one of the following three methods:
 - a. Analogy
 - b. Trip distribution model
 - c. Surrogate data

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use 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.** 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 five hundred [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.

If a thorough analysis is required to account for pass-by trips, the following procedures should be used:

- a. Determine the percentage of pass-by trips in the total trips generated.
- b. Estimate a trip distribution for the pass-by trips.
- c. Perform two separate trip assignments, based on the new and pass-by trip distributions.
- d. Combine the pass-by and new trip assignment.

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.** 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.** Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the Study area.

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.

The recommended level of service analysis procedures detailed in the most recent edition of the *Highway Capacity Manual* must be followed. The Borough considers the overall level of service ratings A, B, C, and D to be acceptable for signalized intersections (levels C or better are considered desirable); level of service E or F is considered to be unacceptable.

The operational analyses in the *Highway Capacity Manual* 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) **Required Levels of Service.** The Traffic Impact Study shall identify the improvements necessary to meet the goals of the Study. The applicant shall be responsible for the improvements required to meet the goals of the Traffic Impact Study. The goals of the Traffic Impact Study are to:
 - a. Provide safe and efficient movement of traffic within the site and on surrounding roads,
 - b. Minimize the impact of the project upon non-site trips,
 - c. Not allow the levels of service at intersections currently rated A or B to be worse than C, and,
 - d. Not reduce the current levels of service at intersections with ratings of C or lower.

- (15) **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:
 - Study purpose and objectives.
 - Description of the site and study area.
 - Existing conditions in the area of the development.
 - Recorded or approved nearby development.
 - Trip generation, trip distribution and modal split.
 - Projected future traffic volumes.
 - An assessment of the change in roadway operating conditions resulting from the development traffic.

- Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
- 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.
- 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 report 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.

The Borough, in accordance with Section 803, may grant a waiver, in whole or in part, of the requirement for a Traffic Impact Study report or any of the requirements and standards.

In considering any waiver or modification, the Borough Council may consider, in their discretion, but are not limited to considering, such factors as the location of the subject property, its proximity to intersections and major roadways, the size and density of the proposed subdivision or land development, the number and location of proposed accesses to the subject property and the nature of the use proposed.

402.05.5

Park and Recreation. A Park and Recreation Report for residential developments of fifty (50) or more units. Said report shall be prepared by a Certified Leisure Professional (CLP) with the following minimum considerations:

- (1) A description of the total projected number of residents in their respective age groups.
- (2) A description of those existing public recreation facilities located within a one-half mile radius of the site.

- (3) A description of the adequacy of existing recreation facilities to serve the proposed residents, taking into consideration current usage.
- (4) 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.
- (5) A description of any recreation facilities to be provided by the developer.
- (6) A discussion on the relationship of the proposal to the prevailing Lampeter-Strasburg Regional Comprehensive Recreation and Open Space Plan, May, 1994, as amended.
- (7) A description of responsibility for maintenance of any recreational facilities to be provided by the developer.
- (8) A description of accessibility of the proposed facilities to general Borough residents.
- (9) A description of any contributions in accordance with Section 616 of this Ordinance that the developer plans to make for Borough recreation to compensate for expected impacts.
- (10) Source of standards used in the data presented.

402.05.6

Historical Features. All applications involving structures or lands that are located in the Historic District as established by the Strasburg Borough Historic District Ordinance, as amended, shall demonstrate compliance with the applicable provisions of the Ordinance.

All applications involving structures or land that:

- (1) have local historical or architectural significance; and/or
- (2) are listed on the National Register of Historic Places; and/or
- (3) have received a determination of eligibility for the National Register of Historic Places from the National Park Service; and/or
- (4) are listed on the Lancaster County Historical Sites Register maintained by the Historic Preservation Trust of Lancaster 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.

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 Section 613 in all cases where the proposed size, construction material, or type of use would jeopardize the historic value of a site or structure.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.05.7 Important Natural Habitats. All applications for lands that possess an important natural habitat, as defined below, shall plot the location of the natural resources. Important natural habitat is defined as follows:

Wetlands, as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service; or

Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; or,

PNDI-confirmed extant plant and animal species and communities that have a State Rank of S1 or S2; or,

Tree stands, wood lots and native plant materials.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.05.8 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 Lancaster 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.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.05.9 Additional Studies and Reports. The Borough may require the applicant to prepare studies and reports, including an Environmental Impact Statement (EIS) prepared by a certified professional, that address the proposal's coordination with the existing facilities necessary to service the

development, accommodate prospective traffic, facilitate fire protection, prevent flooding, conform to the Borough Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof. These facilities include, but are not limited to:

- Transportation network;
- Sanitary sewer collection, conveyance and treatment systems;
- Water supply and distributions; and
- Storm water management.

The development must insure that other properties will continue to have safe and convenient vehicular access, sanitary sewer service, water supply, and storm water management in accordance with the standards of this ordinance, 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:

A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements, or

An approved and recorded plan guarantees the assumed improvements.

All preliminary plan applications for residential land uses which exceed 25 lots or units in whole or in part, nonresidential uses that require more than 25 parking spaces, or upon a determination of need by the Borough Council, shall include, in addition to the other studies and reports referenced in this Section, an Environmental Impact Statement (EIS) which examines the environmental impacts and consequences resulting from the proposed development, analyzes alternatives to the proposed development, and selects and agrees to implement the most environmentally sound alternative for the proposed development. The EIS shall address all relevant environmental resources and impacts including, but not limited to wetlands, floodplains, storm water management and long-term maintenance of all storm water management facilities, geologic and hydrological conditions (including sinkholes, closed depressions, fracture traces, high water tables, and shallow bedrock), important natural habitats, historic preservation, and archaeological resources. Any permits or approvals required from governmental agencies other than the Borough which are identified in the EIS or which are required as a result of environmental disturbances, actions or effects of the development shall be obtained by the applicant prior to the applicant receiving unconditional Final Plan approval.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

402.06 Certifications and Notifications.

- 402.06.1 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.
- 402.06.2 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.
- 402.06.3 A statement acknowledging that the subdivision or land development shown on the Plan is presented with the consent of the landowner.
- 402.06.4 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, or a street, access drive, or driveway intersection to a State highway is permitted.
- 402.06.5 An application (see Appendix No. 6).
- 402.06.6 (Optional) A statement acknowledging Borough action (see Appendix Nos. 3 and 4).
- 402.06.7 An application requesting the review by the Lancaster County Planning Commission.
- 402.07 Filing Fee. The Preliminary Plan shall be accompanied by a check or money order drawn to Strasburg Borough in an amount specified on the fee schedule adopted by resolution of the Borough Council and available at the Borough Building.

SECTION 403 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:

- 403.01 Drafting Standards. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.01.
- 403.02 Location and Identification. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.02.
- 403.03 Existing Features. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.03.
- 403.04 Proposed Features. In addition to the following data, the same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.04.
- 403.04.1 Complete description of the centerline 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 (1) foot in ten thousand (10,000) feet.
- 403.04.2 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 centerlines. 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 (1) foot in ten thousand (10,000) feet.
- 403.04.3 Locational dimensions for easements with sufficient detail to provide easy on-site location. Easements which do not follow property lines shall be located by a centerline metes and bounds description.
- 403.05 Reports. The same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.05. 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.
- 403.06 Certifications and Notifications. In addition to the following data, the same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.06.
- 403.06.1 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 Lancaster County Recorder of Deeds.
- 403.06.2 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 Lancaster County Recorder of Deeds.

- 403.06.3 A notice from the Pennsylvania Department of Environmental Resources that a Sewer Facilities Plan Revision or Supplement has been approved, or notice that a plan revision or Supplement is not necessary.
- 403.06.4 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.
- 403.06.5 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).
- 403.06.6 Such written notices of approval as required by this Ordinance, including written notices approving the street name, encroachments along State Routes, water supply systems, sanitary sewage systems, and storm water runoff to adjacent properties.
- 403.06.7 A statement on the Plan to accommodate the Lancaster County Recorder of Deeds information (see Appendix No. 5).
- 403.06.8 A statement on the Plan to accommodate the Lancaster County Planning Commission Certificate of Review.
- 403.06.9 An improvement guarantee in accordance with Article V.
- 403.06.10 A statement on the Plan that all public improvements will comply with the Borough's construction specifications.
- 403.06.11 An application (see Appendix No. 6).
- 403.06.12 A properly executed Land Development Agreement for any nonresidential development and any residential development involving more than ten 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).

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

403.06.13 An application requesting the review by the Lancaster County Planning Commission.

403.06.14 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, applicant shall prepare and record a deed containing a consolidated legal description for the new lot.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

403.07 Filing Fee. The Final Plan shall also be accompanied by a check or money order drawn to Strasburg Borough in an amount specified on the fee schedule adopted by resolution of the Borough Council and available at the Borough Building.

ARTICLE V

IMPROVEMENT GUARANTEES

SECTION 501 GENERAL.

No project shall be considered in compliance with this Ordinance until the streets, street signs, sidewalks, curbs, survey monuments, landscaping required by this Ordinance, 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 Ordinance have been installed in accordance with this Ordinance and other applicable Borough ordinances.

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.

No Final Plan shall be signed by the Borough Council for recording in the office of the Lancaster County Recorder of Deeds unless: (1) a financial security in accordance with Section 502 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 (2) the improvements required by this Ordinance have been installed, in accordance with Section 503.

SECTION 502 FINANCIAL SECURITY.

The administration of the financial security shall comply with the provisions of this Article, the Pennsylvania Municipalities Planning Code, Act 247, as re-enacted and amended by Act 170 of 1988, and as subsequently amended, and other applicable laws of the Commonwealth.

502.01 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).

502.01.1 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.

- (1) Irrevocable Letter of Credit. A letter provided by the developer from a Federally-chartered financial institution.
- (2) Escrow Account. A deposit of cash either with (1) the Borough or (2) in escrow with a Federally-chartered financial institution.

502.01.2 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:

- (1) The amount of secured funds.
- (2) 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.
- (3) The security is irrevocable and may not be withdrawn, or reduced in amount by other than the Borough, until release or partially released by the Borough.

502.01.3 Amount of Financial Security. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (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 one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Ordinance.

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.

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 ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (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.

502.02 Release of Financial Security. 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 twenty percent (20%) of the original total financial security, unless a smaller percentage equals at least one hundred thousand dollars (\$100,000).

All requests for release of financial security shall be in writing, by certified or registered mail to the Borough Council, at the Borough Municipal Building, and a copy thereof shall be sent to the Borough Engineer. This notice shall include the “As-Built Plan” in accordance with Section 507.

After receipt of notice for release of financial security, the Borough Council shall, within ten (10) days, authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, within thirty (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.

The Borough Council shall notify the developer, within fifteen (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.

If any portion of the 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.

A portion of the financial security may be retained as a maintenance guarantee in accordance with Section 505.

502.03 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.

SECTION 503

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.

503.01 Authorization for Construction. The applicant may receive approval to construct only the improvements required as part of this Ordinance 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 Building) 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 Ordinance, 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.

503.02 Completion of Public Improvements. 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 Section 502.

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 Section 507.

After receipt of notice that improvements are completed, the Borough Council shall, within ten (10) days, authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, within thirty (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.

The Borough Council shall notify the developer, within fifteen (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.

If any portion of the 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.

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.

SECTION 504 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.

SECTION 505 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 eighteen (18) months from the date of acceptance of dedication by the Borough Council. Said guarantee shall be fifteen percent (15%) of the actual cost of installation of said improvements and be of the same type of financial security as required in this Article.

SECTION 506 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 (2) 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:

- 506.01 Subsoil System. Inspection and testing to determine subsoil compaction to required density, and inspection of subsoil elevation to insure grade and profile compatibility.
- 506.02 Subgrade Structure. Inspection and testing of subgrade type and required density.
- 506.03 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.
- 506.04 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.
- 506.05 Street Sub Base Course. Inspection of materials placed as sub base prior to installation of base course, including the submittal of all certified material delivery slips.
- 506.06 Street Base Course. Inspection of materials placed as base, including the submittal of all certified material weight slips.
- 506.07 Street Wearing Course Structure. Inspection of materials placed as wearing surface, including the submittal of all certified material weight slips.
- 506.08 Sidewalk Structures. Inspection of sub base grade and form grade and alignment prior to any pour.
- 506.09 Right-of-Way Profile. Inspection of required finish grade elevations to limits of street right-of-way.
- 506.10 Storm Drainage Easement Structures. Inspection of required finish grade elevations, alignments and profiles to limits of easement.
- 506.11 Seeding, Sodding and Erosion Controls. Inspection as required to assure compliance with storm drainage regulations.

SECTION 507

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 storm water management facility was completed in accordance with the plans and specifications as originally submitted and approved by the Borough. Three (3) paper copies of the plan shall be submitted to the Borough Manager, or designee, who shall distribute a paper copy to the Borough Engineer and retain two (2) 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.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

ARTICLE VI

DESIGN STANDARDS

SECTION 601 GENERAL.

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, except for the Village Overlay Development provisions of the Borough Zoning Ordinance, impose more restrictive design standards than those contained herein, the more restrictive shall apply.

To the extent the design standards contained in this Ordinance differ (more or less restrictive) from the Village Overlay Development provisions of the Borough Zoning Ordinance, the standards of the Village Overlay Development shall govern.

Subdivisions and/or land developments shall be designed to comply with the requirements of the Zoning Ordinance, the Storm Water Management Ordinance, regulations of the Authority, and regulations of the Department of Transportation, 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 Lancaster County Planning Commission and recorded in the Office of the Recorder of Deeds in and for Lancaster 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 Ordinance. 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 or landscape architect.

The above paragraph was added on June 14, 2005 by Ordinance No. 2005-5.

601.01 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:

preserve the natural features of the site;
avoid areas of environmental sensitivity; and,
minimize negative impacts and alteration of natural features.

601.02 Preservation of Natural and Cultural Features. The following specific areas shall be preserved and incorporated into the overall design:

Wetlands, as defined by this Ordinance, except as otherwise authorized and required by permits or approvals obtained from applicable State and Federal agencies (see Section 612);

Floodplains, as defined by this Ordinance, except as otherwise authorized and required by permits or approvals obtained from applicable State and Federal agencies (see Section 611); and,

Historical structures, land, and related plant materials as defined by this Ordinance (see Section 402.05.6).

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

601.03 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.

- 601.04 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.
- 601.05 Relationship of the Development to Existing Facilities and Properties. Development of the tract and the intensity of the proposed use must 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 (a) transportation network, (b) sewer collection, conveyance and treatment facilities, (c) water supply and distribution facilities, and (d) storm water management facilities, as necessary to accommodate prospective traffic, facilitate fire protection, prevent flooding and conform to the comprehensive plan and to any regulations or maps adopted in furtherance thereof. Development of the tract must also insure that abutting properties will continue to have safe and convenient access in accordance with the standards of this Ordinance or, if such properties do not presently have such access, to have access to at least the level existing prior to development of the tract. Studies and reports submitted with the preliminary plan and the final plan shall clearly identify any assumed improvements to existing facilities. If an applicant submits a study, report or plan which contains such assumptions and compliance with the design standards contained in this Ordinance is based upon completion of such assumed improvements, the design standards of this Ordinance shall not be met, unless the applicant presents evidence that a governmental entity has budgeted funds and/or has entered into contracts for the assumed improvements, or unless a plan for another development which proposes the installation of such improvements has been approved and recorded.
- 601.06 Relationship to Specific Design Standards in Zoning Ordinance. To the extent the design standards set forth for active adult communities in Section 446 of the Strasburg Borough Zoning Ordinance are different, whether more or less restrictive, from the design standards set forth in this Article VI, the design standards within the Zoning Ordinance shall govern any subdivision or land development plan proposing the development of an active adult community for which the Borough Council has granted conditional use approval, provided that the applicant accepts any conditions imposed by Borough Council upon the granting of conditional use approval.

(Note: The above Section was added on June 14, 2005 by Ordinance No. 2005-5.)

SECTION 602

STREETS, ACCESS DRIVES, ALLEYS, AND DRIVEWAYS

- 602.01 General. Streets, access drives, alleys, and driveways form the circulation system. The conventional grid system is preferred for future street system. The circulation system shall be designed to:

Permit the safe, efficient and orderly movement of vehicles;

Meet the needs of the present and future population;

Provide a simple and logical pattern;

Function under a hierarchy system where the intensity of intersections decrease as traffic volumes and speed increase;

Respect the natural features and topography; and,

Present an attractive streetscape.

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 Borough Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof.

The development must insure that other properties will continue to have safe and convenient vehicular access in accordance with the standards of this Ordinance, 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:

A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements, or

An approved and recorded plan guarantees the assumed improvements.

602.02 Private Streets. Private streets are prohibited, unless such streets meet the design standards of this Ordinance 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.

Applications which proposed private streets shall include an agreement which shall be recorded with the Lancaster 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:

602.02.1 The street shall be maintained in conformance with this Ordinance;

602.02.2 Any future offer of dedication will include sufficient monies, as estimated by the Borough Council, to restore the street to conformance with Borough standards;

- 602.02.3 That an offer of dedication will include whole streets and adequate circulation;
- 602.02.4 The method of assessing maintenance and repair cost; and,
- 602.02.5 That an agreement by the owners of fifty-one percent (51%) of the front footage is binding on the remaining lot owners.

602.03 Improvements of Existing Streets. 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:

(Note: The above Section was amended on June 14, 2005 by Ordinance No. 2005-5.)

602.03.1 Ultimate Right-of-Way. The ultimate right-of-way width shall be provided on Borough-owned streets and shall be a minimum of fifty (50) feet for local streets, and sixty (60) feet for arterial and collectors.

602.03.2 Installation of Improvements. Where the Traffic Impact Report 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 Ordinance, the application shall include the improvement along the side of the street that the project fronts.

602.03.3 Guarantee of Improvements. Improvement guarantees in the form permitted by this Ordinance 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 General Site Improvement Fee 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.

602.04 Controlled Access Arterial, Arterial and Collector Streets. The primary function of controlled access arterial, arterial and 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.

Strasburg Borough has designated one controlled access arterial street:

Historic Drive

Strasburg Borough has designated the following arterial or collector streets:

Decatur Street	Main Street
Miller Street	South Jackson Street
Lancaster Avenue	

Developments which adjoin controlled access arterial, arterial or collector streets are required to conform with the following:

- 602.04.1 No vehicle access is permitted along a controlled access arterial, arterial or collector street when alternative access is possible from a street of less classification.
- 602.04.2 Access to controlled access arterial, arterial or collector streets shall be designed for use by adjoining properties to coordinate and reduce the number of access points. Shared access drives, feeder roads, marginal access streets, reverse frontage lots, or other such treatments shall be used to reduce the number of intersections along arterial and collector streets. Access to controlled access arterial streets shall also be strictly limited as provided elsewhere in this Ordinance.
- 602.04.3 Intersections of streets or access drives shall be prohibited with a controlled access arterial street, except at the locations identified in the limited access right-of-way plat approved by PennDOT; shall not be located closer than 600 feet, measured along the centerline of the street; and shall be aligned with existing or approved intersections or drives to form a four-way intersection. Pending approval of the limited access right-of-way plat by PennDOT, the Borough shall limited approval of locations for intersections and drives along the controlled access arterial street to meet the intent of the street classification and the additional standards set forth in this Section 602. After the limited access right-of-way plat is approved by PennDOT, no additional accesses to a controlled access arterial shall be permitted.
- Intersections of streets, access drives, or alleys with arterial or collector streets shall not be located closer than 300 feet, measured along the centerline of the street.
- 602.04.4 Intersections of driveways with arterial (other than controlled access arterial) or collector streets shall be limited to one (1) per lot, and intersections of driveways with controlled access arterials shall be limited as provided elsewhere in this Ordinance. 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, which shall be recorded with the Lancaster County Recorder of Deeds in

conjunction with the Final Plan. Any easement agreement shall stipulate the method of assessing maintenance and repair costs.

(Note: The above Sections 602.04, 602.04.1., 602.04.2., 602.04.3., and 602.04.4. were revised on June 9, 1998, by Ordinance No. 1998-3.)

602.05 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.

602.06 Street Provisions for Future Development. 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.

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.

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.

602.07 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.

602.08 Vertical Alignments. Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be one percent (1%). The maximum grade for streets shall not exceed ten percent (10%).

602.08.1 Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths (in feet) of vertical curves shall be thirty (30) times the algebraic difference in grade for a crest and twenty (20) times the algebraic difference in grade for a sag.

For example, if a three percent (3%) upgrade is followed by a four percent (4%) downgrade, the algebraic difference in grade is 7; the

minimum length of the vertical curve would then be 210 [30x7=210].

- 602.08.2 Where the approaching grade, within one hundred (100) feet of the centerline intersection, exceeds seven percent (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 four percent (4%) for a minimum length of one hundred (100) feet measured from the intersection of the centerlines.
- 602.08.3 The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall be at least one percent (1%) and not exceed five percent (5%) in all directions.
- 602.08.4 All areas within the street right-of-way shall be graded substantial consistent with the street centerline. 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 three to one (3:1) for fills and two to one (2:1) for cuts.
- 602.09 Horizontal Alignments. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes.

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.

The minimum horizontal curve radius shall be one hundred fifty (150) feet. All curves shall be tangential arcs.

The following minimum tangent shall be provided between reverse curves.

Controlled Access Arterial/Arterial/Collector Street	100 feet
Local Street	50 feet

(Note: The above phrase Controlled Access Arterial was added to the minimum tangent on June 9, 1998, by Ordinance No. 1998-3.)

- 602.09.1 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.
- 602.09.2 Cartway Alignment. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

602.10 Street Right-of-Way and Cartway Widths. The minimum street right-of-way width is fifty (50) feet and the minimum cartway width is thirty-four (34) feet.

The extension of existing streets which are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Borough approval.

602.11 Street Improvements. All streets shall be constructed and improved in accordance with the current edition of PennDOT Publication 408 or such other standards as Borough Council shall adopt from time to time by ordinance, resolution or motion.

(Note: The above Section was amended on June 14, 2005 by Ordinance No. 2005-5.)

602.12 Street Intersections.

602.12.1 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 Ordinance.

(Note: The above Section 602.12.1 was revised on June 9, 1998, by Ordinance No. 1998-3.)

602.12.2 Multiple intersections involving the junction of more than two streets are prohibited. Only “T” and four-way intersections are permitted.

602.12.3 The distance between the centerline intersections of streets shall be measured along the centerline of the street being intersected and conform with the following:

Function	Minimum Separation
Controlled Access Arterial	600 feet
Arterial and Collector	300 feet
All Other Streets	150 feet

(Note: The above category of Controlled Access Arterial was added on June 9, 1998, by Ordinance No. 1998-3.)

602.12.4 Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five degrees (75°) or more than one hundred five degrees (105°).

602.12.5 The cartway edge at intersections shall be rounded by a tangential arc with a minimum radii of fifty-five (55) feet for collector and/or arterial streets, and twenty (20) feet for all other streets. The right-of-way radii at intersections shall be substantially concentric with the cartway edge.

602.12.6 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 centerline of the intersecting streets. The minimum clear-sight triangle is one hundred-fifty (150) feet for arterial and collector streets, and seventy-five (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 (3) 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.

602.13 **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 centerline of the cartway to an object one and one-half (1.50) feet above the pavement, from a height of three and one half (3.50) feet and ten (10) feet from the edge of paving 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'	74'	75'	73'	76'	73'	77'	73'	77'	73'	78'	72'	79'
20	109'	108'	110'	107'	111'	106'	112'	105'	113'	105'	114'	104'	115'
25	147'	145'	148'	144'	150'	143'	151'	142'	153'	140'	155'	139'	157'

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

*If the 85th percentile speed varies by more than ten (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 thirteen percent (13%) shall be calculated in accordance to the following:

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

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).

602.14 Cul-de-Sac Streets. 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 centerline distance of four hundred (400) feet in length, measured from the centerline 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 eighty (80) feet. The minimum right-of-way width in the turnaround is one hundred (100) feet. The use of such turnaround shall be guaranteed until such time as the street is extended.

Standards for driveway locations along the perimeter of the turnaround are provided in Section 602.16.11.

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.

602.15 Alleys. 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:

602.15.1 No part of any dwelling, garage, or other structure shall be located within eighteen (18) feet of the cartway of an alley.

602.15.2 Alleys shall be designed in accordance with the street standards in Sections 602.01, 602.02, 602.06, 602.07, 602.08, 602.09, 602.11, 602.12, and 602.13.

602.15.3 An alley may not terminate as a cul-de-sac.

602.15.4 A minimum right-of-way width of thirty (30) feet and a minimum cartway width of twenty (20) feet shall be provided for alleys.

602.15.5 On-street parking is prohibited along alleys and this prohibition must be acknowledged both on the Plan and on the site.

602.16 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 309.1. of the Strasburg Borough Zoning Ordinance, as amended.

602.17 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 conform to the following:

602.17.1 The vertical alignments of access drives shall conform to the specifications for streets, as stated in Section 602.08 of this Ordinance. However, the minimum vertical curve length shall be fifteen (15) times the algebraic difference in grade.

602.17.2 The horizontal alignments of access drives shall be measured along the centerline. Horizontal curves shall be used at all angle changes in excess of two degrees (2°). All curves shall be tangential arcs. The minimum horizontal curve radius shall be seventy-five (75) feet.

602.17.3 All access drive intersections shall be:

- (1) Subject to approval of the Pennsylvania Department of Transportation (PennDOT) when intersecting a State Route. Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to the issuance of a building permit.

The Plan shall include 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, or a street, access drive, or driveway intersection to a State highway is permitted.

- (2) Set back one hundred (100) feet from the intersection of any street right-of-way lines, or the pavement edge of other access drives.
- (3) Set back fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along the property line when a joint parking lot is shared by adjoining uses.
- (4) Located in relationship to access drive intersections on adjacent properties to provide safe and efficient movement of vehicles.
- (5) Designed with right angle intersections whenever possible. No access drive intersection shall utilize an angle less than seventy-five degrees (75°) unless turning movement restrictions are

imposed.

- (6) Rounded by an tangential arc with a minimum radius of thirty (30) feet. The Borough may require fifty-five (55) foot radius where large vehicle turning movements are anticipated.
- (7) Provided with a clear-sight triangle and sight distance as required for a street, in accordance with Sections 602.12.6 and 602.13 of this Ordinance.
- (8) Access drive intersections with controlled access arterial streets shall be prohibited unless all other requirements of this Section 602 governing controlled access arterial streets are met.

(Note: The above Section 602.17.3 (8) was added on June 9, 1998, by Ordinance No. 1998-3.)

602.17.4 Access drives which form a cul-de-sac shall not exceed four hundred (400) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred (100) feet.

The Borough Council, upon the recommendation of the Planning Commission, may permit an alternative turnaround design, including a turnaround incorporated in a parking court or a landscaped island, provided safe movement of traffic is assured.

602.17.5 When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the Plan and properly signed along the cartway.

602.17.6 The cartway of all access drives shall be constructed with a minimum six (6) inch crushed aggregate base course and a two and one-half (2½) inch bituminous concrete surface course of materials specified in the latest edition of the Pennsylvania Department of Transportation Manual 408. Additionally, all work procedures shall conform to the latest edition of the Pennsylvania Department of Transportation Manual 408.

602.17.7 The following table specifies various access drive width requirements:

Function	Required Cartway Width
Two lanes of traffic with parking	34 feet
Two lanes of traffic without parking ¹	24 feet
One lane of traffic with one lane of parking ²	20 feet

One lane of traffic without parking ²	12 feet
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¹Off-street parking lots must be provided in accordance with the prevailing standards.

²The one-way direction of traffic must be identified along the cartway.

602.17.8 The maximum slopes of banks located within twenty (20) feet of the cartway shall not exceed three to one (3:1) for fills, and two to one (2:1) for cuts.

602.18 Bicycle Paths. 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.

The preferred location of bicycle paths is outside the street right-of-way. Bicycle paths, where located along streets, shall be a four (4) foot 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 markets (dots), or recessed reflectors.

Bicycle paths which are located outside the street right-of-way shall be a minimum of eight (8) feet wide. Surface materials shall be either bituminous mixes, concrete, or an equivalent stabilized material.

Gradients of bicycle paths shall not exceed eight percent (8%), except for short distances where the grade shall not exceed fifteen percent (15%).

Horizontal alignments of bicycle paths shall be based upon the grade of the path entering the curve. Grades less than five percent (5%) shall maintain a minimum horizontal radius of seventy (70) feet. All other grades shall maintain at least a one hundred twenty-five (125) foot horizontal radius.

602.19 Carriage Lanes. Separate carriage lanes shall be provided when such lanes are specified as part of an adopted municipal plan. When required, carriage lanes shall be located adjacent to the outside travel lane of the street cartway and may be contained within the shoulder. When on-street parking is permitted, the carriage lane shall be located between the outside travel lane and the parking lane.

Carriage lanes shall be constructed according to the specifications set forth for streets. Carriage lanes shall be a minimum width of eight (8) feet.

602.20 Recreation or Non-Licensed Vehicle Crossings of Streets, Alleys, Access Drives, and Driveways. The following standards shall apply for all recreation or non-licensed vehicle trail crossings (e.g., bicycles, carriages, equestrian, golf cart, off-road vehicles, snowmobiles):

- 602.20.1 Crossings shall be provided in a manner consistent with the design, construction, and storm water drainage of the street, alley, access drive, or driveway.
- 602.20.2 Crossings shall be perpendicular or radial to the vehicular traffic movements.
- 602.20.3 No crossing shall be located closer than forty (40) feet from the cartway edge of a street, alley, access drive, or driveway intersection.
- 602.20.4 Crossings shall be provided with a clear-sight triangle of seventy-five (75) feet measured along the centerline of the street, access drive, or driveway, and five (5) feet from the edge of the roadway at the centerline of the recreation vehicular crossing. No obstructions, grading and/or planting greater than three (3) 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.
- 602.20.5 A clear-sight distance, in accordance with Section 602.13 shall be provided at all crossings.
- 602.20.6 Crossings shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway being crossed.
- 602.20.7 Crossings shall be easily identifiable by licensed and non-licensed vehicular drivers. The surface of the crossing shall be signed and brightly painted with angle stripes to warn motorists and crossers of the crossing.
- 602.20.8 Crossing of collector or arterial streets shall consist of a tunnel, bridging or other suitable measures to assure safe crossing.
- 602.21 Specific Traffic Control and Access Requirements. All subdivisions and land developments containing fifty (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 fifty (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 fifty (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.

602.21.1 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 Ordinance concerning design, number of access points, and construction.

602.21.2 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 Ordinance unless such access drives are prohibited by other provisions of this Ordinance. Such access drives shall be separated by a distance of at least one hundred fifty (150) feet unless a greater separation distance is required by this Ordinance or by any other law or regulation. The intersection of the access drive with the abutting street shall comply with all requirements of this Ordinance.

602.21.3 If the applicant is unable to provide access to the subdivision or land development meeting the requirements of Section 602.21.1 or 602.21.2, 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.

602.21.4 The following traffic control and access requirements shall be additionally required for all subdivisions or land developments which

are anticipated to produce at least one hundred (100) peak hour trips (vehicular):

The above Section 602.21 was added on June 14, 2005 by Ordinance No. 2005-5.

SECTION 603 VEHICULAR PARKING AND OFF-STREET LOADING FACILITIES.

603.01 General. Vehicular parking shall be provided in accordance with Section 310 of the Zoning Ordinance or any future corresponding provision thereof.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.02 Parking Space Dimensions. All parking spaces shall measure, at minimum, 10 feet wide by 18 feet deep.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.03 Design Standards for Handicapped Parking Spaces. Off-street parking facilities shall conform with the Americans With Disabilities Act Accessibility Guidelines.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.04 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 in Feet One-Way Traffic	Width of Driveway in Feet Two-Way Traffic
90 Degrees	20	25
60 Degrees	20	22
45 Degrees	18	22
30 Degrees	11	22
Parallel	11	22

All aisles in areas where there is no parking permitted shall be eleven (11) feet wide for each lane of traffic.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.05 Marking of Parking Spaces for Interior Drives. 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 (4) inches in width.

Parking lots with greater than fifty (50) spaces shall isolate parking spaces from aisles by either raised curb or concrete wheel stops.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.06 Curb Radii. Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.07 End Stalls. All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.08 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 reflect or glare on adjoining lots or streets.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

603.09 Perimeter Landscaping. When a parking lot abuts a street or side property, a landscaped strip shall be provided. This landscaping strip may be located within any other required landscaped strip.

The following lists the required width of landscape strips:

Aggregate Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width in Feet	
	Side and Rear Yard	Street R.O.W. Line
Less than 13	10	10
13 to 75	10	25
75 to 250	15	25
Over 250	25	25

Vegetative ground cover alone is not sufficient to meet this requirement. A mixture of deciduous and evergreen trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each fifty (50) linear feet of landscaping area. These trees shall have a clear trunk at least five (5) feet above finished grade-level.

All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the parking lot.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 603.10 Interior Landscaping. In any parking lot containing twenty (20) or more parking spaces (except a parking garage), ten percent (10%) of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows to break up rows of parking spaces at least every ten parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside the parking lot, such as peripheral areas, landscape strips, and areas surrounding buildings, shall not constitute interior landscaping.

For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.

Ground cover alone is not sufficient to meet this requirement. Interior landscaping shall comply with Section 613.

Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 ½ feet). Curbing or wheel stops shall be provided to insure no greater overhang.

If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 603.11 Speed Bumps. All speed bumps provided as part of access drives or parking lot aisles shall be marked with permanent, yellow diagonal stripes. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches. There shall be a warning sign posted at each entrance to a parking area having speed bumps.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 603.12 Off-Street Loading Facilities. Off-street loading facilities shall be designed to conform with Section 311 of the Zoning Ordinance or any future corresponding provision thereof.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

SECTION 604 SIDEWALK.

- 604.01 Sidewalk 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, recreational commercial, industrial, or other community facilities.

- 604.02 Sidewalk which is 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.
- 604.03 Sidewalk which is provided off-street or off-access drives shall be located along anticipated pedestrian traffic routes.
- 604.04 Sidewalk located adjacent to streets shall be constructed in accordance with the Strasburg Borough Cement Concrete Curb and Sidewalk Specifications Ordinance, adopted July 10, 1990, as amended.
- 604.05 Sidewalk 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.
- 604.06 Sidewalk shall have a minimum width of four (4) feet.
- 604.07 Sidewalk shall be graded so as to discharge storm water runoff. A minimum cross slope of two percent (2%) shall be provided.
- 604.08 Sidewalk along streets shall, when possible, be located within the street right-of-way and physically divided from the street cartway by curb and a two (2) foot wide grass strip.
- 604.09 Maintenance and repair cost for sidewalk is the sole responsibility of the frontage lot owner.
- 604.10 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 ten (10) feet to accommodate a walkway width of four (4) feet. This walkway shall be improved to the standards assigned by the Borough.
- 604.11 Sidewalk shall conform with the Americans With Disabilities Act Accessibility Guidelines.

SECTION 605 CURB.

- 605.01 Curb shall be provided along all streets.
- 605.02 Depending on storm water drainage conditions, traffic, parking and/or safety of pedestrians, curb may be required along access drives.
- 605.03 Curb along streets and across access drives shall be vertical type.
- (Note: The above Section 605.03 was revised on May 13, 2003, by Ordinance No. 2003-3.)*
- 605.04 Curb 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 Strasburg, and any future amendments thereto, and the

specifications, rules and regulations adopted thereunder.

(Note: The above Section 605.04 was revised on May 13, 2003, by Ordinance No. 2003-3.)

- 605.05 Transitions in curb type shall be subject to approval by the Borough.
- 605.06 Curb shall conform with the Americans With Disabilities Act Accessibility Guidelines.

SECTION 606 BLOCKS AND LOTS.

- 606.01 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.
- 606.02 Residential Blocks. All blocks in a residential subdivision shall have a maximum length along any side of one thousand (1,000) feet. Where practical, the minimum length of any side shall be three hundred (300) feet.
- 606.03 Non-Residential Blocks. Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation, and salient natural features.
- 606.04 Lot Configuration.
 - 606.04.1 Whenever practical, side lot lines shall be radial to street lines.
 - 606.04.2 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.
 - 606.04.3 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.
 - 606.04.4 All lots shall front on a public street, or a private street that complies with the requirements of Section 602.02.
 - 606.04.5 Double Frontage Lots are prohibited. A double frontage lot fronts upon two parallel streets or upon two streets which do not intersect and vehicular access is provided to both streets. The Borough permits Reverse Frontage Lots as provided in Section 606.04.06.

606.04.6 Reverse Frontage Lots front upon two parallel streets, or upon two streets which do not intersect, and vehicular access is provided to only one (1) of the streets. All residential Reverse Frontage Lots shall designate one (1) frontage as the rear yard and have a planted buffer easement of at least twenty (20) feet in width located immediately contiguous to the street right-of-way. Vehicular access shall be prohibited from the rear of Reverse Frontage Lots.

All 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.

606.04.7 Flag lots are not permitted. The Borough may grant a waiver for the platting of a limited number of flag lots.

606.04.8 All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.

606.04.9 All lots shall be designed to provide sufficient building area based upon building setbacks, easements, floodplains, etc.

606.05 Lot Size and/or Intensity. Lot areas shall conform with the prevailing Strasburg Borough Zoning Ordinance requirements.

SECTION 607 BUILDING SETBACK LINES AND BUILDING SEPARATIONS.

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

SECTION 608 EASEMENTS.

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

608.01 To the fullest extent possible, easements shall be adjacent to property lines.

608.02 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.

608.03 The plan and easement agreement shall clearly identify who has the right-of-access and responsibility for function of the easement area.

608.04 Pedestrian easements shall have a minimum width of ten (10) feet.

608.05 Sanitary sewer and water supply easements shall have a minimum width of

twenty (20) feet. In the case of a shared utility easement, sufficient area shall be provided to allow a minimum of ten (10) feet between the centerline of the utility and the edge of the right-of-way.

- 608.06 Storm water easements shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for (a) the collection and discharge of water, (b) the maintenance, repair, and reconstruction of the drainage facilities, and (c) the passage of machinery for such work.
- 608.07 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 centerline 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.

SECTION 609 SURVEY MONUMENTS AND MARKERS.

- 609.01 Permanent stone or concrete monuments shall be accurately placed along both sides of the right-of-way lines of each street and on the property lines of the parent tract. These monuments shall be placed at the intersection of all lines forming angles, changes in direction, and at the end of each curved line.
- An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
- 609.02 Markers shall be set at all points where lot lines intersect curves and/or other property lines, and at both high and low elevation points to provide easy identification.
- 609.03 Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole.
- 609.04 Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.
- 609.05 All monuments and markers shall be placed by a registered land surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- 609.06 All monuments/markers shall be set flush with the finished grade, except for

temporary placement and/or woodland conditions.

- 609.07 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.

SECTION 610 STORM WATER MANAGEMENT.

All subdivision and land development plans shall conform with the Storm Water Management Ordinance for Strasburg Borough, as amended.

The design and construction of all developments must be coordinated with all existing storm water management facilities that are necessary to serve the development, prevent flooding, conform to the Borough Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof.

The development must insure that other properties will continue to have safe and convenient storm water management in accordance with the standards of this Ordinance, 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:

A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements, or

An approved and recorded plan guarantees the assumed improvements.

SECTION 611 FLOODPLAIN.

Floodplain areas shall be established as:

- 611.01 The one hundred (100) year flood of record for all watercourses and shall be delineated by one of the following methods:

611.01.1 A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties.

611.01.2 A hydrologic report prepared by an agency of the County, State or U. S. Government.

In case of any dispute concerning how the floodplain is to be established, Borough Council will determine the ultimate criteria and/or flood boundary limits.

- 611.02 Whenever a floodplain is located within or along a lot, the plan shall include

the boundary of the floodplain, along with the elevation or locational dimensions from the centerline of the watercourse; a plan note that the floodplain shall be kept free of structures, fill, and other encroachments; and a plan note that floor elevations for all structures adjacent to the floodplain shall be two (2) feet above the 100 year flood elevation.

- 611.03 The above provision shall not be construed as a prohibition of the following, provided they comply with Section 611.04:
- 611.03.1 Storm water management facilities.
 - 611.03.2 Stream improvements whose sole purpose is to improve aquatic life habitat and which are approved by the Pennsylvania Fish Commission.
 - 611.03.3 Farm ponds.
 - 611.03.4 Flood-proofing and flood hazard reduction structures to protect existing buildings.
 - 611.03.5 Public and private utility facilities, except buildings.
 - 611.03.6 Water-oriented used (except building), e.g., docks, piers, boat launching ramps, hatcheries.
 - 611.03.7 Water monitoring devices.
 - 611.03.8 Culverts, bridges, and their approaches for floodplain crossings by streets, access drives, and driveways.
- 611.04 Plans for any of the uses permitted within a floodplain, under Section 611.03, may be incorporated into the design plans. The plans shall demonstrate that the proposed uses do not increase the height or frequency of floodplain water; are installed so as to withstand the maximum volume, velocity, and force of floodplain water; are flood and flotation proof; do not create unhealthy or unsanitary conditions; and do not degrade quality of surface water, or the quality of groundwater.

SECTION 612 WETLAND.

All subdivision and land development plans shall identify the location of existing wetland as determined by the standards of either the U. S. Environmental Protection Agency; U. S. Army Corps of Engineers; Pennsylvania Department of Environmental Resources; or the U. S. Soil Conservation Service. Wetland areas are not limited to those areas delineated on wetland maps prepared by the U. S. Fish and Wildlife Service. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable State and Federal agencies. No action

by the Borough shall be relied upon in lieu of a permit issued by the appropriate agency.

SECTION 613 LANDSCAPING.

613.01 Protection of Natural Features - The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, 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.

613.02 Street Trees. Street trees shall be provided along all street frontages.

613.02.1 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. The applicant is encouraged to be creative in selecting tree varieties and locations to achieve a pleasing appearance.

613.02.2 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.

613.02.3 All street trees shall have a minimum trunk caliper of two (2) inches, measured at a height of six (6) inches above finish grade, shall be a minimum of two (2) inches.

613.02.4 Street trees shall be planted between the street right-of-way line and the building setback line, no more than six (6) feet from the back of the street right-of-way line, at a maximum spacing of forty (40) feet on center. The following varieties are acceptable trees:

Green Ash (selected cultivars)	Black Oak	Red Oak
Red Maple (selected cultivars)	White Oak	Japanese Zelkova
Scarlet Oak	American Linden	Sawtooth Oak
Sugar Maple	Bur Oak	Columnar Maple (selected cultivars)
Shingle Oak	Greenspire Linden	Hybrid Elm (disease-resistant; selected cultivars)
Blackgum	Columnar Oak	Honey Locust (selected cultivars): a)
Black Oak	Japanese Pagoda	Halka; b) Moraine; c) Shademaster
White Oak	Silver Linden	

Other tree species may be permitted by Borough Council provided acceptable information is submitted with the application to indicate hardiness and suitability. Note: At certain times of the year red maple leaves pose a health hazard to equines.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 613.02.5 All planting shall be performed in conformance with good nursery and landscape practice.
- 613.02.6 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.
- 613.02.7 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.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

- 613.03 Strips and Interior Landscaping. Any required landscaping shall be designed to conform with Section 312.2. of the Strasburg Borough Zoning Ordinance, as amended.
- 613.04 Landscape Screening. Screening materials shall be designed to conform with Section 312.3 of the Strasburg Borough Zoning Ordinance, as amended.
- 613.05 Landscape Materials. Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, 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.

- 613.06 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 non-surviving plants shall be replaced promptly.
- 613.07 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 applicant fails to complete the landscaping in accordance with the planting schedule.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

SECTION 614 SANITARY SEWAGE DISPOSAL.

- 614.01 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 Resources shall be submitted as a condition of Final Plan approval.
- 614.02 The applicant shall provide the type of sanitary sewage disposal facility consistent with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.
- 614.03 Sanitary sewer systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Resources and the Strasburg, Lancaster County, Borough Authority.

The Final Plan application shall include:

- 614.03.1 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.
- 614.03.2 The applicant shall insure that sufficient capacity is legally available to the Borough and the Authority to serve all of the proposed lots or units of occupancy within the site. If the Borough and/or the Authority do not have sufficient capacity contractually available with Suburban Lancaster Sewer Authority, the City of Lancaster 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.

614.03.3 Notice of approval of the design, capability to service, method of installation, and possible financial guarantee from the provider.

614.04 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 Resources, as amended, and the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

614.05 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 Borough Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof.

The development must insure that other properties will continue to have an adequate treatment/conveyance system in accordance with the standards of this Ordinance, 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:

A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements, or

An approved and recorded plan guarantees the assumed improvements.

SECTION 615 WATER SUPPLY.

615.01 Water supply systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Resources and the Strasburg, Lancaster County, Borough Authority.

615.02 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 ten (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 sixteen (16) inches above the ground level.

615.03 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.

615.04 The Final Plan application shall include:

615.04.1 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.

615.04.2 Notice of approval of the design, installation, and possible financial guarantee from the provider.

615.05 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 Borough Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof.

The development must insure 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 Ordinance, 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:

A governmental entity has budgeted funds and/or entered into contracts for the assumed improvements, or

An approved and recorded plan guarantees the assumed improvements.

SECTION 616 PARK AND OPEN SPACE PROVISION.

This section shall only apply to proposals that would result in the creation of new dwelling units. It is the purpose of this section to implement the language contained in Section 503(11) of the Pennsylvania Municipalities Planning Code 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.

616.01 Mandatory Dedication. Any proposal that would result in the creation of one or more new dwelling units shall be required to dedicate a minimum of .026

acres of park and/or open space per dwelling unit to the Borough, prior to Final Plan approval.

As an alternative to dedication, and upon agreement with the Borough Council, the applicant may agree to provide any of the following:

- 616.01.1 Construct and/or improve existing recreation facilities.
- 616.01.2 Pay a fee-in-lieu of dedication.
- 616.01.3 Guarantee the private reservation and maintenance of parkland or open space.
- 616.01.4 Provide for any combination of the above.

Any of the preceding alternatives must be at least equal to the predetermined Strasburg Borough fee schedule or the predevelopment 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.

- 616.02 Parkland and Open Space Design Requirements. In general, parklands and open spaces provided for by this section shall involve areas for active recreational pursuits, unless the approved Park and Recreation Report justifies an alternative facility.

When land is being dedicated, the applicant shall provide a conceptual sketch plan for the potential use of the property.

The following design requirements shall apply:

- 616.02.1 The site shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one area available for vehicular access that is no less than twenty-four (24) feet in width.
- 616.02.2 The site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts, and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, dedicated parklands should be provided, where practicable, as an expansion of the existing facility.

- 616.02.3 The site shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be composed of floodplains, storm water management facilities, and/or slopes exceeding three percent (3%). Any unimproved site shall be provided with a healthy and vibrant grass ground cover.
- 616.02.4 The site shall be located and designed to conveniently access proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above-ground protrusion of an underground utility, should be permitted in active play areas of the site.
- 616.02.5 No part of the site shall be calculated as part of any required setback, yard, and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance.

In special instances, the Borough may waive any or all of the preceding design standards. In such instances, the applicant must demonstrate that the public will be better served by some alternate design that establishes an important greenbelt system; or protects significant natural resources, historical sites or archaeological sites.

- 616.03 Parkland Capital Reserve Fund. Any funds collected as fees-in-lieu of dedication of open space shall be deposited in an interest-bearing account. This account shall be separate from other municipal accounts and shall be clearly identified for the purpose of funding acquisition and development of recreation facilities. Interest earned on all monies deposited in such accounts shall become funds of that account. Funds from such accounts shall be expended at the discretion of the Borough Council in properly allocable portions of the cost incurred to design, construct or acquire the specific recreation facilities that will benefit the subdivision or land development from which they were collected. Funds collected under this section shall be expended within three (3) 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.
- 616.04 Payment of Fee-In-Lieu of Dedication. Any fee-in-lieu of dedication shall be paid to the Borough prior to the recording of each final phase of the plan and shall be in an amount equal to the percentage of the total number of dwelling units or units of occupancy in the phase. The Borough shall not be required to execute the Final Plan until the fee-in-lieu of dedication has been paid.

(Note: The above Section was revised on November 9, 2010 by Ordinance No. 2010-3.)

SECTION 617

MATERIALS AND WASTE HANDLING REQUIREMENTS.

If waste is generated because of the demolition of existing buildings, the

developer shall photo-document the building first (all exterior elevations, interior shots sufficient to show the layout of the building and the appearance of all rooms, with a photo key on a floor plan which need not be to scale). Historic or architectural reusable building materials, as identified by the Borough's Historical Architectural Review Board (HARB), shall, if feasible, be retained for reuse within Strasburg Borough.

(Note: The above paragraph was revised on November 9, 2010 by Ordinance No. 2010-3.)

All commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:

- 617.01 Listing of all materials to be used and/or produced on the site;
- 617.02 Listing of all wastes generated on the site; and,
- 617.03 Written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:
 - 617.03.1 the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);
 - 617.03.2 the Pennsylvania Solid Waste Management Act (Act 97);
 - 617.03.3 the Federal Emergency Management Act;
 - 617.03.4 the Federal Superfund Amendment and Reauthorization Act;
 - 617.03.5 the Pennsylvania Hazardous Materials Emergency Planning and Response Act; and,
 - 617.03.6 the Pennsylvania Low-Level Radioactive Waste Disposal Act.

ARTICLE VII

MOBILE HOME PARKS

SECTION 701 GENERAL.

Mobile home park plans shall be processed in accordance with Article III. Mobile home park plans shall comply with the design standards set forth in the Strasburg Borough Zoning Ordinance of 1993, as amended.

ARTICLE VIII

ADMINISTRATION

SECTION 801 GENERAL.

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

SECTION 802 AMENDMENT.

Amendments to this Ordinance 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 Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each amendment to the Borough and County Planning Commissions for recommendations at least thirty (30) days prior to the date of the public hearing on such proposed amendment.

SECTION 803 WAIVERS.

The provisions of this Ordinance 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:

803.01 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,

803.02 Provides reasonable utilization of the property while securing the public interest,

All waivers shall be processed in accordance with the Waiver provision described in Section 305 of this Ordinance. It shall be the burden of the applicant to demonstrate compliance with the above conditions.

In granting waivers, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the Ordinance.

The granting of a waiver shall not have the effect of making null and void the intent and purpose of this Ordinance.

SECTION 804 CHALLENGES AND APPEALS.

The decision of the Borough Council may be appealed, as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

SECTION 805 FEES AND CHARGES.

The Borough may impose fees and charges to recover all costs incurred in the administration of this Ordinance. 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.

SECTION 806 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

- 806.01 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
- 806.02 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
- 806.03 Erect any building or buildings which constitute a land development thereon; or
- 806.04 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 Section 503 herein

unless and until a Final Plan has been prepared in full compliance with the provisions of this Ordinance 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 Ordinance, shall be subject to the penalties and remedies

set forth in Section 807 herein.

SECTION 807

PENALTIES FOR VIOLATIONS.

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.

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 Ordinance. The authority to deny such a permit or approval shall apply to any of the following:

The owner of record at the time of such violation.

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.

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.

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.

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.

807.01 Jurisdiction. District justices shall have initial jurisdiction in proceedings brought under this Ordinance.

807.02 Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of this ordinance, upon being found liable thereof 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.

807.03 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 Section 304.05, Compliance with Conditions of Approval.

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 Lancaster County Recorder of Deeds.

SECTION 808 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.

SECTION 809 VALIDITY.

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

SECTION 810 CONFLICTS.

Whenever there is a difference between the standards specified herein and those included in other applicable regulations, the more stringent requirement shall apply.

SECTION 811 REPEALS.

The Subdivision and Land Development Ordinance of the Borough of Strasburg, enacted in 1975 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 the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity pertaining to any act done which would have constituted a violation of the Strasburg Borough Subdivision and Land Development Ordinance of 1975, as amended. All provisions of the Strasburg Borough Subdivision and Land Development Ordinance of 1975, 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 Ordinance which are protected from the effect of intervening ordinances by Section 508(4) of the Pennsylvania Municipalities Planning Code.

SECTION 812 ERRONEOUS APPROVALS.

An approval issued in violation of the provisions of the Ordinance, 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.

SECTION 813 ADOPTION AND EFFECTIVE DATE.

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

DULY ORDAINED AND ENACTED the 8th day of August , 1995, by the Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF STRASBURG
Lancaster County, Pennsylvania

Attest: [Eugene T. Osmun]
Secretary

By: [John Penatzer]
President, Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 8th day of August , 1995.

 [Bruce L. Ryder]
Mayor

APPENDICES

APPENDIX NO. 1

STATEMENT OF ACCURACY

SURVEY DATA

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Strasburg Borough Subdivision and Land Development Ordinance. The error of closure is no greater than one foot in ten thousand feet.

_____, 20____

* _____

*Signature and seal of the registered land surveyor responsible for the preparation of the plan.

GENERAL PLAN/REPORT DATA

I hereby certify that, to the best of my knowledge, the *_____ shown and described hereon is true and correct to the accuracy required by the Strasburg Borough Subdivision and Land Development Ordinance.

_____, 20____

** _____

*Title of Plan/Report Data

**Signature and seal of the registered professional responsible for preparation of the data.

(See Sections 402.06 and 403.06)

APPENDIX NO. 2

STATEMENT OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN, AND OFFER OF DEDICATION

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

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 Section 403.06)

CO-PARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

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 Section 403.06)

CORPORATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

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 Section 403.06)

APPENDIX NO. 3

PLANNING COMMISSION REVIEW STATEMENT

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

STRASBURG BOROUGH
PLANNING COMMISSION

Chairman or Designee

APPENDIX NO. 4

PRELIMINARY PLAN APPROVAL STATEMENT

At a meeting on _____, 20___, the Council of the Borough of Strasburg 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 Lancaster County Recorder of Deeds, nor may any construction be initiated.

STRASBURG BOROUGH
BOROUGH COUNCIL

President of Council or Designee

ATTEST _____
Strasburg Borough Secretary

APPENDIX NO. 5

FINAL PLAN APPROVAL STATEMENT

At a meeting on _____, 20____, the Council of the Borough of Strasburg approved this project, based upon its conformity with the standards of the Strasburg Borough 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.

STRASBURG BOROUGH
BOROUGH COUNCIL

President of Council or Designee

ATTEST _____
Strasburg Borough Secretary

RECORDER OF DEEDS CERTIFICATE

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

(See Sections 303.05, 304.06, 402.06, and 403.06)

APPENDIX NO. 6

STRASBURG BOROUGH 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:	_____

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

1. Plan Name: _____
Plan No: _____ Plan Date: _____

2. Project Location: _____

3. Name of Property Owner(s): _____
Address: _____ Phone No. _____

4. 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
___ Mobile Home Park	___ Other (please specify)

5. Total Acreage: _____

6. Application Classification:

___ Pre-Application Review (Section 302)	___ Revised Preliminary Plan (Section 303.03.1)
___ Preliminary Plan (Section 303)	
___ Final Plan (Section 304)	___ Revised Final Plan (Section 304.03.1)
___ Plans Exempted from Standard Procedures (Section 306)	

7. Name of Applicant (if other than owner): _____
Address: _____ Phone No. _____

8. Firm Which Prepared Plan: _____

Address: _____ Phone No. _____

Person Responsible for Plan: _____

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 Sections 302, 303.01, 304, 306.01, 401, 402.06 and 403.06)

APPENDIX NO. 7

STRASBURG BOROUGH

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 Strasburg Borough Subdivision and Land Development Ordinance for which a Waiver is requested: _____

6. The Proposed Alternative to the Requirement: _____

APPENDIX NO. 8

ACCEPTANCE OF CONDITIONS UPON APPROVAL OF SUBDIVISION OR LAND DEVELOPMENT PLAN IMPOSED BY BOROUGH COUNCIL OF STRASBURG BOROUGH

I have reviewed the conditions imposed by the Council of the Borough of Strasburg 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

APPENDIX NO. 9

STANDARD PLAN FORMAT

<p style="text-align: center;">Statement of Ownership</p> <p style="text-align: center;">See Appendix No. 2</p>								
<p style="text-align: center;">Plan Review and Approval Certificates</p> <p style="text-align: center;">See Appendix Nos. 3, 4 & 5</p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Zoning Data</td> <td style="width: 50%;">Site Data</td> </tr> <tr> <td>See Sections 402.02.10 402.02.11 402.04.14</td> <td>See Sections 402.02.9 & 402.04.5</td> </tr> </table>	Zoning Data	Site Data	See Sections 402.02.10 402.02.11 402.04.14	See Sections 402.02.9 & 402.04.5				
Zoning Data	Site Data							
See Sections 402.02.10 402.02.11 402.04.14	See Sections 402.02.9 & 402.04.5							
<p style="text-align: center;">Recorder of Deeds Certificate</p> <p style="text-align: center;">See Appendix No. 3</p> <p style="text-align: center;">SEAL</p>								
<p style="text-align: center;">Statement of Accuracy</p> <p style="text-align: center;">See Appendix No. 1</p> <p style="text-align: center;">SEAL</p>								
<p style="text-align: center;">Landowner/Developer</p> <p>Name _____ Address _____</p>								
<p style="text-align: center;">Final Plan</p> <p style="text-align: center;">of</p> <p style="text-align: center;">Xxxx X, Xxxx STRASBURG BOROUGH LANCASTER COUNTY, PA</p> <p style="text-align: center;">Date xx/xx/xx</p>		<p style="text-align: center;">Scale</p> <p style="text-align: center;">1"=xxx'</p> <p style="text-align: center;">Graphic Scale</p>						
<p style="text-align: center;">Location Map</p>		<p style="text-align: center;">Plan Notes</p>		<p style="text-align: center;">Revisions</p>				
<p style="text-align: center;">Source of Title</p> <p>Book _____ Page _____</p>		<p style="text-align: center;">Tax Map</p> <p>Book _____ Block _____ Lot _____</p>		<p style="text-align: center;">Sheet No.</p> <p style="text-align: center;">xx of xx</p>				
<p>North Arrow</p>								

APPENDIX NO. 10

LAND DEVELOPMENT AGREEMENT

Prepared By: Morgan, Hallgren, Crosswell & Kane, P.C.
700 North Duke St., P. O. Box 4686
Lancaster, 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 Strasburg, a municipality operating under the laws of the Commonwealth of Pennsylvania with municipal offices at 145 Precision Avenue, Strasburg, Lancaster 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 Strasburg Borough, Lancaster 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 Borough Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code; and

WHEREAS, Developer has entered into a separate agreement or agreements with Strasburg, Lancaster County, Borough Authority (the “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 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, Storm Water 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 storm water 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 storm water 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 storm water management facilities as designed are inadequate, Developer shall submit for approval a revised storm water management plan and shall make all of the changes necessary to the storm water 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 ten (10) working days of written notice of inadequacy from the Borough, may notify the Borough that the determination of inadequacy is disputed. If within twenty (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 storm water 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 storm water 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 storm water 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 storm water 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 storm water 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 Strasburg Borough 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 Strasburg Borough 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.

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 ten (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:

- (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 Strasburg, 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.

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 seventy-two (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, storm water 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 insure that there is a minimum obstruction to traffic and that the convenience of the general public, the 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 fifteen (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 \$1,000,000.00 for each person and \$2,000,000.00 for each occurrence and with respect to property damage of at least \$500,000.00 for each occurrence or a combined single limit for bodily injury, property damage, and personal injury liability of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. The said insurance shall contain a provision prohibiting its cancellation by the carrier without thirty (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 thirty (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.

In the event that a third party, his agents, servants, employees, heirs, assigns or grantees should institute any legal action whatsoever against Strasburg Borough 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 Strasburg Borough 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 CONSTRUCTED" 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 constructed" 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 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 ease 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 (2) 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 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 one hundred ten (110%) percent 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. 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 ninety (90%) percent 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 one hundred ten (110%) percent 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 one hundred ten (110%) percent 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 twenty (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 twenty (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 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 one hundred (100%) percent 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 fifteen (15%) percent 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.

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 (1) 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 ninetieth (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 one hundred ten (110%) percent 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 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 eighteen (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 fifteen (15%) percent of the actual

costs of installation of said Borough Improvements, said security being posted for a period of eighteen (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 eighteen (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 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 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 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 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:

Strasburg Borough
145 Precision Avenue
Strasburg, PA 17579

With a copy to:

William C. Crosswell, Esquire
Morgan, Hallgren, Crosswell & Kane, P.C.
700 North Duke Street
P. O. Box 4686
Lancaster, 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 Lancaster 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 be 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.

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 Strasburg and _____
have executed this Agreement or caused this Agreement to be duly executed as of the day and year first above written.

BOROUGH OF STRASBURG

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President
Borough Council

[BOROUGH SEAL]

(INDIVIDUAL OR HUSBAND AND WIFE DEVELOPER)

_____(SEAL)
(Signature of Individual)

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

Witness:

Trading and doing business as:

-

(PARTNERSHIP DEVELOPER*)

(Name of Partnership)

Witness:

By: _____(SEAL)
Partner

By: _____(SEAL)
Partner

By: _____(SEAL)
Partner

By: _____(SEAL)
Partner

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

-

(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.

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

APPENDIX NO. 11

DEVELOPER'S LETTER-AGREEMENT

MUNII\30230\5
12.8.08

Borough Council
Borough of Strasburg
145 Precision Avenue
Strasburg, PA 17579

Re: Final Plan of _____(1)

Dear Members of Council:

In consideration for the Borough Council of the Borough of Strasburg 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.

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. Storm Water Management. The undersigned shall construct storm water 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 storm water management facilities as designed are inadequate, the undersigned shall submit for approval a revised storm water management plan and shall make all the changes necessary to the storm water 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 storm water 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 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 one hundred ten (110%) percent 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 eighteen (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 Strasburg Borough, Lancaster 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.

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)
Partner

By: _____ (Seal)
Partner

By: _____ (Seal)
Partner

By: _____ (Seal)
Partner

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

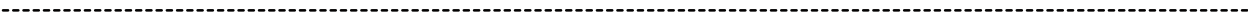
(CORPORATION DEVELOPER)

(Name of Corporation)

ATTEST: _____
(Assistant) Secretary

By: _____
(Vice) President

[CORPORATE SEAL]



(LIMITED LIABILITY COMPANY DEVELOPER)**

(Name of Limited Liability Company)

Witnesses:

By: _____
Member

By: _____
Member

By: _____
Member

By: _____
Member

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

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.