

BENDERSVILLE BOROUGH
SUBDIVISION & LAND DEVELOPMENT
ORDINANCE

BENDERSVILLE BOROUGH
ADAMS COUNTY
FINAL DRAFT
FEBRUARY 1991

PREPARED BY THE BENDERSVILLE BOROUGH
PLANNING COMMISSION

BENDERSVILLE, PA, 17306

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BENDERSVILLE BOROUGH SUBDIVISION
AND LAND DEVELOPMENT ORDINANCE

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AN ORDINANCE ESTABLISHING REGULATIONS AND STANDARDS FOR THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE BOROUGH OF BENDERSVILLE; ESTABLISHING PROCEDURE FOR APPLICATION AND ADMINISTRATION OF THESE REGULATIONS AND STANDARDS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF; ESTABLISHING REGULATIONS AND STANDARDS FOR MOBILE HOMES AND MOBILE HOME PARKS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. THIS ORDINANCE REPEALS ALL OTHER SUBDIVISION ORDINANCES PREVIOUSLY ADOPTED.

BE IT ORDAINED by the BENDERSVILLE BOROUGH COUNCIL, ADAMS COUNTY, PENNSYLVANIA, as follows:

ARTICLE I - SHORT TITLE, PURPOSE AND JURISDICTION

101 - SHORT TITLE

This Ordinance shall be known and may be cited as the "BENDERSVILLE BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."

102 - PURPOSE

This Ordinance is enacted for the purpose of assuring suitable sites for building purposes and human habitation and to provide for the harmonious development of the Bendersville Borough for the proper coordination of proposed streets, parks, or other facilities for insuring adequate open space for traffic, recreation, light and air, and for the proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of Bendersville Borough. The approval of any subdivision plan shall be based upon considerations set forth as following:

1. Recognition of a desirable relationship of the development proposed to the general land form, topographic and geologic character, to natural drainage and surface water runoff, and to the ground water table.
2. Recognition of a desirable standard of subdivision design, including adequate provision for pedestrian and vehicular traffic, and for suitable building sites for the contemplated land use.
3. Preservation of such natural assets as ponds, streams, shrubs, trees, and watershed areas.
4. Provisions for adequate and safe water supply, sewage disposal, storm drainage and other utilities.

103 - AUTHORITY AND JURISDICTION

The authority of the Borough Council to adopt this Ordinance regulating subdivision and land development within Bendersville Borough is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247 as amended. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no streets, sanitary sewers, storm sewers, water mains, or other improvements 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 abutting thereon, except in accordance with the provisions of this Ordinance.

ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have meaning as given in the Article.

- * Words in the present tense shall include the future.
 - * The singular includes the plural.
 - * The word "shall" is mandatory; the word "may" is optional.
 - * The word "person" means an individual, corporation, partnership, firm, association, company, or any other similar entity.
1. Accessory Structure- A subordinate structure incidental to and located on the same lot as the principal structure.
 2. Agricultural Purpose - The use of a tract of at least ten (10) acres in size for the purpose of active cultivation or animal raising as a means of obtaining income. This does not include, for the purpose of exemption from subdivision requirements, the subdivision of any tract of less than twenty-five (25) acres where a residence is to be built regardless of the use of the remainder of the land.
 3. Alley - A minor right-of-way privately or publicly owned, primarily for service access to the rear or side of properties.
 4. Applicant - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, or assigns.
 5. Application for Development - Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan.
 6. Block - An area bounded by streets.
 7. Borough - Borough of Bendersville, Adams County, PA.
 8. Building Setback Lines - A line established by law or agreement, usually parallel to property lines, beyond which a structure may not extend. This does not apply to uncovered entrances platforms, porches, patios, decks, and steps.
 9. Cartway - The surface of a street or road available for vehicular traffic.
 10. Clear Sight Triangle - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.
 11. County - The County of Adams, Commonwealth of Pennsylvania.

12. Crosswalk - A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.
13. Developer - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development or re-subdivision.
14. Dwelling - A building or a portion thereof designed for and used exclusively for residential occupancy.
 - a. Dwelling Unit - One (1) or more rooms having cooking and sanitary facilities and access directly outdoors or through a common entrance hall.
 - b. Single Family Detached Unit - A residential structure containing only one (1) dwelling unit.
 - c. Conversion Unit - Existing residential structure which has been modified structurally in such a way as to convert it from one (1) dwelling unit to multiple dwelling units.
 - d. Semi-Detached Unit - A residential structure containing two (2) single dwelling units having one (1) common wall.
 - e. Attached, Row, or Townhouse Unit - A residential structure containing three (3) or more dwelling units which are separated from each other by two (2) common walls, except for the end units.
 - f. Multiple Dwelling or Apartment Unit - A residential structure of two (2) or more stories containing three (3) or more dwelling units. (not Row or Townhouse units)
 - g. Condominiums - A given set of dwelling units each of which is owned by an individual person or persons in fee simple, and which is assigned a proportionate interest in all common elements, as set forth in the Uniform Condominium Act, Act of the General Assembly of July 2, 1980, P.L. No. 82, Section 1, as amended and supplemented.
15. Easement, Utility - A right-of-way granted for a limited or specific use.
16. Engineer, Borough - The Borough Engineer or any consultant designated by the Bendersville Borough Council to review a subdivision plan and perform the duties of Engineer in behalf of the Borough.
17. Engineering Specifications - The engineering specifications of the municipality regulating the installation of any required improvements or for any facility installed by any owner, subject to public use.
18. Erosion - The removal of surface materials by the action of natural elements.

19. Excavation - Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated, or bulldozed. It shall include the conditions resulting therefrom.
20. Fill - (I) Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom; (II) The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade; (III) The material used to make fill.
21. Flood
- a. Flood Prone Area - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
 - b. Floodway - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.
 - c. One Hundred (100) Year Flood - A flood having an average frequency of occurrence on the order of once in one hundred (100) years, although the flood may occur in any year.
 - d. Regulatory Flood Elevation - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1.5) feet.
22. Governing Body - The BENDERSVILLE BOROUGH COUNCIL of BENDERSVILLE, ADAMS COUNTY, PENNSYLVANIA.
23. Improvements - Any structure/infrastructure; physical additions; and changes made to a parcel of land that may be necessary to produce usable and desirable lots.
24. Land - The topographic aspects of a given area, as taken as a whole and available for a given use, including but not limited to soil cover, water, natural and/or man-made elements such as trees or fences.
25. Land Development
- a. The improvements of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common area, leaseholds, condominiums, building groups or other features.

b. A subdivision of land.

c. "Land Development" does not include development which involves the addition of an accessory structure, including farm structures, on a lot or lots subordinate to an existing principal structure where the accessory structure is not in excess of;

1. Four thousand (4,000) square feet if the accessory structure is to be used for agricultural purpose; or

2. One thousand (1,000) square feet if the accessory structure is to be used for other than agricultural purpose.

26. Landowner - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Ordinance

27. Lot - A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

28. Lot - Through or Double Frontage - A lot with front and rear street frontage.

29. Lot Area - The area contained within the property lines of a lot as excluding any street right-of-way, easement or floodplain located on the lot.

30. Lot, Reverse Frontage - A lot extending between and having frontage on an arterial street and a minor street with vehicular access solely from the latter.

31. Mobile Home - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

32. Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

33. Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
34. Municipality - BOROUGH of BENDERSVILLE.
35. Person - Any individual, firm, trust, partnership, public or private association or corporation, or other legally recognizable entity.
36. Plan, Sketch - An informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.
37. Plan, Preliminary - A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision or land development as a basis for consideration prior to preparation of the final plan.
38. Plan, Final - A complete and exact subdivision or land development plan prepared for official recording as required by statute.
39. Planning Commission - The Bendersville Planning Commission.
40. Principal Building - The primary structure such as a dwelling or business establishment which is designated, arranged, or intended to be occupied or maintained.
41. Public Grounds - Parks, playgrounds, and other public areas and sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
42. Public Notice - Notice published once a week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time, place, and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
43. Recreational Vehicle - A vehicle which is designed for human occupancy under transient circumstances, such as camping, travel or other recreation, sometimes variously known as a "travel trailer", "camping trailer", or a "motor home".
44. Re-Subdivision - Any replatting or re-subdivision of land limited to change in lot lines on an approved final plan or recorded plan.
45. Right-of-way, Street - A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designed as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, alley, or however designated.

46. Runoff - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow, that does not enter the soil but runs off of the surface of the land.
47. Sedimentation - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".
48. Sight Distance - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when view is unobstructed by traffic.
49. Slope - The face on an embankment or cut section; any ground whose surface makes an angle with the plan of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.
50. Street - A right-of-way or portion thereof dedicated or intended for general public, vehicular, and/or pedestrian use.
51. Streets
- a. Arterial Street - A major street or highway with fast or heavy traffic volumes of considerable continuity, and used primarily as a traffic artery for intercommunications among large areas.
 - b. Collector Street - A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and street for circulation within such a development.
 - c. Minor Street - A street used primarily for access to abutting properties.
 - d. Cul-de-sac - A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
 - e. Marginal Access Street - A minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from traffic.
52. Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes, and other similar items, including as a part thereof roofs, porches, patios, steps, decks, etc.
53. Subdivider - The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or development under the terms of this Ordinance.

54. Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two (2) 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 street or easement of access or any residential dwelling, shall be exempted.
55. Substantially Completed - Where, in the judgment of the Borough engineer, at least 90% (based on the cost of the required improvements for which financial security was posted (pursuant to Section 516) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.
56. Surface Drainage Plan - A plan showing all present and proposed grades and facilities for storm water drainage.
57. Top Soil - Surface soils and sub-surface soils which presumably are fertile soils, and soil material ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A" horizon.
58. Undeveloped Land - Any lot, tract, or parcel of land which has not been graded, or in any other manner improved or prepared, for subdivision, land development, or the construction of a building.
59. Watercourse - A stream of water, river, brook, creek, or a channel of a perceptible extent, with definite periodically flowing water.
60. Wetlands - Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory and a wetland area designated by a river basin commission.

01 / 29 / 1991

ARTICLE III - APPLICATION PROCEDURES AND PLAT REQUIREMENTS

301 - PRE-APPLICATION PROCEDURES

1. Copies of this Ordinance shall be available for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within the Borough. Copies to be retained by the applicant shall be available upon payment of a fee as set forth in the fee schedule currently in force in the Borough. Any prospective developer or subdivider may meet with the Borough Planning Commission to discuss and review tentative plans and/or any provisions of this Ordinance.
2. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environmental Resources. It is suggested that the prospective developer consult the Borough Sewage Enforcement Officer or the Adams County Office of the Pennsylvania Department of Environmental Resources as to the requirements of the Act.
3. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

302 - SKETCH PLAN

Prior to the submission of a Preliminary Plan, developers are encouraged to submit a sketch plan to the Borough Planning Commission. This will enable the Planning Commission to review the proposal for factors that may affect the development.

A sketch plan should contain at least the following information:

1. Location map.
2. General information concerning any community facilities and/or any other significant man-made or natural features that will affect the proposal.
3. A property map at a legible scale showing the specific parcel of land or site involved.
4. A sketch of the proposed development drawn at a scale no smaller than one (1) inch equaling one hundred (100) feet showing the proposed layout of streets and lots, and other features of the subdivision.
5. Since a sketch plan is informal and voluntary, no official action shall be required to be taken on a sketch plan. Any responses or approvals are informative or advisory only and the Borough shall not be deemed to have approved anything by failure to give written notice of any conditions or reasons for denials.

303 - PRELIMINARY PLAN PROCEDURES

In proposed developments that will abut an existing public right-of-way, the submission of a Preliminary Plan may be waived. However, all other applicable requirements and specifications shall remain the same.

303-A - SUBMISSION OF THE PRELIMINARY PLAN

1. Preliminary Plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Borough Planning Commission Secretary or such other official as may be designated by the Commission within ten (10) business days in advance of a regularly-scheduled Planning Commission meeting.
2. Submission shall consist of the following:
 - a. Eight (8) copies of the appropriate application form available from the Borough.
 - b. Eight (8) blue-line or black-line paper prints of the Preliminary Plan showing all the information required in Section 304.
 - c. Eight (8) copies of all other required documentation.
 - d. A filing fee as established in Article VI of the Ordinance.

303-B - DISTRIBUTION OF PRELIMINARY PLAN FOR REVIEW AND COMMENT

Copies of the Preliminary Plan and accompanying documentation shall be immediately distributed by the Borough Secretary as follows:

1. One (1) copy of the application, plan, and accompanying documentation to the Borough Engineer.
2. One (1) copy of the application, plan, and accompanying documentation to the Borough Sewage Enforcement Officer.
3. One (1) copy of the application, plan, and accompanying documentation to the County Planning Commission.
4. One (1) copy of the Soil Erosion and Sediment Control Plan to the County Conservation District Office.
5. One (1) copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road.
6. One (1) copy of the plan to the Borough Council.
7. The remaining copies of the application, plan, and accompanying documentation to the Borough Planning Commission.

203-C - ACTION ON PRELIMINARY PLAN BY THE PLANNING COMMISSION AND BOROUGH COUNCIL

1. Action on a Preliminary Plan shall be taken by the Borough Planning Commission not later than forty-five (45) days following the first meeting at which the plan is considered.
2. All actions on the Plan by the Borough Planning Commission shall be taken at a public meeting whether it be a regularly-scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified. In addition, the Planning Commission may also schedule a public hearing pursuant to public notice before taking any action on the plan.
3. At least two (2) copies of the plan shall be forwarded to the Bendersville Borough Council along with a written recommendation concerning the preliminary approval.
4. The Bendersville Borough Council shall take official action on a preliminary subdivision and land development plan after it has received the report of the Borough Planning Commission. The Borough Council shall render its decision and shall communicate it to the applicant in such time so that no more than ninety (90) days shall elapse from the date of the first regular meeting of the Planning Commission following the filing of the plan. If the first regular meeting of the Planning Commission is more than 30 days after the filing of the application, the 90-day period shall be measured from the 30th day following the date when the application was filed.
5. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 business days following the decision. When the application is not approved on the same terms as originally filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall cite provisions of this Ordinance relied upon in making that determination.
6. When a preliminary plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development within five years from such approval. Where final approval is preceded by preliminary approval, the five year period will be counted from the date of 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 plan for such approval was duly submitted.
7. Failure of the Borough Council to render a decision and communicate to the applicant within the time and in the manner required by this Ordinance shall be deemed an approval of the plan in terms as presented unless the applicant has agreed in writing to an extension of time and/or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of the communication shall have like effect.

8. Before acting on any subdivision plan, the Borough Council or the Borough Planning Commission, as the case may be, may hold a public hearing thereon after public notice.

304 - PRELIMINARY PLAN REQUIREMENTS

The Preliminary Plan submission shall be prepared by a registered surveyor and/or professional engineer and be drawn on reproducible stable transparency, using black ink to all data including approval signatures.

Scale:

Tracts of one (1) acre or less shall be drawn at a scale of no less than one (1) inch equals fifty (50) feet.

Tracts of one (1) to ten (10) acres shall be drawn at a scale of no less than one (1) inch equals one hundred (100) feet.

Tracts in excess of ten (10) acres shall be drawn at a scale of no less than one (1) inch equals two hundred (200) feet.

Tracts to be used for commercial, industrial, or high density housing development shall be drawn at a scale of no less than one (1) inch equals fifty (50) feet.

304-A - INFORMATION REQUIRED

The Preliminary Plan shall show:

1. Name of the proposed subdivision, and of the municipality in which it is located.
2. Name and address of subdivider.
3. Name, address, license number, and seal of the professional engineer or registered surveyor who prepared the drawings.
4. Date of original submission and of each subsequent revised submission.
5. True or magnetic north point.
6. Graphic scale.
7. Written scale.
8. Certification by the professional engineer or surveyor that the topography shown resulted from an actual survey and the date of that survey.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals one thousand (1000) feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. In addition, a title, scale, and north point shall be indicated.

10. The total tract boundary lines of the area being subdivided with distances accurate to one hundredth (.010) of a foot and bearings to one quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet; provided however, that the boundary(ies) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify to the accuracy of the survey, the drawn plan, and placement of the monuments.
11. A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed references. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.
13. Contour lines at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less, and at intervals of at least five (5) feet for land with average slope exceeding four (4) percent.
14. Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established bench mark. Datum shall be referenced to a U.S.G.S. bench mark what public sewer or public water is proposed, and/or the development is in excess of ten (10) lots.
15. The name (or number) and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.
16. If the subdivision proposes a new street intersection with a State Legislative Route, the intersection occupancy permit number(s) shall be indicated for all such intersections.
17. Location of existing streets and alleys adjoining the tract including name, width, width of cartway, and sidewalks.
18. The location (and elevation, if established) of all existing and proposed street monuments.
19. Location of existing and proposed rights-of-way and easements.
20. Lot numbers and statement of the total number of lots and parcels.
21. Lot lines with approximate dimensions, within +/- 0.01'.
22. The building set back lines for each lot, or other site.
23. Location of on site sewer lines.

3. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources and the Pennsylvania Department of Transportation.
4. Typical street cross section drawings for all proposed streets.
5. Tentative profiles along the centerline of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades.
6. The applicant shall, if requested by the Borough, submit a feasibility report concerning the availability and adequacy of sewer and water facilities in or near a proposed land development. Said report shall be prepared by a registered Professional Engineer and be submitted in conjunction with the Preliminary Plan, for review and recommendation by the local office of the Pennsylvania Department of Environmental Resources.
7. The applicant shall also submit a storm water management plan for the proposed subdivision or land development. The completeness of the storm water plan shall be as required by the Borough Engineer, the Planning Commission, or the Borough Council in accordance with this Ordinance.
8. Where the Preliminary Plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be submitted. The street system of the unsubmitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
9. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum (or petroleum products) transmission line located within the tract, the application shall be accompanied by 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 set back and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

305 - FINAL PLAN PROCEDURES

Submission of a Final Plan for approval by the Borough Planning Commission shall occur not more than five (5) years following the date of approval of the Preliminary Plan. Failure to submit the Final Plan within this period of time shall make the approval of the Preliminary Plan null and void unless an extension of time has been granted by the Borough.

Except for any modifications or changes required by the Borough, the Final Plan shall conform basically to the approved Preliminary Plan. Where significant modifications or changes, other than those required by the Borough are made to an approved Preliminary Plan, the Plan shall be submitted again as a Preliminary Plan.

305-A - SUBMISSION OF THE FINAL PLAN

1. Final Plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Borough Planning Commission Secretary or such other official as may be designated by the Borough Planning Commission within ten (10) business days in advance of a regularly scheduled Planning Commission Meeting.
2. Submission shall consist of the following:
 - a. Eight (8) completed copies of the appropriate application form available from the Borough.
 - b. Eight (8) blue-line or black-line paper prints of the Final Plan showing all the information required in Section 306.
 - c. Eight (8) copies of all other required documentation.
 - d. A filing fee as established in Article VI of this Ordinance.

305-B - DISTRIBUTION OF FINAL PLAN FOR REVIEW AND COMMENT

Copies of the Final Plan and accompanying documentation shall be immediately distributed by the Borough Council Secretary as follows:

1. One (1) copy of the application, plan, and accompanying documentation to the Borough Engineer.
2. One (1) copy of the application, plan, and accompanying documentation to the Borough Sewage Enforcement Officer.
3. One (1) copy of the application, plan, and accompanying documentation to the County Planning Commission.
4. One (1) copy of the Plan to the County Conservation District Office.
5. One (1) copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road.
6. One (1) copy of the plan to the Borough Council.
7. The remaining copies of the application, plan, and accompanying documentation to the Planning Commission.

305-C - ACTION ON FINAL PLAN BY THE PLANNING COMMISSION AND BOROUGH COUNCIL

1. Action on the final plan shall be taken in the same manner as for preliminary plans (Section 303-C). Provided, however, if DER has not approved the planning module within the standard review period for the Borough Council as set forth in this Ordinance, the Borough Council shall disapprove the plan and require its resubmission unless the developer agrees in writing or states for the Minutes of the Meeting that he agrees to an extension of time for the Borough to give final approval, which extension shall be until the next regular public meeting after receipt of the letter from DER. In addition, if a final plan is approved, the Planning Commission Chairman and the Secretary shall sign the record plan and all prints. Thereafter, the Borough Council acting through its President or Chairman and Secretary shall also sign the plans if approved by them.
2. Failure of the Borough Council to render a decision and communicate it to the developer within the time and in the manner required by this Ordinance shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.
3. Before the final plan is approved, the applicant shall either install all the required improvements or shall provide for the deposit with the Borough Council of a corporate bond or other security acceptable to the municipality pursuant to Section 512 of this Ordinance.
4. Before any final plan is approved, the fees as required in Article VI of this Ordinance must be paid.

305-D - RECORDING OF PLAN

1. Upon approval of a Final Plan by the Borough Council, the developer shall record the Record Plan in the office of the Adams County Recorder of Deeds within ninety (90) days. No plan shall be recorded unless it has been officially approved by the Borough Council.
2. If the Plan is not recorded within ninety (90) days, the approval by the Borough shall be null and void unless an extension of time is granted by the Borough Council upon request from the developer.
3. After the Plan has been recorded, a signed copy of the plan with the date and time of recording will be returned to the Borough Council.
4. No land in a development shall be sold or transferred prior to recording of the Record Plan.

305-E - LIMITATIONS OF FINAL PLAN APPROVAL

The approval of the Final Plan by the Borough Council shall be deemed an acceptance of the Plan and shall authorize the Recorder of Deeds to record the same, but shall not impose any duty upon the Borough concerning maintenance or improvements of any streets, highways, alleys, or other portions of the same until said Borough shall have accepted same by dedication for public use.

9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals one-thousand (1000) feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one-thousand (1000) feet of any part of the property. In addition, a title, scale, and north point shall be indicated.
10. The total tract boundary lines of the area being subdivided with distances accurate to one-hundredth ($1/100$) of a foot and bearings to one-quarter ($1/4$) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten-thousand (10,000) feet; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.
11. A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed reference. When adjacent properties are part of a recorded plat only the lot number and subdivision name need be shown.
13. Contour lines at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less, and at intervals of at least five (5) feet for land with average slope exceeding four (4) percent.
14. Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established bench mark. Datum shall be referenced to a U.S.G.S. bench mark when public sewer or public water is proposed, and/or the development is in excess of 10 lots.
15. The name (or number) and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.
16. The following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets, within the property:
 - a. The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or chord) of all curved lines (including curved lot lines).

- b. The width (in feet) of the cartway, right-of-way, and if required, of the ultimate right-of-way, and (in degrees, minutes, and seconds) of the delta angle of all curved lines, including curved lot lines
 - c. All straight lot lines, defined (in feet and hundredths of a foot) by distances, and (in degrees, minutes, and seconds) either by magnetic bearings or by angles of deflection from other lot and street lines.
17. If lots have their ingress or egress by driveways or streets entering onto a state highway, no Final Plan shall be approved unless the Plan contains a notice that a state highway occupancy permit is required before driveway or street access is permitted.
 18. Location of existing streets and alleys adjoining the tract including the name, width, width of cartway, and sidewalks.
 19. The location (and elevation, if established) of all existing and proposed street monuments.
 20. Location of existing and proposed rights-of-way and easements.
 21. Lot numbers and a statement of the total number of lots and parcels.
 22. Lot lines with approximate dimensions.
 23. The building set back lines for each lot or other sites
 24. For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
 25. A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivisions and, if recorded, including the book and page number.
 26. Location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
 27. The location of any existing bodies of water or watercourses, tree masses, buildings or structures (including the location of wells and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed subdivision.
 28. A certification of ownership, acknowledgment of a plan, and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the company.
 29. An approval block for the use of the Bendersville Borough and County Planning Commissions.

7. A plan for the control of erosion and sedimentation for review by The County Conservation District Office as required by the Pennsylvania Clean Streams Act.
8. Where deemed necessary by the Borough, a storm drainage plan and storm drainage calculations.
9. Where deemed necessary by the Borough, a map showing the location of the proposed development with respect to the Borough's floodprone areas, including information on the Regulatory Flood Elevation, the boundaries of the floodprone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special restrictions. In addition, where the proposed development lies partially or completely in any floodprone area, or borders on any flood prone area, such map shall also show the location and elevation of proposed roads, public utilities, and building sites.
10. A planning module as required by the Pennsylvania Department of Environmental Resources.
11. Such private deed restrictions, including building set back lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
12. Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Borough Council.
13. When a proposed plan has been submitted to the County Conservation District Office for their review and recommendations, a plan and/or other documentation to show what has been, or will be done in response to their recommendations.
14. An affidavit to the effect that all affected municipalities have been notified of any alteration and/or relocation of any watercourse.
15. Applicants shall present evidence to the Borough that the subdivision or development is to be supplied by a certificated public utility, or by municipal corporation, authority or utility. The applicant shall provide the Borough with a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement to serve the area in question, as acceptable evidence that the above requirements has been met.
16. No plat which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be final approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a state highway is permitted, or that a Borough occupancy permit is required from the Borough if the entrance is from a Borough street.

307 - RE-SUBDIVISION PROCEDURE

Any replatting or re-subdivision, including changes to a recorded plan, shall be considered as a new application, and shall comply with all requirements of this Ordinance.

308 - ADDITIONS TO EXISTING LOTS

A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size provided that:

1. The parcel to be added must be contiguous to the existing lot.
2. The addition must maintain or improve the overall straitness of lot lines.
3. The Plan prepared for the addition of this parcel shall follow the procedures outlined in this Ordinance.
4. The Plan shall stipulate that the parcel is for the sole purpose of enlarging an existing lot and that it may not be separately sold or retained.

01/29/1991

ARTICLE IV - DESIGN STANDARDS

401 - APPLICATION OF STANDARDS

The following standards shall be applied by the Bendersville Borough Council, the Bendersville Borough Planning Commission, and the Adams County Planning Commission in evaluating plans submitted for review and/or approval. It is intended that these standards be considered the minimum requirements and may be modified as necessary to protect the health, safety, and general welfare of the public.

402 - GENERAL SITE STANDARDS

The following requirements and guiding principles for Subdivisions and Land Developments shall be observed with respect to factors affecting the suitability of the site for such development.

1. The Subdivision and Land Development Plan shall conform to the municipal comprehensive plan and official map or to such parts thereof, as shall have been officially prepared and adopted by the municipality in which the development is situated.
2. A land development or subdivision must be coordinated with existing land development or subdivision in that neighborhood so the entire area may be developed harmoniously.
3. Land proposed for land development or subdivision shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the Erosion Control Regulations of the Pennsylvania Department of Environmental Resources.
4. In a development where the average slope exceeds fifteen (15) percent, the Bendersville Borough may require modification to these regulations.
5. In all developments, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation by the Bendersville Borough. Examples of such features would include, but not be limited to, large trees, watercourses, historic areas and structures, scenic view, etc. To insure the protection of such features, the Bendersville Borough may require the following additional information to be submitted:
 - a. A grading plan showing the existing and proposed ground elevations relative to the features.
 - b. The accurate location of the features to be protected.
 - c. An explanation of the precautions to be taken by the developer to protect such features.
6. Any plans for the alteration of a watercourse shall be incorporated into the design plan and subject to approval by the Bendersville Borough, or where deemed necessary, the U.S. Army Corps of Engineers, and/or the Pennsylvania Department of Environmental Resources.

403- B - STREET WIDTHS

Minimum street right-of-way and cartway widths shall be as follows:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY</u>	<u>CARTWAY</u>
Arterial streets	As determined by the Bendersville Borough after consultation with the Pennsylvania Department of Transportation.	
Collector streets	60 feet	36 feet curb to curb
Minor streets	50 feet	36 feet curb to curb
Alley or service dr.	25 feet	20 feet

Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Bendersville Borough in specific cases for:

1. Public safety and convenience.
2. Parking in commercial and industrial areas and in areas of high density development.
3. Widening if existing streets where the width or alignment does not meet the requirements of the preceding paragraphs.
4. Where topographic conditions require excessive cuts and fills.

403- C - STREET GRADES

1. The grades of streets shall not be less than the minimum nor more than the maximum requirements listed below:

<u>STREET TYPE</u>	<u>MINIMUM GRADE</u>	<u>MAXIMUM GRADE</u>
Arterial street	As determined by the Bendersville Borough after consultation with the Pennsylvania Department to Transportation.	
Collector and minor streets and alleys	0.75%	7% for collector 8% for minor and alleys

2. Vertical curves shall be used in changes of grade when the difference exceeds one (1) percent and shall be designed for maximum visibility.
3. A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street shall not be less than one-eighth (1/8) of an inch per foot and not more than one-third (1/3) of an inch per foot. Adequate facilities must be provided at low points along the street and other points necessary to intercept runoff.

403- D - CURVES

1. Where connecting street lines deflect from each other at any one (1) point the line must be connected with a true, circular curve. The minimum radius of the center line for the curve must be as follows:

<u>STREET TYPE</u>	<u>MINIMUM RADIUS</u>
Collector street	300 feet
Minor street	150 feet

2. Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets, there must be a tangent of at least one hundred (100) feet between reverse curves.

403- E - SIGHT DISTANCE & CLEAR SIGHT TRIANGLE

1. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The sight distance shall conform to the requirements of the Pennsylvania Code, Title 67. Transportation, Department of Transportation, Chapter 441 or as amended.
2. There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points one hundred (100) feet from the intersection of the street center line. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

403- F - CUL-DE-SAC STREETS

Cul-de-sac streets designed to be so permanently, shall not exceed seven hundred-fifty (750) feet in length, with a minimum of three hundred (300) feet in length and shall be provided with a paved turnaround having a minimum diameter of one hundred (100) feet and legal right-of way of one hundred twenty (120) feet in diameter, except in nonresidential areas, where Cul-de-sac streets may exceed five hundred (500) feet in length when, under special circumstances, the Bendersville Borough deems such additional length necessary.

403- G - INTERSECTIONS

1. No intersection shall involve the junction of more than two (2) streets.
2. Within one-hundred (100) feet of an intersection streets shall be at right angles. The Bendersville Borough may, under special circumstances where an angle of less than ninety (90) degrees will not create a traffic hazard, permit an intersection of less than ninety (90) degrees, but in no instance, however, shall streets intersect at an angle of less than seventy-five (75) degrees.

3. Intersections shall be approached on all sides by leveling areas. Where the grades exceed seven (7) percent, such leveling areas shall have a minimum length of one hundred (100) feet (measured from the intersection of the center line) within which no grade shall exceed a maximum of four (4) percent.
4. All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of the Pennsylvania Department of Transportation. The developer shall furnish evidence of such approval in the form of a PENNDOT Highway Occupancy Permit or other written form.
5. Design of curb or edge of pavements must take into account such factors as types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb edge of pavement be less than the following:

<u>INTERSECTION TYPE</u>	<u>CURVE RADIUS</u>
Minor with minor street	15 feet
Minor with collector	25 feet
Collector with collector	35 feet

6. Minor and collector streets shall not intersect arterial streets on the same side at less than eight hundred (800) foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two (2) streets that intersect another from opposite sides cannot be aligned, then a distance of at least one hundred fifty (150) feet shall be provided between the two intersecting center line

403- H - SLOPE OF BANK ALONG STREETS

The slope of banks along streets measured perpendicular to the street center line will be no steeper than the following:

1. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
2. One (1) foot of vertical measurement or two (2) feet of horizontal measurement for cuts.

403- I - PARTIAL AND HALF STREETS

The dedication of half streets at the perimeter of new developments is prohibited, except to complete existing half streets.

403- J - NAMES OF STREETS

Names of new streets shall not duplicate or approximate existing or platted street names or approximate such names by the use of suffixes such as "lane", "way", "drive", "court", or "avenue". In approving the names, consideration shall be given to existing or platted street names within the postal delivery district served by the local post office and emergency service areas served by local fire companies. New streets shall bear the same name or number of any continuation or alignment with an existing street. All new streets must be approved by the Adams County Office of Planning and Development to ensure proper coordination with the County wide numbering system.

403- K - RESERVE STRIPS

Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in the Bendersville Borough under control approved by the Bendersville Borough. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.

403- L - ALLEYS

Alleys shall be prohibited in single family residential developments, but may be included in Townhouse, multiple family, commercial, and industrial developments.

404 - OFF STREET PARKING

404- A - STANDARDS

Off street vehicular parking facilities shall be provided in accordance with the following standards:

1. Off street parking facilities must be located in any required side, or rear yard, except for single family or semidetached dwelling units. But in no case shall it be located within ten (10) feet of any street right-of-way for commercial, industrial, or multi family use.
2. All commercial, industrial, and multi-dwelling off street parking areas shall be paved and shall be properly graded and drained to dispose of all surface water.
3. Commercial and industrial parking areas shall be arranged and marked for the orderly and safe movement, loading, parking, and storage of vehicles.
4. All commercial and industrial parking, loading/unloading, or pedestrian areas shall be provided with adequate lighting as per the Pennsylvania Department of Labor and Industry or the Pennsylvania Department of Transportation regulations, as applicable. In addition, because of the intensity of use; vehicular traffic patterns produced; or safety factors involved, the following uses shall provide lighting for the total area to the lot in such a manner that there are no dark areas:

- e. Within fifteen (15) feet of a fire hydrant.
4. An access drive shall be provided with a clear sight triangle as described in Section 403-E2 of this Ordinance. The drive may not exceed a slope of five (5) percent within twenty-five (25) feet of the street right-of-way lines. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point the drive intersects the street right-of-way.
5. Sight distance shall be in accordance with Section 403-E-1 of this ordinance.

405- B - COMMERCIAL, INDUSTRIAL, MULTIFAMILY AND CONDOMINIUMS

Access drives to any public street or highway in the case of a commercial, industrial, multiple family, or condominium development:

1. All access ways to any public street or highway shall be located at least one hundred fifty (150) feet from any intersection involving an arterial or collector street and one hundred (100) feet from the intersection of minor streets. Such measurement shall be made from the intersection of the street center line. Where practicable, exits shall be located on minor, rather than major streets or highways.
2. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, traffic and lane markings, and signs. The developer shall be responsible for the cost of any turning lanes traffic study which may be required, and the construction of any such traffic control devices, acceleration or deceleration lanes, traffic and lane markings, and signs which may be required. The traffic study shall be prepared by a engineer approved by the Bendersville Borough.
3. All access to and occupancy of any public highway either State or Bendersville Borough shall meet the provisions of the Pennsylvania Code Title 67 Transportation, Department of Transportation Chapter 441 or as amended.
4. Prior to the approval of the final plan a highway occupancy permit must be secured from the Pennsylvania Department of Transportation if access is from a state highway or from the Bendersville Borough. If access is from a Bendersville Borough road a detailed construction plan including storm drainage study and facilities which may be required for said access must be submitted with the final plan.
5. The access must be constructed to the street right-of-way as per requirements of Section 502-A-2 Collector Streets of this ordinance.
6. No access drive shall be within five (5) feet of a property line or fifteen (15) feet of a fire hydrant.

7. An access drive shall be provided with a clear sight triangle as described in Section 403-E2 of this Ordinance. The drive may not exceed a slope of five (5) percent within twenty-five (25) feet of the street right-of-way lines. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point the drive intersects the street right-of-way.

405- C - PRIVATE ACCESS

Parcels of land existing as of the effective date of this Ordinance which have their access by means of private roads or private rights-of-way shall not be permitted to be subdivided, unless the roads are constructed to Borough specifications and are offered for dedication to the Borough.

406 - BLOCKS

406- A - GENERAL

The length, width and shape of blocks shall be determined with due regard for:

1. The provision of adequate sites for buildings of the type proposed.
2. Topography.
3. Any other codes, plans, and ordinances.
4. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

406- B - BLOCK LENGTH

The length of blocks shall not exceed sixteen hundred (1600) feet or be less than eight hundred (800) feet.

406- C - PEDESTRIAN CROSSWALKS

Where blocks exceed one thousand (1000) feet in length, pedestrian rights-of-way of not less than twelve (12) feet in width shall be provided where needed for adequate pedestrian circulation. Paved walks of not less than six (6) feet shall be placed within the right-of-way.

406- D - BLOCK DEPTH

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except:

1. Where reverse frontage lots are required along major streets.
2. Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Bendersville Borough may approve a single tier of lots.

406- E - COMMERCIAL AND INDUSTRIAL BLOCKS

Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases however, adequate provision shall be made for off street parking and loading areas as well as for traffic circulation and parking for employees and customers.

407 - LOTS

407- A - GENERAL

1. The size, shape, and orientation of lots shall be appropriate for the type of development use contemplated. In so far as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
2. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
3. Generally, the depth of residential lots shall be not less than one (1) nor more than two and one-half (2 1/2) times their width.
4. Where the lots in a subdivision are large enough for re-subdivision, or where a portion of the tract is not developed, suitable access to these areas shall be provided.
5. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, set backs, landscaping, etc.
6. If after subdividing, there exist remnants of land they shall either be incorporated into existing or proposed lots, or legally dedicated to public use, if acceptable to the Bendersville Borough
7. No lot shall be created in any manner whatsoever which does not meet the minimum requirements of this Ordinance.

407- B - LOT FRONTAGE

1. All lots shall front on a dedicated public street.
2. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation, or location.
3. All residential reverse frontage lots shall have a planting screen easement of at least twenty (20) feet in width across which there shall be no right of access.

- a. Twenty-five (25) feet from the right-of-way line on minor streets.
 - b. Thirty (30) feet from the right-of-way line on collector streets.
 - c. Fifty (50) feet from the right-of-way line on arterial streets and roads.
4. Building lines in a proposed subdivision shall not be less than fifteen (15) feet from a side lot line.
 5. Building lines in a proposed subdivision shall not be less than twenty-five (25) feet from a rear lot line.
 6. Additional side and rear yard setbacks shall be required for proposed buildings or structures that are four (4) or more stories in height, or more than 45' in height.

407- G - LOT DIMENSIONS AND MINIMUM REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT

- a. All lot areas shall be calculated from the street right-of-way line and shall exclude the area of any easement located on the lot, and all land located within the flood plain area.
- b. All set back lines shall be measured from the street right-of-way line and shall have appropriate setback from all such right-of-way lines as set forth in Section 407-F-1 of this ordinance.
- c. All lot widths shall be measured at the front set back line.

1. Residential Developments

- a. Single family detached unit:

	Pri. water and sewer	Pri. water Pub. sewer	Pri. water Proposed Pub. sewer +	Pub water and sewer
Area/unit in square ft.	43,560 (one acre)	20,000	20,000*	12,500
Min. width in feet	140	100	100	100
Soil tests required	yes	no	yes	no
Maximum lot coverage	35%	35%	35%	35%

* Where on site sewer facilities are to be elevated sanctimonious, minimum lot area shall be 43,560 square feet.

+ Proposed public sewer - Either dry laid sewer line or financial security provided to assure that public sewer will be installed within two (2) years.

Two (2) off-street parking spaces will be provided for each dwelling unit.

b. Conversion unit:

1. Requirements for total lot area, width, coverage, and percolation shall be the same as the requirements for the type of unit which is being created.
2. Two (2) off-street parking spaces shall be provided on the same lot for each dwelling unit created.

c. Semidetached unit:

	Pri. water and sewer	Pri. water Pub. sewer	Pri. water Proposed Pub. sewer+	Pub. water and sewer
Area/unit in square ft.	40,000	20,000	*20,000	10,000
Min. width in feet	130	100	100	90
Soil tests required	yes	no	yes	no
Maximum lot coverage	35%	40%	35%	40%

* Where on site sewer facilities are to be elevated sandmounds, the minimum lot area shall be 43,560 square feet.

+ Proposed public sewer - Either dry laid sewer line or financial security provided to assure that public sewer will be installed within two (2) years

Two (2) off-street parking spaces shall be provided for each dwelling unit.

d. Attached, Row, or Townhouse units;

- Area per unit: 3000 square feet
- Minimum width: 20 feet for each unit
- Maximum lot coverage: 50%

1. The maximum number of dwelling units in a group of row dwellings shall be five (5).
2. No buildings shall exceed one-hundred twenty (120) feet in length.

3. Two (2) off-street parking spaces shall be provided to the rear of each unit. An access drive having a minimum width of twenty (20) feet shall provide access to the parking area. The access drive shall be constructed in accordance with Section 502-A-1 of this ordinance. The access drive shall be maintained by a Home Owners Association consisting of all lot owners whose property abuts said drive.
4. Water and sewer facilities shall be public systems. No individual or community on-site systems shall be approved for attached, row, or townhouse units.
5. The minimum side yard shall be twenty (20) feet for buildings containing four (4) units; twenty-five (25) feet for buildings containing five (5) units.
6. Recreation areas shall be provided according to the following provisions:
 - a. For subdivision up to ten (10) units, a minimum total area of one-thousand (1000) square feet shall be designated and reserved by the developer
 - b. For subdivisions of more than ten (10) but less than fifty (50) units, a minimum of one-hundred (100) square feet per unit shall be designated and reserved by the developer in addition to the one-thousand (1000) square feet for first ten (10) units.
 - c. For subdivisions over fifty (50) units, the developer shall provide for recreation areas as negotiated with the Bendersville Borough.
 - d. Deeds for each unit shall reflect responsibility for maintaining recreation areas.
 - e. The area shall be provided adjacent to the housing units.
 - f. The area shall be suitably landscaped, for recreational use.
 - g. The area shall not be considered for future development.
- e. Multiple dwelling or Apartment units:

Min. total lot area: 30,000 square feet plus 3,000 square feet for each unit in excess of three (3).

Minimum width: 125 feet

Maximum lot coverage: 50 %

1. Water and sewer facilities shall be public systems or approved private sewage treatment system. No individual or community on-site system shall be approved for multiple dwelling or apartment units with the following exception:

- a. The maximum number of dwelling units is three (3) or less.
 - b. The lot size has a minimum lot area of 80,000 square feet for two (2) units or 120,000 square feet for three (3) units.
 - c. The minimum lot width is 180 feet for two (2) units or 220 feet for three (3) units.
 - d. An alternate site must be approved and reserved for a replacement septic system.
 - e. Only one apartment building is permitted on the lot.
2. The minimum distance between principal buildings shall be equal to two (2) times the height of the highest building. In no case shall this distance be less than sixty (60) feet. All building set back lines shall be one (1) times the height of the highest building, and in no case shall this distance be less than required under Section 407-F.
 3. If maintenance equipment storage areas are provided, they shall be provided with buffer zones.
 4. Two (2) off-street parking spaces shall be provided to the rear for each dwelling unit. In addition, for every two (2) dwelling units of this type proposed, there shall be provided one (1) additional off-street parking space to the rear. No off street parking shall be permitted in front or sides of units. All parking areas must be twenty (20) feet from the structure.
 5. Minimum building set back lines for any building containing only two (2) multiple dwelling units shall be the same as for single family residences
 6. No building shall exceed one-hundred twenty (120) feet in length, nor 50' in height.
 7. Recreation areas shall be provided for multiple dwelling and apartment units according to the same requirements as for attached, row, or townhouse units.

f. Condominiums:

Min. total lot area: 30,000 square feet plus 3,000 square feet
for each unit in excess of three (3).

Minimum width: 125 feet

Maximum lot coverage: 50%

1. Water and sewer facilities shall be public systems. No individual or community on-site systems shall be approved for condominiums.

- a. Fire and explosive hazards as governed by the Department of Labor and Industry and the Laws of the Commonwealth of Pennsylvania.
 - b. Liquid and solid wastes as governed by the Pennsylvania Department of Environmental Resources.
 - c. Smoke as governed by the Pennsylvania Air Pollution Control Commission.
 - d. Other forms of air pollution as governed by the United States Environmental Protection Agency.
6. All outdoor storage area shall be enclosed with a barrier no less than six (6) feet in height, capable of being locked or otherwise secured against intrusion.
 7. All access driveways shall be designed and constructed in accordance with Section 405-B of this ordinance. In no case shall the access drive be less than 16' in width

408 - EASEMENTS

1. The minimum width of easements for underground and overhead public utilities shall be twenty (20) feet.
2. Whenever possible, easements for public utilities shall be centered on side and/or rear lot lines.
3. Electric and telephone facilities shall be installed underground unless conditions require otherwise.
4. Drainage easements shall be such adequate width as to serve the purpose for which they are intended. Such easements shall preserve the unhampered flow of natural drainage or provide for the construction of drainage facilities. In no case shall they be less than twenty (20) feet.

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ARTICLE V - IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

501 - MONUMENTS AND MARKERS

Monuments and markers shall be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They shall be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments shall be marked on top with a copper or brass plate or dowel set in the concrete.

501-A - MONUMENTS

1. Monuments shall be set:
 - a. At the intersections of all right-of-way lines.
 - b. At the intersection of lines forming angles in the boundaries of the development.
 - c. At such intermediate points as may be required by the engineer.
2. Monuments shall be six (6) inches square or four (4) inches in diameter, thirty (30) inches long and made of concrete, stone, or be setting a four (4) inch cast iron or steel pipe filled with concrete.

501-B - MARKERS

1. Markers shall be set:
 - a. At all lot corners except those monumented.
 - b. Prior to the time the lot is offered for sale.
2. Markers shall be three-quarters (3/4) of an inch square or three-quarters (3/4) of an inch in diameter, and fifteen (15) inches long. Markers shall be made of iron pipes or steel bars.

501-C - REMOVAL

Any monuments or markers that are removed shall be replaced by a registered engineer or surveyor at the expense of the person removing them.

502 - STREETS

Streets shall be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the developer and approved by the Borough. Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate storm water drainage for the streets, as acceptable to the Borough. Following a review of the development plan and consultation with the developer and the governing body of the municipality in which the development is located, the Borough shall determine the type of development and the specifications for the base and wearing surface of the streets in accordance with the following:

502-A - URBAN OR SUBURBAN DEVELOPMENTS

1. Minor streets

- a. Except when otherwise specified by the Borough, the subbase course shall consist of eight (8) inches of compacted crushed stone constructed according to the specifications set forth in Section 350, Subbase, in the Pennsylvania Department of Transportation Specifications, 1987, or as amended.
- b. Construction of the surface course shall comply with the specifications as set forth in Section 421, Bituminous Binder Course ID-2, and Section 420, Bituminous Wearing Course ID-2, of the Pennsylvania Department of Transportation Specifications, 1987, or as amended. The Binder Course shall consist of 1 1/2" of ID-2 and the Wearing Course shall consist of 1" of ID-2 for a total depth of 2 1/2".

2. Collector streets

- a. Except when otherwise specified by the Borough, the base course shall consist of ten (10) inches of compacted crushed stone constructed according to the specifications as set forth in Section 350, Subbase, in the Pennsylvania Department of Transportation Specifications, 1987, or as amended.
- b. Construction of the surface course shall comply with the specifications as set forth in Section 421, Bituminous Binder Course ID-2, and Section 420, Bituminous Wearing Course ID-2, of the Pennsylvania Department of Transportation Specifications, 1987, or as amended. The Binder Course shall consist of 1 1/2" of ID-2 and the Wearing Course shall consist of 1 1/2" of ID-2 for a total depth of 3".

3. Arterial Streets

For the construction of arterial roads or highways, the developer shall consult with the Borough and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The Borough shall decide if a collector or arterial street is required as a direct result of the construction of his development, in which case the developer is responsible for paving the additional width required.

502-B - STREET LIGHTS

In any proposed development involving ten (10) or more lots or dwelling units with an average lot size or area per dwelling unit of fifteen thousand (15,000) square feet or less, a street light meeting Borough requirements shall be installed at one (1) corner of every intersection. In lieu of street lights, the Borough may require the developer to install individual property lights in the ratio of one (1) to each lot.

502-C - STREET SIGNS

Street name signs shall be placed at one (1) corner of every intersection. The design must be according to Borough requirements.

502-D - STREET TREES

The Borough may require that shade trees be planted in the development to conform to the following specifications:

1. Shade trees shall be planted by the developer at intervals of between fifty (50) feet and seventy (70) feet along both sides of all streets of the development. Tree species must be approved by the Borough.
2. The trees shall be located between the sidewalk and building setback lines and at least five (5) feet from the sidewalk. No trees shall be planted between the sidewalk and curb.
3. Each tree shall be at least eight (8) feet in height and have a diameter of at least one and one-half (1 1/2) inches.

503 - CURBS AND GUTTERS

1. Curbs shall be installed on both sides of any proposed street included in a proposed subdivision. Curbs may also be required on existing streets where curbs are necessary to control the flow of surface water and regulate traffic.
2. Curbs shall be provided in all parking compounds located within multifamily, commercial, and industrial developments.
3. All curbs shall be constructed of Cement Concrete. The construction of vertical curbs shall conform to the requirements of Section 630, Plain Cement Concrete Curb, Type A, of the Pennsylvania Department of Transportation Specifications 1987, or as amended. Rolled curb and gutter type curbs may be constructed using a curbing machine.
4. Curb cut ramps shall be provided for the physically handicapped as required by Section 228 of the 1973 Highway Safety Act, Commonwealth of Pennsylvania.

504 - SIDEWALKS

In any proposed subdivision or land development with an average lot size or area per dwelling unit of fifteen thousand (15,000) square feet or less, or where any subdivision is immediately adjacent to or within one thousand (1,000) feet of, any existing or recorded subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with Borough requirements. The Borough may also require installation of sidewalks in any subdivision or land development where the evidence indicated that sidewalks are necessary for the public safety.

1. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.
2. Sidewalks shall be at least four (4) feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks shall be at least five (5) feet wide and located within the street right-of-way.

ARTICLE VI - FEES

The following fees shall be paid by the subdivider or developer to the Borough. All fees shall be in the form of a certified check or money order and payable to the Borough.

601 - FILING FEE

A filing fee established by the Borough Council will be paid at the time the preliminary application is submitted for approval.

602 - REVIEW FEE

1. An engineering fee in the amount estimated by the Borough Engineer on the basis of the preliminary plan to cover such costs as:
 - a. Reviewing the plan for conformance to the provision of the codes and ordinances of the Borough.
 - b. Site inspection for conformance to survey.
 - c. Preparing cost estimates of required improvements.
2. Such fee shall be sufficient to cover the costs of all necessary engineering reviews. Failure to pay such fee after notification of the costs, and within eighty five (85) days of plan submission shall constitute grounds for denial of preliminary plan approval. All final approvals will be held until payment of all fees to Borough Council.
3. The developer shall be reimbursed if the actual cost is under the estimated cost. The developer shall be required to pay any additional amounts required because of unforeseen circumstances after any such amounts have been authorized by the Borough Council.

603 - INSPECTION FEE

Where plans call for a Borough inspection prior to approval, the usual and customary fee established by Bendersville Borough will be paid prior to the final signatures.

604 - RESUBMISSION OF PLANS

Where plans are resubmitted following disapproval by the Borough, no fee shall be charged for resubmission, provided the re-review involves changes only to those items for which the plan was originally disapproved.

605 - FEE SCHEDULE

The Borough shall adopt by resolution a Borough Subdivision and Land Development fee schedule. The Borough shall not be required to review any plan unless the fee as provided in the rate schedule is first paid to the Borough.

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ARTICLE VII - MODIFICATIONS

701 - GENERAL

Upon cause shown by an applicant, the Borough Council may grant a modification of the requirements of one or more provisions of the ordinance in instances where the literal enforcement thereof would exact undue hardship because of the peculiar conditions pertaining to the land in question; provided however, that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance will be observed.

702 - PROCEDURE

1. Any request for a modification shall be in writing and shall accompany and be part of the application for subdivision or land development.
2. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this ordinance involved, the exact variance therefrom which is requested and an indication regarding the minimum modification which is necessary to achieve the desired result.
3. A written record of all actions taken by the Borough Council on requests for modifications shall be kept on file in the Borough offices.

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ARTICLE VIII - MOBILE HOMES AND MOBILE HOME PARKS

801 - PURPOSE

This article shall provide for the planning and placement of mobile homes and mobile home parks in such manner that will eliminate and prevent health and safety hazards; will promote the economical and orderly development and utilization of land; will preserve natural and scenic values; will not create a traffic hazard or otherwise impair the function and amenity of the mobile home occupants and/or the surrounding neighborhood.

802 - PERMITS AND CERTIFICATE OF REGISTRATION

1. Permits Required. It shall be unlawful for any person to maintain, construct, alter or extend any mobile home park within the limits of Bendersville Borough unless said person holds a valid certificate of registration issued by the Department of Environmental Resources in the name of such person and also a permit issued by Bendersville Borough.
 - a. Application to Pennsylvania Department of Environmental Resources. All applications for a Certificate of Registration shall be made by the owner of the mobile home park or his authorized representative in accordance with the rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Resources.
 - b. Application to the Municipality. A copy of the Environmental Resources application shall be concurrently filed with Bendersville Borough, and the applicant shall also submit an application to the same official using a form furnished by such official, for a permit to operate a mobile home park in Bendersville Borough.
 - c. Renewal Permits. Renewal permits shall be issued by Bendersville Borough upon furnishing proof by applicant that his park continues to meet the standards prescribed by the Department of Environmental Resources and this Ordinance. A representative of Bendersville Borough may inspect a mobile home park at reasonable intervals, and at reasonable times, to determine compliance with this Ordinance.
 - e. Compliance of Existing Mobile Home Parks.
 1. Mobile home parks in existence at the date of adoption of this Ordinance and duly authorized to operate as the same by the Department of Environmental Resources may be continued so long as they otherwise remain lawful.
 2. Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park permit as required under this Ordinance.

3. Any subsequent new construction, alteration or extension of an existing mobile home park shall comply in full with the provisions of this Ordinance.
 4. Any existing mobile home park which in the opinion of Bendersville Borough creates a fire or health hazard shall be required to comply with the Ordinance within a reasonable period of time as determined by Bendersville Borough.
- f. Individual mobile homes not located in a mobile home park shall not be required to obtain a mobile home park permit. However, the owner shall be required to obtain a building permit as prescribed by the Building Permit Ordinance of Bendersville Borough. Individual mobile homes shall comply with all other applicable ordinances and regulations that govern single-family homes in Bendersville Borough.

803 - FEES

1. An initial permit fee for each mobile home park will be assessed; plus additional fees for each mobile home space shown by the plot plan. These fees will be established by the Bendersville Borough council and will be due when the plot plan is filed for final approval.
2. The annual renewal permit fee for each mobile home park shall also be established by Bendersville Borough Council. There will be a fee for the transfer of a permit.

804 - APPLICATION FOR PERMIT AND PLAN REQUIREMENTS

1. An application for the mobile home park permit shall be filed in triplicate with the Bendersville Borough Secretary. The application shall be in writing, signed by the owner and shall include the following:
 - a. The name and address of the owner.
 - b. The location and legal description of the mobile home park.
 - c. A complete plan of the park in conformity with the requirements of this Ordinance.
 - d. Plans and specification of buildings, improvements and facilities constructed or to be constructed within the mobile home park.
 - e. Such further information as may be requested by Bendersville Borough Council and/or the Planning Commission to enable it to determine if the proposed park will comply with legal requirements.
2. The Borough Secretary shall submit a copy of the application and plans to the Planning Commission for their review and recommendation.

3. Upon the recommendation of the Planning Commission the Borough Council shall consider the application and mobile home park plan to determine compliance with the provisions hereof. Upon favorable determination of same, and upon being furnished a copy of the Certificate of Registration issued by the Department of Environmental Resources to the owner, and payment of the fee prescribed herein, a mobile home park permit shall be issued to the owner which shall be valid for a period of one year thereafter.
4. The plan of a proposed mobile home park shall be clearly and legibly drawn to a scale of not less than one inch to 50 feet and not more than one inch to 100 feet.
5. Mobile home park plans shall be prepared by a Registered Surveyor or Engineer, Landscape Architects, Land Planner or other similarly qualified person.
6. The plan shall contain a statement that a State or Borough Highway Occupancy Permit is required pursuant to State and Borough Rules and Regulations. No building permits will be issued until a Highway Occupancy Permit is obtained.
7. Delineation, including location and boundary, of any existing wetlands. If there are no wetlands, a note should state that fact.
8. The plan shall show:
 - a. The name of the proposed mobile home park.
 - b. North point, graphic scale and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision, if any.
 - c. Name of record owner and developer; and a notarized certificate of ownership.
 - d. Name and address of registered surveyor or engineer, landscape architect, land planner or other similarly qualified person responsible for the plan.
 - e. Names of all abutting property owners, if any with the County Recorder of Deeds Book and Page Nos. where recorded.
 - f. A key map, for the purpose of locating the property being subdivided, showing the relationship to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property.
 - g. Total tract boundaries of the property being plotted showing bearings and distances, and a statement of total acreage of the property.

- h. All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, water courses, and significant manmade or natural features within the proposed mobile home park and within 50 feet from the boundaries of the proposed mobile home park.
- i. All existing buildings or other structures, and the approximate location of all existing tree masses, within the proposed mobile home park.
- j. Location and elevation of the datum to which contour elevations refer; where reasonably practical, datum used shall be a known, established bench mark.
- k. The number, location and size of each mobile home lot referenced to a schedule giving the size of the mobile home unit proposed for each lot.
- l. Contour lines of existing and proposed finished grades vertical intervals of two feet.
- m. Profiles of natural and finished grades of access and collector streets shall be given to the scale of one inch to ten feet horizontal and one inch to one foot vertical.
- n. Design of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Department of Environmental Resources and Pennsylvania Department of Transportation.
- o. The location and datum levels of water and sewer lines and riser pipes.
- p. Plans and specifications of the water supply and refuse (solid waste) and sewage disposal facilities.
- q. Plans and specifications of buildings constructed or to be constructed within the mobile home park.
- r. The location and details of electrical systems, gas lines, lighting, cable TV, and other utilities in the mobile home park.

805 - OTHER PLAN REQUIREMENTS

Prior to the issuance of a mobile home park permit, the plan shall be submitted to and reviewed by the Bendersville Planning Commission and by the Bendersville Borough Council in accordance with the requirements and procedures of the other provisions of this Ordinance regarding pre-application consultations, preliminary plans and final plans.

- b. Each off-street parking space shall be a minimum of 10 ft. wide and contain at least two-hundred square feet (200'0" sq. ft.) and shall not exceed a distance of three-hundred feet (300'0") from the mobilehome lot that it is intended to serve.

810 - UTILITY IMPROVEMENTS.

- a. Sewer and Water - All mobilehomes shall be connected to sewer and water systems approved by the Department of Environmental Resources.
- b. Electrical Distribution - All mobilehome Parks shall have underground electrical distribution systems which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.
- c. Natural Gas Systems - Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.
- d. Liquefied Petroleum Gas Systems - Liquefied petroleum gas systems provided for mobilehomes, service buildings or other structures shall include the following:
 - 1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - 2. System shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobilehome and shall be maintained in effective operating condition.
 - 3. All LPG piping outside of the mobilehome shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas liquid form shall not be conveyed through piping equipment and systems in mobilehomes.
 - 4. Any vessel containing liquefied petroleum gas shall be securely but not permanently fastened to prevent accidental overturning.
 - 5. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobilehome, or any other structure unless such installations are specifically approved by the Planning Commission.
- e. Fuel Oil Supply Systems - All fuel oil supply systems provided for mobilehomes, service buildings and other structures shall be installed and maintained in conformity with the following regulations:

1. All piping from outside fuel tanks or cylinders to mobilehomes shall be securely, but not permanently, fastened in place.
2. All fuel oil supply systems provided for mobilehomes, service buildings and other structures shall have shut-off valves located within five inches (5") of storage tanks.
3. All fuel storage tanks or cylinders shall be securely placed and shall not be less than ten feet (10'0") from any mobilehome exit.
4. Storage tanks located in areas subject to traffic shall be protected against physical damage.

811 - RECREATION AREAS.

- a. Mobilehome parks containing more than fifty (50) lots or dwelling units shall provide playgrounds in accordance with Section 513.
- b. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, and other solid material, or protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- c. Park grounds shall be maintained free of vegetational growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

812 - BUFFER STRIPS.

A suitably screened or landscaped buffer strip shall be provided by the developer along all of the property and street boundary lines separating the park from adjacent uses.

813 - WALKWAYS.

- a. General Requirements - All parks shall be provided with safe, convenient, all season pedestrian walks of adequate width for intended use, durable and convenient to maintain, between individual mobilehome lots, the park streets and all community facilities provided for park residents. Sudden change in alignment and gradient shall be avoided.
- b. Common Walk System - A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a width of four feet (4'0").

- c. Individual Walks - All mobilehomes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street, Such individual walks shall have a minimum width of two feet (2'0").

814 - OTHER SITE IMPROVEMENTS.

- a. One (1) fire alarm box or public telephone shall be provided for each twenty-five (25) mobilehomes. Dry Chemical fire extinguishers, not less than five (5) pounds in capacity, shall also be provided and shall be located that no mobilehome is more than one-hundred and fifty feet (150'0") from said fire extinguisher.
- b. Provision shall be made by the Park Operator to have garbage and waste collected at least once every week.
- c. Each mobilehome lot shall be provided with a concrete slab which shall be at least four inches (4") thick on a stable surface no larger than ten feet (10'0") by eighteen feet (18'0") in size for use as a patio and so located so as to be adjoining and parallel to the mobilehome. Such slab shall contain an electrical outlet to which the electrical system of the mobilehome shall be connected.
- d. Individual tenants at the Mobilehome Park may construct attached enclosures or covered patios to individual mobilhomes, provided that such enclosure does not exceed the slab area noted in 814.c. and is confined to same.
- e. An enclosure of compatible design and material shall be erected around the entire base of each mobilehome. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- f. All means of ingress, egress, walkways, streets and parking lots shall be adequately lighted.

815 - PARK AREAS FOR NON-RESIDENTAL USES.

- a. No part of any mobilehome park shall be used for a nonresidential purpose, except such uses that are required for the servicing and well being of park residents and for the management and maintenance of the park,
- b. Nothing contained in this section shall be deemed as prohibiting the sale of a mobilehome located on an individual lot and connected to the pertinent utilities.

816 - WATER SUPPLY

Connection must be made to the Borough public water supply.

1. Water Distribution System. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
2. Individual Water-riser Pipes and Connections. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing water pipe freezing.
3. The water-riser pipe shall have a minimum inside diameter of 3/4 inches and terminate at least four inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot
4. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and shoving actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
5. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste-valves are prohibited unless their types of manufacture and their method of installation are approved by the Borough Council.

817 - SEWAGE DISPOSAL

An adequate and a safe sewage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Connection shall be made to the public sewage system.

818 - INDIVIDUAL SEWER CONNECTIONS

1. Each mobile home stand shall be provided with at least a four inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
2. The sewer connection (see definition) shall have a nominal inside diameter of not less than three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. All joints shall be watertight.
3. All materials used for sewer connections shall be semirigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
4. Provisions shall be made for plugging the sewer riser pipe when diverted away from the riser. The rim of the riser pipe shall extend at least 1/2 inch above ground elevation.

823 - STRUCTURAL REQUIREMENTS FOR BUILDINGS

All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance of penetration of moisture and weather.

824 - REFUSE HANDLING

1. The storage, collection, and disposal of refuse in the mobile home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution and shall comply with all applicable Borough and State regulations.
2. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than 150 feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse. Rubbish shall be collected and disposed of as frequently as may be necessary to insure that the containers shall not overflow.

825 - INSECT AND RODENT CONTROL

Grounds, buildings, and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insect and rodent shall comply with all applicable Borough and State Regulations.

826 - FIRE PROTECTION

The mobile home park area shall be subject to any local fire protection rules and regulations. All methods of fire protection employed shall be in compliance with any applicable state and federal laws.

827 - MOBILE HOMES

1. Any mobile home shall meet the specifications for manufacture of mobile homes as set forth in U.S. Standards Institute, Standards for Mobile Homes, USA Standards A 119.1-1969, NFPA No. 501B-1968, and any subsequent modification or amendment of such standards.
2. If a mobile home is erected and maintained as a single family dwelling other than in a mobile home park, the lot size, setback, sewer, and water requirements shall be the same as for a single family home, and in addition, placement and base enclosure requirements shall be the same as for mobile homes placed in mobile home parks

828 - REMOVAL OF MOBILE HOMES

No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Borough without first obtaining a permit from the Borough Tax Collector as required by Act of the General Assembly of July 8, 1969, P.L. 130 Section 1. Such permit shall be issued upon payment of a fee as required by the fee schedule currently in force in the Borough, and any real estate tax assessed against the home and unpaid at the time the permit is requested.

829 - MANAGEMENT AND SUPERVISION

The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate management and supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition and shall:

1. Supervise the placement of each mobile home stand which includes securing its stability and installing all utility connections.
2. Give Bendersville Borough and its representatives free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspections.
3. Maintain a register containing the names and addresses of all park occupants. Such register shall be available to any authorized person inspecting the park.
4. Notify the Department of Environmental Resources immediately of any suspected communicable or contagious disease within the park.
5. Comply with any rules and regulations governing mobile home parks as established by Bendersville Borough.
6. Notify the park residents of all applicable provisions of this Ordinance and inform them of their duties and responsibilities relating to the need for sanitary conditions, the proper placement of mobile homes units, the control of pets, the prior approval of porches, skirtings, awnings, and accessory structures, the periodic storage of garbage, and the maintenance of fire extinguishers and smoke detectors.

830 - REVOCATION OF PERMIT

Whenever, upon inspection the Borough determines that there are reasonable grounds to believe that conditions or practices exist which are in violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, Bendersville Borough and/or its representatives shall give notice in writing to the person to whom the permit was issued, advising them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate shall be suspended.

At the end of such period, such mobile home park shall be reinspected and if such conditions or practice have not been corrected, Bendersville Borough shall suspend the permit and give notice in writing of such suspension to the person to whom the permit is issued.

Whenever Bendersville Borough finds that an emergency exists which requires immediate action to protect the public health, they may without notice or hearing issue an Order reciting the existence of such an emergency and requiring that such action be taken as it may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such Order shall be effective immediately. Any person to whom such an Order is directed shall comply therewith immediately.

831 - COMPLIANCE WITH OTHER TERMS OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

All other provisions of the Bendersville Borough Subdivision and Land Development Ordinance which may be applicable or pertain to mobile home parks shall be complied with by the owner of the mobile home park.

01/29/1991

ARTICLE IX - ADMINISTRATION, ENFORCEMENT, AND PENALTIES

901 - ADMINISTRATION AND ENFORCEMENT

1. The Borough Council shall have the duty and authority for the administration and general enforcement of the provision of this Ordinance, as specified or implied herein.

Officials of the Borough having regulatory duties and authorities connected with, or pertinent to, the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other Ordinances of the Borough.

2. Permits required by the Borough for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Borough official until he has ascertained that the site for such building, alteration, improvement, or use is located in a development approved and publicly recorded in accordance with the provisions of this Ordinance.

Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement, or use conforms to the site description as indicated by the approved and recorded Final Plan or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provision of this Ordinance.

3. The Borough Building Permit Officer shall require that applications for building permits contain all the information necessary for him to ascertain that, and he shall not issue any building permit until he determines that, the site and plan for the proposed building, alteration, or other improvement is acceptable in accordance with the provisions of this Ordinance.
4. The Borough Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information for him to ascertain that, and he shall not issue any sewage disposal permits until he determines that, the site for the proposed system is acceptable in accordance with the provisions of this Ordinance.

902 - PENALTIES

1. Any person, partnership, or corporation who or which being owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfers, or agrees, or enters into an agreement to sell any land in a subdivision or land development whether by reference to, or by other use of, a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and of the regulations adopted hereunder and has been recorded as provided herein, shall, upon being found liable therefor in a civil enforcement

APPENDIX i- SPECIMEN FORMS

A RESOLUTION ADOPTING THE FEE SCHEDULE FOR ADMINISTRATION OF THE
BENDERSVILLE BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

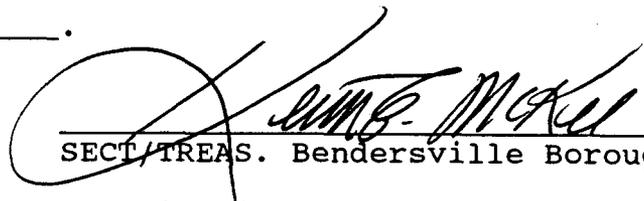
Now then therefore be it so resolved by the Borough Council of
Bendersville Borough that in a stated meeting this 26th day of February
, 1991, the fee schedule for the administration of the Bendersville
Borough Subdivision and Land Development Ordinance be retained and adopted
as follows:

1. The fee for Ordinance copies shall be 25.00 dollars per copy.
2. The fee for consideration of Preliminary Plans shall be
100.00 dollars, plus 10.00 dollars per lot or
dwelling unit or 100.00 dollars per acre if the area is
intended for commercial or industrial development, plus costs for
any engineering and/or legal services incurred by the Borough.
3. The fee for consideration of Final Plans shall be 10.00 dollars
per lot or dwelling unit or 100.00 dollars per acre if the area
is intended for commercial or industrial development, plus costs
for any engineering and/or legal services incurred by the
Borough.
4. The initial fee for a permit to construct, alter, or extend a
mobile home park shall be 500.00 dollars, plus 10.00 dollars per
lot, plus costs for any engineering and/or legal services
incurred by the Borough.
5. The annual renewal fee for a mobile home park license or permit
shall be a fee of 250.00 dollars, plus 10.00 dollars per lot,
plus costs for any engineering and/or legal services incurred by
the Borough..
6. The fee for transfer of mobile home park ownership shall be
250.00 dollars, plus the costs of any engineering and/or legal
services incurred by the Borough.
7. The fee for removal of a mobile home from the Borough shall be
10.00 dollars.
8. The engineering fee for plan review shall be the current fee of
the Borough Engineer, as set forth in Article 602.
9. The fee for Borough inspection prior to final approval shall be
50.00 dollars per inspection, as set forth in Article 603.

MOTION MADE BY Councilman James Bucher

AND SECONDED BY Councilman Randy Kime

MOTION Carried 7-0.


SECT/TREAS. Bendersville Borough Council

REQUEST FOR REVIEW OF A SUBDIVISION/LAND DEVELOPMENT PLAN SUBMITTED TO
BENDERSVILLE COUNCIL, BENDERSVILLE BOROUGH, ADAMS COUNTY, PENNSYLVANIA

TO: _____

ADDRESS: _____

We hereby request that you review the enclosed _____
Plan, and convey any decisions and/or recommendations to us. Thank you.

SECT. BENDERSVILLE BOROUGH COUNCIL

NAME OF APPLICANT: _____

ADDRESS: _____

PHONE NUMBER: _____

NAME OF SUBDIVISION: _____

LOCATION: _____

DATE OF RECEIPT OF SUBMISSION: _____

COMMENTS:

BENDERSVILLE BOROUGH APPLICATION FOR CONSIDERATION OF A SUBDIVISION/LAND DEVELOPMENT PLAN

- 1. NAME OF APPLICANT: _____
- 2. ADDRESS: _____
- 3. PHONE NUMBER: _____
- 4. NAME OF SUBDIVISION: _____
- 5. LOCATION: _____

6. APPLICATION CLASSIFICATION

_____ PRELIMINARY PLAN	DATE SUBMITTED _____
_____ FINAL PLAN	DATE SUBMITTED _____
_____ RE-SUBDIVISION	DATE SUBMITTED _____
_____ MOBILE HOME PARK	DATE SUBMITTED _____
_____ OTHER (describe)	DATE SUBMITTED _____

- 7. PLAN PREPARED BY: _____
- 8. ADDRESS: _____
- 9. PHONE NUMBER: _____

SIGNATURE OF APPLICANT

DATE OF RECEIPT OF SUBMISSION

SIGNATURE OF BOROUGH SECRETARY

NOTES:

Bendersville Borough Council
Bendersville, PA. 17306

TO:

Preliminary Plans for:

were considered and not approved by the Borough Council, Bendersville
Borough, Adams County, Pennsylvania, at a meeting held _____
19____, for the reasons listed below.

If there are any questions, please contact us at the above address.

Sincerely,

SECRETARY BENDERSVILLE BOROUGH COUNCIL
Bendersville, PA 17306

Bendersville Borough Council
Bendersville, PA. 17306

TO:

Preliminary Plans for:

were considered and approved by the Borough Council, Bendersville Borough, Adams County, Pennsylvania, at a meeting held _____ 19____, . This approval is subject to the provisions listed below.

Approval of Preliminary Plans does not constitute Final Plan approval and is valid for a period of five (5) years from the above date of approval. Application for Final Plan approval must be submitted within this five (5) year period.

If there are any questions, please contact us at the above address immediately.

Sincerely,

SECRETARY BENDERSVILLE BOROUGH COUNCIL
Bendersville, PA 17306

Bendersville Borough Council
Bendersville, PA 17306

TO:

Final Plans for:

were considered and not approved by the Borough Council, Bendersville
Borough, Adams County, Pennsylvania, at a meeting held _____
19____. for the reasons listed below.

If there are any questions, please contact us immediately.

Sincerely,

SECRETARY BENDERSVILLE BOROUGH COUNCIL

Bendersville Borough Council
Bendersville, PA. 17306

TO:

Final Plans for:

were considered and approved by the Borough Council, Bendersville Borough, Adams County, Pennsylvania, at a meeting held _____
19____. This approval is subject to the provisions listed below.

The Final Plan as approved must be recorded with the Recorder of Deeds, Adams County, Pennsylvania, within ninety (90) days of the above date of approval.

In the event a bond of security has been provided in lieu of completion of improvements, all such improvements must be completed within two (2) years of the above date of approval.

If there are any questions, please contact us immediately.

Sincerely,

SECRETARY BENDERSVILLE BOROUGH COUNCIL

BENDERSVILLE BOROUGH MOBILE HOME PARK APPLICATION CHECKLIST

- ____ Department of Environmental Resources Application _____
- ____ Name of park _____
- ____ Name & address of owner/developer _____
- ____ Name of engineer, surveyor, etc. who prepared plan _____
- ____ North point _____
- ____ Graphic & written scales _____
- ____ Date of preparation _____
- ____ Key map _____
- ____ Number of lots _____
- ____ Total number of acres _____
- ____ Number of lots per acre _____
- ____ Number of off street parking spaces _____
- ____ Contour lines _____
- ____ Location of water bodies _____
- ____ Location of tree masses _____
- ____ Location of structures _____
- ____ Location of public utilities _____
- ____ Location of floodplain areas _____
- ____ Storm drainage plan and calculations _____
- ____ Existing & proposed property lines (total property) _____
- ____ Existing & proposed lot lines _____
- ____ Existing & proposed boundary lines (area to be developed) _____
- ____ Set back lines _____
- ____ Lot dimensions _____
- ____ Lot areas _____
- ____ Location of water lines _____
- ____ Location of sewer lines _____

BENDERSVILLE BOROUGH SUBDIVISION AND LAND DEVELOPMENT CHECKLIST

APPLICANT'S NAME: _____

NAME OF SUBDIVISION: _____

REVIEW DATE: SKETCH _____ PRELIMINARY _____ FINAL _____

SKETCH PLAN

_____ Key Map _____

_____ Community facilities _____

_____ Natural or man made features _____

_____ Total tract boundary _____

_____ Sketch of proposed development _____

PRELIMINARY AND FINAL PLAN

REQUIRED DATA

_____ Name of subdivision _____

_____ Name of municipality _____

_____ Name & address of subdivider _____

_____ Name, address, seal, & license number of engineer _____

_____ Dates of submission _____

_____ North point _____

_____ Graphic & written scales _____

_____ Survey certification _____

_____ Key map _____

_____ Total tract boundary _____

_____ Boundary of area being subdivided _____

_____ Adjoiners & references _____

_____ Contour lines _____

_____ Contour elevation data _____

_____ Location of electric lines _____

- ____ Location of gas lines_____
- ____ Location of telephone lines_____
- ____ Location of storm sewer lines_____
- ____ Location of cable TV lines_____
- ____ Lot street numbers_____
- ____ Location & dimensions of mobile home stands_____
- ____ Location & dimensions of existing streets_____
- ____ Location & dimensions of proposed streets_____
- ____ Types of paving_____
- ____ Street names_____
- ____ Street cross sections_____
- ____ Street centerline profiles_____
- ____ Location of parking areas_____
- ____ Location & dimensions of walkways & sidewalks_____
- ____ Location of recreation areas_____
- ____ Location of planting & landscaping_____
- ____ Location, dimensions, & use of all service & accessory structures_____
- ____ Location & type of waste containers_____
- ____ Location of fire extinguishers_____
- ____ Engineer's or surveyor's certification_____
- ____ Approval block for Borough Planning Commission_____
- ____ Approval block for Borough Council_____

COMMENTS:

01/29/1991

ARTICLE X - ENACTMENT AND REPEAL

1001 - REPEAL

All ordinances or parts of ordinances in conflict herewith be and the same are repealed.

1002 - ENACTMENT

This Subdivision and Land Development Ordinance shall become effective on February 26 (Twenty-Six), 1991, and shall remain in force until modified, amended, and/or rescinded by the Borough Council of Bendersville Borough, Adams County, Pennsylvania. Ordained and enacted this 26th day of February, 1991.

Bendersville Borough

Borough Council

Dloyd Bueam
PRESIDENT

ATTEST:

[Signature]
SECRETARY