

**BOROUGH OF EAST BERLIN  
ADAMS COUNTY, PENNSYLVANIA**

**SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE**

**January 2002**

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**East Berlin Borough  
Subdivision and Land Development  
Ordinance 2002**

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**ORDINANCE NO. 73-1**

An Ordinance providing for the regulation and establishment of standards for the subdivision and development of land within the Borough; establishing procedures for application and administration of these regulations and standards; and, providing penalties for the violation thereof.

The Borough Council of East Berlin, pursuant to the provisions of Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended through 2000 by Acts 67 and 68, hereby enacts and ordains amendments to Ordinance No. 73-1 as amended referred to as the East Berlin Borough, Adams County, Pennsylvania, Subdivision and Land Development Ordinance.

**SUBDIVISION/LAND DEVELOPMENT ORDINANCE  
EAST BERLIN BOROUGH ADAMS COUNTY, PENNSYLVANIA**

**EAST BERLIN CODIFIED ORDINANCES, CHAPTER 62. SUBDIVISION  
AND LAND DEVELOPMENT**

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**AND JURISDICTION**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE I  
AUTHORITY, TITLE, PURPOSE AND JURISDICTION**

**CROSS REFERENCES**

Grant of Power—see Act 247 Section 501

Zoning Ordinance—Chapter 70 Borough Codified Ordinances, Ordinance 73-1 as amended

**SECTION 100. AUTHORITY**

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended through June 2000 by Acts 67 and 68.

**SECTION 200. TITLE**

This Ordinance shall be know as the East Berlin Subdivision and Land Development Ordinance, as amended.

**SECTION 300. PURPOSE**

This Ordinance has been established to provide regulations and controls of land subdivision plats as part of a plan for the orderly, efficient and economical development of the Borough. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper needed improvements are met; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets, avenues, etc. shall compose a convenient system conforming to the Official Map, and shall be properly related to the proposals shown on the Comprehensive Plan as well as being of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

**SECTION 400. JURISDICTION**

- A. No subdivision of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of the building abutting thereon except in strict accordance with the provisions of this Ordinance.
- B. No lot in a subdivision may be sold and no permit to erect, alter or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless and until a final plan of such subdivision shall have been approved and properly recorded and until the requirements required by the Borough Council in connection therewith shall have been constructed or guaranteed as hereinafter provided in this Ordinance.

- C. It shall be unlawful to record any plan of any proposed subdivision in the Borough unless the said plan shall have the written approval of the Planning Commission and the Borough Council.
- D. As a condition for approval of any plat or plan, the Borough Council may require that the subdivider submit a development program for the development of the whole subdivision or of all of the related land under the ownership or control of the subdivider or such part thereof the Borough Council may designate. Such development program shall conform to the requirements of this Ordinance and shall be submitted in a form complying with Article IV of this Ordinance, except as the Borough Council may waive some requirements of Article IV in the individual case. The development program may be approved as a guide for overall layout, but such approval shall not constitute the approval of a plan under the provisions of this Ordinance. The subdivider may from time to time submit a plan or plans for the development of a specific area or areas within the general development program, but the Borough Council may designate the size or the extent of the area which may be included in an orderly manner progressively in relation to existing and future official public spaces, streets, avenues and utility facilities of the Borough and in a manner providing proper drainage and disposition of sewage and surface water.
- E. All applications for Subdivision and Land Development approvals shall be forwarded to the Adams County Office of Planning and Development, together with the required fee and completed Borough Request for Review form. The Borough Council shall not act upon any application prior to receipt of the County Review unless 30 days have expired following receipt of the application by the County when they may approve a "provisional" permit subject to certain conditions.

**ARTICLE II**  
**DEFINITIONS**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE II  
DEFINITIONS**

**CROSS REFERENCES**

Zoning Ordinance—Chapter 70 Borough Codified Ordinances, Ordinance 73-1 as amended  
Article II Definitions  
State Definitions—see Act 247 Section 107 Definitions

**SECTION 100. DEFINITIONS**

Unless otherwise expressly stated, the following terms shall for the purpose of these regulations, have the meaning indicated. Words in the present tense include the future tense, words in the singular include the plural, words in the plural include the singular, and the terms “shall”, “must” or “will” are mandatory and “may” is permissive. The word “person” includes a corporation, unincorporated association and a partnership as well as an individual. The word “building” shall be construed as if followed by the words “or part thereof”, the word “street” includes “roads”, “avenues”, “highways”, and “lanes”, and “watercourse” includes “drain”, “ditch”, “creek” and “streams”.

**Access Drive** - A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**Accessory Use or Structure** -A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the building.

**Addition** - Any construction or improvement that increases the size of a building or adds to the building coverage or floor area.

**Agent** - Any person, who, acting for a developer, landowner, or lessee who submits plans to the Zoning Officer, the Borough Secretary or Borough Manager for the purpose of obtaining a permit of any kind.

**Alteration** -Construction that may change or otherwise modify the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

**Amendment** - A change in use in any district which includes revisions to the text of this ordinance and/or the Zoning Map of the Borough of East Berlin, Adams County, Pennsylvania and which is authorized by Borough Council.

**Applicant** - A land owner or developer, as hereinafter defined, who has filed an application for subdivision, land development, a zoning permit or action before the Zoning Hearing Board, including his heirs, successors, personal representatives and assigns.

**Application for Development** – Every application, whether preliminary, tentative 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, an occupancy permit, approval of a subdivision plat or plan or for the approval of a development plan.

**Appointing Authority** – The Council of the Borough of East Berlin, Adams County, Pennsylvania.

**Avenue** – A public or private way affording secondary means of access to abutting property, and not intended for the purpose of through vehicular traffic.

**Basement** – A story where the floor is more than twelve inches but not more than half of its story height below the average level of the adjoining ground (as distinguished from a “cellar” which is more than one-half story below such level).

**Block** – A parcel of subdivided land bounded by streets or by streets and rights-of-way, un-subdivided lands, drainage channels or watercourses.

**Borough** – The Borough of East Berlin, Adams County, Pennsylvania.

**(Municipal) Borough Engineer** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of East Berlin.

**Building** – Any structure, either temporary or permanent, having walls and a roof or other covering and designed or used for the shelter or enclosure of any person, animal or property of any kind. This includes tents, awnings or vehicles situated on private property and used for purposes stated above.

**Building Height** – The vertical distance from the average finished grade at the building line to the highest point of the copying of a flat roof or to the deck of a mansard roof or to the mean height level between eaves and ridge for gable, hop and gambrel roofs, *but* not including chimneys, towers, spires, elevator penthouses, tanks, railings and similar projections.

**Building Line or Setback Line** – A line established by law or agreement, usually parallel to the property line, beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.

**Cartway** – The wearing or exposed surface of the roadway available for vehicular traffic.

**Cellar** – Any space in a building where the structural ceiling level of which is less than four (4) feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street. A cellar shall not be considered in determining the permissible number of stories.

**Clear Sight Distance** – Proper sight distance provided with respect to both horizontal and vertical road alignment. Proper distances shall conform to the requirements of the Pennsylvania Code, Title 67, Transportation, Chapter 441, as amended and or renumbered, from time to time. The procedures as formulated by the Pennsylvania Department of Transportation must be followed when measuring sight distance.

**Common Open Space** – A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

**Common Recreation Area** – Any area or space designed for joint recreation use of tenants or owners occupying dwelling units within a planned development.

**Community System** – A central water or sewage system that is owner operated or is operated by an association where rates and service are not controlled by a government authority.

**Community Disposal System** – A package sewage treatment plant or other disposal system not connected to the Borough's public system but not used for treatment of a self-contained development.

**Comprehensive Plan** – A plan, prepared by the Borough Planning Commission pursuant to Article III of the Pennsylvania Municipalities Planning Code, which indicates the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the Borough. Includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

**Construction Site** – The total land required for buildings and development activities within a unified development that a zoning request, grading or building permit could be issued.

**County** – Adams County, Pennsylvania.

**County Comprehensive Plan** – A land use and growth management plan prepared and adopted by the Adams County Planning Commission and County Commissioners which establishes broad goals and criteria for boroughs and surrounding townships to use in preparation of the Borough's Comprehensive Plan and land use regulations.

**Coverage or Impervious Surface** – The percentage of the plot of lot area covered by buildings, including accessory buildings, and other impervious material.

**Department of Environmental Protection (DEP)** – The Pennsylvania Department of Environmental Protection.

**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 of land or a land development.

**Development Plan** – the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance means the written and graphic materials referred to in this definition.

**Dwelling** – Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy.

**Dwelling Unit** – An independent housekeeping unit consisting of living quarters of one (1) or more rooms with cooking, sleeping and sanitary facilities arranged for use by one (1) or more individuals.

**Easement** – A vested or acquired right of use, interest or privilege (other than ownership) in lands owned by another, such as an easement of light, of building support or of right-of-way.

**Erosion** – Removal of surface materials by action of the natural elements.

**Essential Services** – The erection, construction, alteration or maintenance, by public utilities or by municipal or other governmental agencies, of underground or overhead electricity, gas, communication, steam, water or sewer transmissions, distribution, collection, supply or disposal lines, including poles, cross arms, guy wires, towers, repeaters, boosters, switches, transformers, regulators, pumps, mains, drains, sewers, pipes, conduit, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar accessories and equipment used in connection with the provision of integral service provided by such lines and deemed reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for protection of public health, safety or general welfare, but not including buildings, yards or stations used for storage, repair or processing of equipment or material and not including buildings, yards, stations or substations for transforming, boosting, switching or pumping purposes when such facilities are construed on the ground.

**Governing Body** – The Borough Council of East Berlin and their appointed Officials, Boards and Commissions.

**Grade, Finish** – The top surface elevations of lawns, drives or other improved surfaces after completion of construction or grading operations.

**Grade, Natural** – The elevation of the original or undisturbed natural surface of the ground.

**Grade, Subgrade** – The elevation established to receive top surfacing or finishing materials.

**Home Association** – An incorporated, non-profit organization operating under recorded land agreements through which: (a) each lot and/or home owner in a cluster development or other described land areas is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and, (c) the charge if unpaid becomes a lien against the property.

**Land Development** – Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

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

(2) A subdivision of land.

(3) Land Development shall not include:

(a) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**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 condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**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.

(1) **Lot Area** – The area contained within the property lines of a lot, excluding any street right-of-way or driveway easement providing access to an adjoining property or an officially designated floodplain located on the lot.

(2) **Corner Lot** – A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

(3) **Interior Lot** – Any lot other than a corner lot.

(4) **Through Lot or Double Frontage Lot** – A lot extending between and having frontage on two generally parallel streets.

(5) **Lot Depth** – The mean horizontal distance between the front and the rear lot lines.

(6) **Lot Width** – The “lot width” is the distance between the side lot lines, measured along the setback line and parallel to the front lot line.

(7) **Lot Line** – A legally defined line dividing one parcel of property from another.

(8) **Front Lot Line or Street Line** – The dividing line between the street and a lot; the limit of a right-of-way.

(9) **Rear Lot Line** – The lot line opposite and most distant from the front lot line. On a corner lot with double frontage, the rear lot line is established parallel to the front lot line where the entrance to the structure faces.

(10) **Side Lot Line** – Any lot line other than the front or rear lot line.

**Mediation** – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**Mobilehome** – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed 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.

- (1) **Mobilehome Lot** – A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.
  - (a) **Lot Area** – The total area reserved for exclusive use of the occupants of a mobile home.
  - (b) **Lot Line** – A line bounding the Mobilehome Lot as shown on the accepted plot plan.
  - (c) **Occupied Area** – That area of an individual mobilehome lot which has covered by a mobilehome and its accessory structures.
  - (d) **Owner** – Any individual, firm, trust, partnership, corporation, company association or other entity.
- (2) **Mobilehome Park** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.
- (3) **Mobilehome Park Permit** – A written approval as issued by the Borough Council, authorizing a person to operate and maintain a mobilehome park under the provisions of this Ordinance.
- (4) **Certification of Registration** – The written approval as issued by the PA Department of Environmental Protection authorizing a person, partnership or corporation, etc. to operate and maintain a mobilehome park.
- (5) **Mobilehome Stand** – Part of an individual mobilehome space that has been reserved for the placement of a mobilehome and appurtenant structures and connections.

**Municipalities Planning Code (MPC)** – Act of the General Assembly No. 247 approved July 31, 1968; The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended through June 2000 by Acts 67 and 68.

**Municipality** – The Borough of East Berlin, Adams County, Pennsylvania.

**Official Map** – A map, where such exists at the time of a subdivision application, adopted by the Borough pursuant to Article IV of the Municipalities Planning Code (MPC) showing streets, highways, parks and drainage, both existing and proposed for the Borough.

**On-Lot Treatment** – The treatment of sewage and its disposal on the same lot where the structure and sewage source is located.

**Open Space** – The portion of the land open to the sky and usually reserved in a natural state or for agriculture or outdoor recreational use.

**Planned Residential Development** – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Borough's Zoning Ordinance.

**Planning Commission** – The duly created and existing Planning Commission of the Borough of East Berlin, Adams County, Pennsylvania.

**Plat** – The map or plan of a subdivision or land development, whether preliminary or final.

- (1) **Plat, Preliminary** – A drawing or drawings clearly marked “preliminary plat” showing the salient features of a proposed subdivision, as specified in Article IV, Section 300 of these regulations, submitted to the Planning Commission for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Commission of the layout of the proposed subdivision.
- (2) **Plat, Final Subdivision** – A drawing in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations, as specified in Article IV, Section 500, to be presented to the Planning Commission for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Recorder of Deeds.

**Power Supply Assembly** – The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plug caps, and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the structure.

**Public Grounds** – Includes:

- (a) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (b) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (c) Publicly owned or operated scenic and historic sites.

**Public Hearing** – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

**Public Meeting** – A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

**Public Notice** – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**Public System (Water or Sewerage)** – A water or sewage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a government authority.

**Public Uses** – Includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, civic centers, historic restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building, airports; fraternal clubs and homes; non-profit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

**Recreation Areas** – Area for playground, playing fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses.

**Required Improvements** – Any street, curb, water table, sidewalk, sanitary sewer, storm sewer, drainage culvert or structure, water main, power, fuel or communication line, or other public works facility required by the Planning Commission in a subdivision.

**Reverse Curve** – The joining of two horizontal road curves meeting at opposite directions in an “S” form.

**Right-of-Way Line** – An established line marking the extent of the road or street right-of-way regardless of whether or not such right-of-way is dedicated.

**Right-of-Way** – The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

**Road** – A public or private right-of-way which provides a public means of access to an abutting property. The term “road” shall include street, avenue, drive, circle, highway, or similar term.

**Screen Planting** – A vegetative material of sufficient height and density to conceal from the view, in adjoining districts, the structures and uses on the premise upon which the screen planting is located.

**Sediment** – Organic or mineral matter deposited by natural forces of gravity, wind, or water.

**Service Equipment** – The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a structure and intended to constitute the main control and means of cutoff for the supply to that structure.

**Setback Lines** – See “Building Lines.”

**Sewer Connection** – A connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the building to the inlet of the corresponding sewer riser pipe of the sewerage system serving the building.

**Sketch Plan** – A sketch of a proposed subdivision showing the information specified in Article IV, Section 200 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the layout and objectives of these regulations.

**Story** – That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.

**Street** – Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The word “street” includes the entire right-of-way and is not limited to the cartway area.

- (1) **Arterial Street** – Streets serving large numbers of high speed traffic and connection population and employment centers and which are so designated in the Comprehensive Plan.
- (2) **Collector Street** – Streets which, in addition to giving access to abutting properties, intercept local streets and provide routes to community facilities and arterial streets and which are so designated in the Comprehensive Plan.
- (3) **Minor or Local Street** – Streets primarily used for access to abutting properties and generally serving internally developed areas.
- (4) **Marginal Access Street** – A local street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and control of intersections with the collector or arterial streets.

**Structure** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Structure Alteration** – Any change in the structural members of a building such as walls, columns, beams or girders.

**Subdivision** – The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer or ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- (1) **Major Subdivision** – Any subdivision not classified as a Minor Subdivision, including but not limited to, subdivisions of five (5) or more lots or any size subdivision requiring any new street or extension of Borough facilities.
- (2) **Minor Subdivision** – Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road for the extension of Borough facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Plan, Official Map or Zoning Ordinance, if such exists, or these regulations.

**Subdivider** – See Developer.

**Substantially Completed** – Where in the judgement of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approval plan, so that the project will be able to be used, occupied, or operated for its intended use.

**Surveyor** – A person licensed as a land surveyor by the Commonwealth of Pennsylvania.

**Use** – The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**Water Connection** – All pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system to a structure.

**Watercourse** – A creek, river, intermittent or permanent stream, channel or ditch, whether natural or manmade.

**Water Riser Pipe** – That portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each structure.

**Water Service Pipe** – All pipes, fittings, valves, and appurtenances from the water main of the park distribution system to the water outlet of the distribution system within a structure.

**Wetland** – Those areas that are inundated or saturated by surface or ground water of a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturate soil conditions. Wetlands include but are not limited to swamps, marshes, bogs and similar areas.

**Yard** – The open, unoccupied space on the plot between the property line and the front, rear and side building lines.

- (1) **Yard, Buffer** – A space open to the sky and unoccupied by any building, structure or merchandise for display or sale, located on the same lot with a building or structure but in addition to the outside of the required front, rear and side yards.

- (2) **Yard, Front** – A yard on the same lot with a main building, extending the full width of the lot, exclusive of any buffer yards, and situated between the street line or rear line of a buffer yard and the required front building line projected to the side liens of the lot.
- (3) **Yard, Rear** – A yard on the same lot with a main building extending the full width of the lot, exclusive of any buffer yards, and situated between the rear line of the lot or buffer yard, or if none, from the conjunction of the two lot side lines and the required rear building lines projected on the side lines of the lot. On the corner lot, the rear yard should be the yard area opposite that of the street address.
- (4) **Yard, Side** – A yard on the same lot with a main building situated between the required setback line and the sideline of the lot or rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

**Zone Buffer** – A strip established to separate and protect one type of land use from another.

**Zoning Administrator** – The zoning administrative officer or his authorized representative, including zoning inspector(s), appointed by the Borough Council of East Berlin, Pennsylvania.

**Zoning Map** – The Zoning Map of East Berlin Borough together with all amendments thereto subsequently adopted.

**Zoning Officer** – The zoning administrative officer or his authorized representative, including zoning inspector(s), duly appointed by the Borough Council of East Berlin.

**Zoning Ordinance** – The officially adopted East Berlin Borough Zoning Ordinance with any and all amendments thereto.

**ARTICLE III**  
**MODIFICATION OF**  
**REQUIREMENTS AND PLANNED**  
**DEVELOPMENTS**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE III  
MODIFICATION OF REQUIREMENTS AND PLANNED DEVELOPMENTS**

**CROSS REFERENCE**

Modifications—see Act 247 Section 512.1

**SECTION 100.           MODIFICATIONS**

The Borough Council may grant a modification of the requirements of one or more of the provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

- A. All requests for modifications shall be in writing and shall accompany and be a part of the application for development. 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 the Ordinance involved, and the minimum modification necessary.
- B. The request for a modification may be referred to the Planning Commission for advisory comments.
- C. The Borough Council and the Planning Commission shall keep a written record of all action on all requests for modifications.
- D. No modification shall be granted solely upon proof that the applicant's land would increase in value or that the applicant could use the land more profitably upon grant of the modification. (This subsection requires review by Borough Solicitor—existing language.)

**SECTION 200.           PLANNED DEVELOPMENTS**

- A. The requirements of this Ordinance may be modified by the Planning Commission, subject to the approval of the Borough Council, for planned developments such as planned residential developments, mobilehome parks, industrial parks, campgrounds, shopping centers, institutional facilities, or other developments providing the planning and implementation are done in accordance with a duly enacted Ordinance applicable to such planned development or in the absence of such an Ordinance, providing that, in the judgement of the Planning Commission adequate light, air, space, accessibility, circulation, safety, recreation, improvements, services and other requirements will be met in all stages of such a development, and also providing that adequate management and legal requirements are incorporated in the application to ensure proper protection of the public and of the residents of such a development.
- B. All plans for land development not necessarily involving the process of subdivision, shall be subject to review and approval of the Planning Commission in accordance with applicable provision of this Ordinance, the Comprehensive Plan, Official Map and

Zoning Ordinance. Compliance with applicable County and State regulations shall be obtained and indicated on plans prior to final review by the Planning Commission.

**ARTICLE IV**  
**PLAN REQUIREMENTS AND**  
**PROCEDURES**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE IV  
PLAN REQUIREMENTS AND PROCEDURES**

**CROSS REFERENCES**

- Article V- Subdivision and Land Development—see Act 247  
Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval—see Act  
247 Section 509  
Release from Improvement Bond—see Act 247 Section 510  
Remedies to Effect Completion of Improvements—see Act 247 Section 511  
Recording Plats and Deeds—see Act 247 Section 513

**SECTION 100. GENERAL**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

**SECTION 200. "OPTIONAL" SKETCH PLANS**

- A. Prior to the filing of an application for review and approval of a development, the developer may submit a Sketch Plan for the purposes of classification and preliminary discussion relating to requirements of this Ordinance and any other Ordinance or regulation of the Borough, County or State having jurisdiction. A Sketch Plan is not a Preliminary Plat or Plan.
- B. The Sketch Plan shall be based on an accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet, showing the following information.
- (1) Location of that portion to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
  - (2) Existing structures, wooded areas, streams, and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions area significant, contours indicated at intervals of not more than 10 feet.
  - (3) Name of the owner and of adjoining property owners as disclosed by the most recent Borough tax records.
  - (4) Tax map sheet; block and lot numbers, if available.
  - (5) Utilities available and streets that are either proposed, mapped or built.
  - (6) Proposed patterns of lots (including lot width and depth), street layout recreation areas, systems or drainage, sewerage and water supply.

- (7) Existing restrictions on the use of land including easements, covenant or zoning lines.
- C. The Planning Commission shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Commission.

**SECTION 300. PRELIMINARY PLANS – PLAN REQUIREMENTS**

The following documents shall be submitted in application for review and approval of a Preliminary Plan and shall be presented to the Secretary of the Planning Commission at least ten days prior to a regular monthly meeting of the Planning Commission.

- A. Five copies of the plat drawings prepared at a scale not smaller than one hundred (100) feet to the inch, showing:
  - (1) Proposed subdivision name, name of Borough and County in which it is located, date, true north point, scale, name and address of record owner, subdivider, planner, engineer, and/or surveyor responsible for the plan including their license number(s) and seal(s).
  - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - (3) Actual field survey of the total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and a 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 closed 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 are not required to be based upon field survey, and may be calculated. The engineer and surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments as detailed here and further defined below.
  - (4) Proposed lot lines with appropriate dimensions and area of each lot.
  - (5) 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.
  - (6) Zoning District, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.
  - (7) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  - (8) The following features must be shown accurately based upon actual field survey: location of existing right-of-way lines, property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight

- (8) inches or more as measured three (3) feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property(ies).
- (9) Location of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades and directions of flow.
- (10) Contours with intervals of five (5) feet or less as required by the Planning Commission including elevations on existing roads. Approximate grading plan if natural contours are to be changed by more than two feet. The benchmark upon which the contours and elevations of the field survey are based must be specifically identified on the plan.
- (11) The accurate width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan within the area to be subdivided, and the accurate width, location, grades and street profiles of all streets or public ways proposed by the developer. The accurate width and location of all existing features as specified in this section shall be shown. The accurate width and location of all proposed rights-of-way associated with proposed streets and utilities shall be shown.
- (12) The location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, connections to existing lines or alternative means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- (13) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
- (14) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
- (15) Preliminary designs of any bridges or culverts which may be required.
- (16) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the Official Map.
- (17) All plats shall contain a note regarding the status of wetlands on site. Where deemed necessary by the Planning Commission or Borough Council, an analysis of wetland conditions on the subject property shall be prepared and submitted at the expense of the developer. Such analysis shall be prepared by a recognized professional wetlands consultant and shall clearly state the existence or non-existence of any and all wetlands and shall delineate the field determined boundaries of those areas should they exist.

- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- C. Certification of percolation tests in areas that will not to be served by a sanitary sewer system and an engineering feasibility report for water and/or sewer systems where proposed.
- D. One copy of a tabular schedule giving the type or types of structures to be erected, together with dimensioned sketches of typical lot layouts, indicating front, side and rear yards, and a summary table of the number of structures and dwelling units proposed unless a written statement is submitted by the subdivider that it is not his intention to erect dwellings or other structures on the land and further agreeing to submit for approval the data required by this section when and if he should at a later date proposed to erect dwellings or other structures thereon.
- E. One copy of any covenants or deed restrictions affecting the lots within the subdivision or a written statement by the subdivider that there are no such restriction

**SECTION 400. PRELIMINARY PLANS – PROCEDURES**

The following procedures shall be followed in the submission and processing of Preliminary Plans for proposed subdivisions and land developments.

- A. The developer has the two following alternatives regarding the submission of a Preliminary Plan:
  - (1) In the case of a Minor Subdivision (as defined in this Ordinance), request in writing that the Planning Commission waive the requirements of a Preliminary Plan. If the Commission grants such waiver, he may prepare the Final Plan as required in Section 500 and 600 of this Article IV.
  - (2) Prepare a Preliminary Plan in accordance with the requirements of Section 300.
- B. The developer is require as per Section 300(A) to submit five (5) copies of the preliminary plan to the Secretary of the Planning Commission at least ten days prior to the regular monthly meeting of the Planning Commission. Copies will be circulated within the Borough and copies are to be submitted to the Adams County Office of Planning and Development and the Adams County Conservation District.
- C. The application for Preliminary Plan review, meeting the requirements specified above, must be submitted at least ten days prior to the regular monthly meeting of the Planning Commission to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee, and all data required by Article IV, Section 300 of these regulations, has been filed with the Secretary of the Planning Commission. The time of submission of the Preliminary Plan shall be considered to be the date the application is considered complete and accepted for review by the Borough Manager. If application is considered complete, the Preliminary Plan will be scheduled

for acceptance for review at the following regular monthly meeting of the Planning Commission. If application is considered incomplete, the application will be returned to the applicant for completion and resubmission for acceptance for review.

- D. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Preliminary Plat.
- E. The Planning Commission shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and Zoning Ordinance.
- F. Within ninety (90) days following the date of the regular meeting of the Planning Commission where the preliminary plat application was accepted for review, the Planning Commission shall make recommendations to the Borough Council who shall then conditionally approve, with or without modifications, or disapprove such preliminary plat and the ground of any modification required or the ground for disapproval shall be stated upon the records of the Borough Council. Failure of the Borough Council to act within the ninety (90) day period shall constitute a *deemed* approval to a preliminary plan.

The Borough Council shall state in writing the conditions of such approval, if any, with respect to: (1) the specific changes which it will require in the Preliminary Plat; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare; (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat. The action of the Borough Council plus any conditions attached thereto shall be noted on three copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Planning Commission and one forwarded to the Borough Council.

- G. Conditional approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Borough Council and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any. Prior to approval of the Subdivision Plat, the Borough Council may require additional changes as a result of further study of the subdivision.

#### **SECTION 500. FINAL PLANS – PLAN REQUIREMENTS**

Final Plats shall conform in all respects to the approved Preliminary Plat. The following documents shall be submitted for Plat approval:

- A. The record plan to be filed with the County Recorder of Deeds, shall be a clear and legible black line print on a stable transparent plastic base film, and shall be an exact copy of the approved Final Plan on a sheet size 18 X 24 inches.

The Plat for approval shall be prepared to sheet size 18 X 24 inches including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The Plat shall be drawn at a scale not smaller than the remaining sides. The Plat shall be drawn at a scale not smaller than 100 feet to the inch and oriented with the north point at the top of the map.

When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Plat shall show:

- (1) Proposed subdivision name or identifying title and the name of the Borough and County, the name and address of record owner and subdivider, name, license number and seal of the licenses land surveyor.
  - (2) Lots and blocks numbered and lettered in alphabetical order in accordance with the prevailing practice of the Borough.
  - (3) Proposed locations of monuments and markers as required in Article V, Section 600.
  - (4) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
  - (5) Sufficient data acceptable to the Borough Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
  - (6) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and hundredths of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.
  - (7) The Plat shall also show by proper designation thereon all public open spaces for which deeds area included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereafter.
  - (8) All offers of cession and covenants governing the maintenance of unseeded open space shall bear the certificate of approval of the Attorney of the Borough as to their legal sufficiency.
- B. Construction drawings including plans, profiles, and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavement and sub-base manholes, catch basins and other facilities.

**SECTION 600. FINAL PLANS – PROCEDURES**

- A. A subdivider intending to submit a proposed Subdivision Plat for the approval of the Borough Council shall provide the Secretary of the Planning Commission with a copy of the application and three copies (one copy in ink on a durable material) of the Plat, the original and one true copy of all offers of cession, covenants, and agreements, and two prints of all construction drawings, at least ten days in advance of the regular monthly Planning Commission meeting at which it is to be officially submitted for acceptance of review.
- B. The application for Final Plan review, meeting the requirements specified in this section, must be submitted at least ten days prior to the regular monthly meeting of the Planning Commission to which the application for approval of the final plat, complete and accompanied by the required fee, and all data required by Article IV, Section 500 of these regulations, has been filed with the Secretary of the Planning Commission. The time of submission of the Final Plan shall be considered to be the date the application is considered complete and accepted for review by the Borough Manager. If application is considered complete, the Final Plan will be scheduled for acceptance for review at the following regular monthly meeting of the Planning Commission. If application is considered incomplete, the application will be returned to the applicant for completion and resubmission for acceptance for review.
- C. Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Pennsylvania Department of Protection (DEP). Applications for approval of plans for sewer or water facilities shall be filed by the subdivider with all necessary Borough, County State agencies. Endorsement and approval by DEP shall be secured by the subdivider before official submission of Subdivision Plat.
- D. No plat which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation (PENNDOT) shall be finally approved unless the plat contains the following notice: "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. Access to the State highway shall be only as authorized by a Highway Occupancy Permit."
- E. A public hearing, if required by the Borough Council, shall be held by the Planning Commission within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised by public notice as defined in Article II.
- F. The Planning Commission shall, within forty (40) days from acceptance for review of the submission (regular meeting following date of acceptance of complete application by Borough Manager), the Planning Commission shall make recommendations to the Borough Council who shall then approve, modify and approve, or disapprove the Final Plan. However, the Final Plan shall not be signed by the authorized officers of the Planning Commission for recording until the applicant/developer has complied with the provisions of Sections 700 hereunder.
- G. Within ninety (90) days following the date of the regular meeting of the Planning Commission where the Final Plan application was accepted for review, the Borough Council who shall then finally approve, with or without modifications, or disapprove

such Final Plan and the grounds for any modification required or the grounds for disapproval shall be stated upon the records of the Borough Council. Failure of the Borough Council to act within the ninety (90) day period shall constitute a deemed approval to a Final Plan. However, the Final Plan shall not be signed by the authorized officers of the Borough Council for recording until the applicant/developer has complied with the provisions of Sections 700 hereunder.

**SECTION 700. COMPLETION OF IMPROVEMENTS OR GUARANTEE  
THEREOF PREREQUISITE TO FINAL PLAT APPROVAL**

- A. No plat shall be finally approved unless the streets shown on the plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with the provisions of this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to this Subdivision and Land Development Ordinance shall provide for the deposit with the Borough a financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The application shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 410 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law."
- B. When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 day unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- C. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- E. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90<sup>th</sup> day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- H. If the party posting the financial security requires more than one year from the date of posing of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bonding procedure.
- I. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Borough Council, and the Borough Council shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said 45-day period, the governing

body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

- K. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- L. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Borough Authority separate and distinct from the Borough, financial security of the controlling public utility or Borough Authority and shall not be included within the financial security as otherwise required by this section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition of the final approval of a plat as set forth in this section, the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

**SECTION 800. RELEASE FROM IMPROVEMENT BOND**

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within ten days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

- B. The Borough Council shall notify the developer, within 15 days of receipt of the Borough Engineer's report, in writing by certified or registered mail of the action of the Borough Council with relation thereto.
- C. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outline herein, shall be followed.
- E. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.
- F. Where herein reference is made to the Borough Engineer, he shall be a duly registered professional engineer employed by the Borough or engaged as a consultant thereto.
- G. The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by adopted resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
  - (1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
  - (2) If, within twenty (20) days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - (3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

- (4) In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.
- (5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall pay one-half of the fee of the appointed professional engineer.

#### **SECTION 900. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENT**

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvement in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

#### **SECTION 1000. RECORDING OF APPROVED PLATS**

##### **A. Final Approval and Filing**

- (1) Upon completion of the requirements of this Ordinance and notation to that effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Commission (Chairman or Acting Chairman) and the Borough Council.
- (2) Upon the approval of a Final Plat, the developer shall within ninety (90) days of such final approval, or the date the approval of the Borough Council is noted on the plat, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Recorder of Deeds of Adams County. The Recorder of Deeds shall not accept any plat for recording, unless such plat officially notes the approval of the Borough Council and review by the Adams County Planning and Development Department.
- (3) Any Subdivision Plat not so recorded within ninety (90) days of the date upon which such Plat is approved or considered approved by reasons of failure of the Borough Council to act, shall become null and void, unless the particular circumstances of said

applicant warrant the Planning Commission to grant an extension which shall not exceed two (2) additional periods of ninety (90) days.

- (4) The recording of the Final Plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

**B. Plat Void of Revised After Approval**

No change, erasures, modifications, or revisions shall be made on any Subdivision Plat after final approval has been given by the Borough Council and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Commission and the Commission recommends and the Borough Council approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the Plat shall be considered null and void, and the Borough Council shall institute proceedings to have the Plat stricken from the records of the County Recorder of Deeds.

**C. Effect of Final Plat Approval on Official Map**

Upon recording of a Final Plat, all streets and public grounds on the Final Plat shall be and become part of the Borough's Official Map without public hearing.

**SECTION 1100. CONDITIONS OF ACCEPTANCE**

**A. Public Acceptance of Streets**

The approval of the Borough Council of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by the Borough of any street, easement, or other open space shown on such Subdivision Plat. Proposed public street can only be accepted by Borough Council via an Offer of Irrevocable Dedication.

**SECTION 1200. FEES**

At the time of submission of plans for review and approval by the Planning Commission, the subdivider shall pay the Borough fees in accordance with resolution passed by Borough Council identifying the adopted fee structure. All fees for which the Borough seeks reimbursement shall be certified by the Borough Secretary to the applicant at the time when the Borough is in a position to finally approve any application or plat. Such review fees

**ARTICLE V**  
**DESIGN STANDARDS AND**  
**REQUIRED IMPROVEMENTS**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE V  
DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

**CROSS REFERENCES**

Borough Codified Ordinances

Zoning Ordinance—Chapter 70 Borough Codified Ordinances, Ordinance 73-1 as amended

In considering applications for subdivision of land, the Planning Commission shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Commission only under circumstances set forth in Article III herein. Detailed design criteria associated with required improvements is specified in the Borough's Design Criteria for Land Development. Please refer to this document for specifications and detailed design standards applicable to improvements.

**SECTION 100. GENERAL**

Each subdivision and land development shall be designed and constructed in such a manner that it will:

- A. Conform to applicable Comprehensive Plan, Official Map, Zoning Ordinance and other Borough, County and State regulations.
- B. Be of such character that the land and buildings can be used safely without danger to health or peril from fire, flood, storm runoff, disease or other menace.
- C. Preserve natural and historic areas, buildings and landmarks where possible and where considered worthy of preserving by the Planning Commission, with public access to such where appropriate.
- D. Properly relate in appearance and function, with the surrounding natural and built environment.
- E. Conform to the minimum specifications for all improvements, in accordance with applicable Borough, County, State and other agency specifications and regulations.
- F. Provide and dedicate without charge such reasonable easements as the Borough Council may require for electric and telephone poles, wires, and appurtenances thereto, for gas pipes and for drainage pipes, ditches, and structures, and other public works facilities, together with the right to enter upon the adjoining land for purposes of construction, maintenance, repair, operation, and removal of such facilities. Such easements and rights of access shall be clearly indicated and dedicated upon the plans of the subdivision as recorded.

The acceptance of such easements by the Borough shall not in any way require it to exercise the privileges so granted, but failure to exercise such privileges shall not void its rights thereto. Drainage easements may be required along natural water drainage routes for sanitary and/or stormwater sewers.

## **SECTION 200. STREET LAYOUT**

### **A. Width, Location, and Construction**

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Comprehensive Plan, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be coordinated so as to cause no undue hardship of streets shall be coordinated so as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

### **B. Arrangement**

The arrangement of street in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

### **C. Reserve Strips Prohibited**

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.

### **D. Minor or Local Streets**

Minor or local street shall be so laid out that their use by through traffic will be discouraged.

### **E. Special Treatment Along Major Arterial Streets**

When a subdivision abuts or contains an existing or proposed major arterial street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

### **F. Provision for Future Re-subdivision**

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future re-division in accordance with the requirements contained in these regulations.

### **G. Dead-end Streets**

The creation of dead-end or loop residential streets will be encouraged wherever the Commission finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Commission may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivision containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

**H. Block Size**

Blocks shall not be less than 400 feet nor more than 1200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Commission may require the reservation of a twenty (20) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide paved foot path be included. Double frontage lots are to be avoided and generally will not be permitted unless the lots are a minimum of 200 feet deep. An exception may be permitted where the rear yards of double frontage lots abut arterial or collector highways and the fronts of the lots are served by minor or local streets.

**I. Intersections**

Multiple intersections involving the junction of more than two streets shall not be permitted. Street intersections shall be at right angles for a distance of 100 feet wherever possible, and intersections of less than 70 degrees (measured at the centerline of the streets) shall not be permitted.

Intersecting streets shall not enter the same side of major traffic streets at intervals of less than 800 feet. Minor streets which enter a major traffic street from opposite sides should be directly opposite to each other; or if necessary, they may be separated by at least 125 feet between centerlines measured along the centerline of the major traffic street.

Maximum grade within any intersection shall not exceed three (3) percent, and approaches to any intersection shall follow a straight course within 100 feet of the intersection.

**J. Relation to Topography**

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above grade of the streets. Grades of streets shall conform as clearly as possible to the original topography.

**K. Other Required Streets**

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**SECTION 300. STREET DESIGN**

**A. Widths**

Streets shall have the following widths when not indicated on the Comprehensive Plan or Official Map, the classification of streets shall be determined by the Planning Commission.

<b>Street Classification</b>	<b>Minimum Right-of-Way</b>	<b>Minimum Pavement</b>
Major Arterial Streets	66 feet	40 feet
Collector Streets	60 feet	32 feet
Local Streets	50 feet	24 feet

New streets laid out to continue existing streets shall not be less than the width of the existing street unless a specific exemption is granted by the Borough Council.

**B. Improvements and Utilities**

Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants, except where waivers may be requested, and the Planning Commission may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improvements shall be approved as to design and specifications by the Borough Engineer.

- (1) **Fire Hydrants** – Fire hydrants shall be installed within 600’ of all existing and proposed structures, measured by way of accessible streets. Installation of fire hydrants shall be in conformity with requirements of standard thread and nut of the Fire Company providing service in the location of the subdivision.
- (2) **Street Lighting Facilities** – Lighting facilities shall be in conformance with the lighting system of the Borough. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized inspector of the Borough.

**C. Utilities in Streets**

The Planning Commission shall require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the streets is paved.

**D. Utility Easements**

Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

**E. Grades**

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) nor more than six (6) percent for major arterial or collector streets, or ten (10) percent for minor streets in residential zones, but in no case more than three (3) percent within fifty (50) feet of any intersection.

**F. Changes in Grade**

All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Borough Engineer so that clear visibility shall be provided for a safe distance.

**G. Curve Radii at Street Intersection**

Edge of street pavement, or curb line, and related right-of-way line shall be rounded according to the following schedule of minimum radii:

- (1) For intersections of an alley and a street the radius shall be eight (8) feet.
- (2) For intersections of minor or collector streets, the radius shall be twenty (20) feet.
- (3) For intersections of major arterial or streets with substantial traffic, the radius shall be thirty (30) feet.

In zones where buildings are permitted to abut the right-of-way line, a diagonal cutoff may be employed, provided sidewalk width and corner visibility are unimpaired.

**H. Steep Grades and Curves: Visibility at Intersections**

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 lines. No building or other obstruction over three and one-half (3½) feet in height that would obscure the vision of a motorist shall be permitted within these areas. 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, Chapter 441, as amended and or renumbered, from time to time. Refer to the Pennsylvania Code when measuring sight distance.

**I. Horizontal Curves, Sight Distances and Road Crown**

In general, street lines within a block, deflecting from each other at any one point by more than ten (10) degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on major arterial, 200 feet on collector streets and 100 feet on minor streets. Proper super-elevation shall be provided on major arterials for curves of less than 600 feet radius. Clear sight distance along the center lines of minor streets shall be maintained at not less than 150 feet, along collector streets at not less than 250 feet, and along a major arterial at not less than 450 feet. The slope of the crown on residential service and neighborhood feeder streets shall be more than one-eighth inch per foot and less than one-third inch per foot. Where drainage is provided in the center of the cartway, slopes of the same ratio shall be provided. Cross-sectional slopes for secondary and major streets shall be as required by the State Department of Transportation.

**J. Dead-end Streets (Cul-de-sacs)**

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turn-around with a pavement radius of 50 feet shall be provided unless the Planning Commission approves an alternate arrangement.

**K. Watercourses**

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Borough Engineer.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Borough Engineer, and in no case less than twenty (20) feet in width.

**L. Service Streets or Loading Space in Commercial Development**

Paved rear service streets of not less than twenty (20) feet in width, or in lieu thereof, an adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

**M. Free Flow of Vehicular Traffic Abutting Commercial Property**

In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

**N. Sidewalks**

Sidewalks not less than four (4) feet wide shall be constructed in accordance with specifications of the Borough as follows:

- (1) For continuation of existing sidewalks.
- (2) Where the development includes dwellings other than single-family.
- (3) Where the average lot width is 80 feet or less at the building line.
- (4) Where access to community facilities and the like is considered necessary by the Borough.

Sidewalks shall be located within the street right-of-way, one foot from the property line, and in all cases separated from the cartway line by a planted strip.

**O. Curbs**

Curbs not less than six (6) inches above the water table, shall be constructed of concrete in accordance with specifications of the Borough as follows:

- (1) For continuation of existing curbs.
- (2) Where the development includes dwellings other than single-family dwellings.

(3) Where the average lot width is 80 feet or less at the building line.

**P. Gutters**

In those sections where curbs are not used, stabilized shoulders at least six (6) feet wide shall be provided where required as part of the surface drainage system, constructed to prevent erosion of the adjacent land.

**SECTION 400. STREET NAMES**

**A. Type of Name**

All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Commission. In general, streets shall have names and not numbers or letters.

**B. Names to be Substantially Different**

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

**C. Property Numbers**

Property numbers shall be assigned to each lot by the Borough.

**D. Coordination with Post Master**

All proposed street names and addresses should be reviewed by the Post Master to ensure that deliverable addresses are proposed prior to final approval/assignment by the Borough.

**SECTION 500. LOTS**

**A. Buildable Lots**

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

**B. Lot Size**

Minimum lot size, setbacks and other requirements shall be governed by the Zoning Ordinance.

**C. Side Lines**

All side lines of lots shall be at right angles to straight street liens and radial to curved lines, unless a variance from this rule will give a better street or lot plan.

**D. Corner Lots**

In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

**E. Driveway Access**

Driveway access and grades shall conform to specifications of the Borough Driveway Ordinance, if one exists. Driveway grades between the street and the setback line shall not exceed ten (10) percent.

**F. Access from Private Streets**

Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

**SECTION 600. MONUMENTS AND MARKERS**

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

**A. Monuments shall be set:**

- (1) At the intersections of all right-of-way lines.
- (2) At the intersection of lines forming angles in the boundaries of the subdivision.
- (3) At the intersection of lines bounding areas proposed for dedication and easement.
- (4) At such intermediate points as may be required by the Borough Engineer.

Monuments shall be six (6) inches square and four (4) inches in diameter, thirty (30) inches long and made of concrete, stone, or by setting a four (4) inch cast iron or steel pipe filled with concrete.

**B. Markers shall be set:**

At all corners except those that are marked with monuments, prior to the time the lot is offered for sale. Markers shall be three-quarters (3/4) of an inch square or three-quarters (3/4) of an inch in diameter, fifteen (15) inches long. Markers shall be made of iron pipes or iron or steel bars.

**SECTION 700. STORM DRAINAGE AND PUBLIC UTILITIES**

**A. General Requirements**

Adequate storm sewers, culverts and related facilities must be provided, as necessary.

- (1) Permit the unimpeded flow of natural watercourses.
- (2) Ensure the drainage of all low points along the line of streets.
- (3) Take surface water from the bottom of vertical grades to lead water from springs and to avoid use of cross gutters at street intersections and elsewhere. Where adequate existing storm sewers are readily accessible, the developer shall connect his storm water facilities to the existing storm water sewers.
- (4) Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- (5) Provide adequate drainage away from on-site sewage disposal facilities. Storm drainage facilities must be designed to handle the anticipated peak discharge from the property being subdivided on the basis of one hundred (100) year storm. Developers must utilize best management practices for stormwater management as specified in the Pennsylvania Handbook of Best Management Practices for Developing Areas, Spring 1998 Edition (Source: Pennsylvania Association of Conservation Districts, Inc.; Keystone Chapter, Soil and Water Conservation Society; Pennsylvania Department of Environmental Protection; and, Natural Resources Conservation Service).

**B. Lot Drainage**

Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.

**C. Nearby Existing Facilities**

Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing sewers.

**D. Open Drainage-ways**

When open drainage-ways are used for the disposal of storm water, the Borough shall review the design of such open drainage-ways in relation to the following:

- (1) Safety – Steep banks and deep pools shall be avoided.
- (2) Erosion – Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the souring of the channel bottom.
- (3) Stagnation – Design of open drainage-ways shall not create stagnate pools or swampy areas.

Whenever the evidence available to the Borough indicates that natural surface drainage is inadequate, the developer shall cause an adequate storm water sewer system to be

designed and shall provide adequate calculations, plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Borough Engineer.

Other Approvals – Drainage structures for areas of more than ½ mile square shall be subject to approval by the Pennsylvania Department of Protection (DEP).

**E. Abutting Properties**

In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would:

- (1) Result in a slope of more than ten (10) percent within twenty (20) feet of a property line.
- (2) Alter the existing drainage or topography in a way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

**F. Drainage Upon and On Streets**

In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship.

- (1) With established street grade.
- (2) With the existing street grade where none is established.
- (3) A street must be designated so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street may not be less than one-eighth of an inch per foot and not more than one-third of an inch per foot. Adequate facilities must be provided at low points along a street and at other points at which it is necessary to intercept runoff.

**G. Storm Water Management**

**(1) Applicability**

The subdivider or developer and each person, corporation or other entity which makes any surface changes shall be required to:

- (a) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
- (b) The design of drainage facilities crossing streams are to handle runoff from upstream areas of a 100 year frequency assuming full development of those areas based upon the Comprehensive Plan for the Borough of East Berlin or adjoining municipalities.
- (c) Design, construct and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily

convey such surface waters to the nearest practical street, storm drain, detention pond or natural watercourse.

**(2) General Provisions**

- (a) Unless otherwise expressly stated, all references to detention shall include retention.
- (b) Stormwater runoff from any land development, including during construction and earthmoving, shall not occur at a peak rate, measured in cubic feet per second, that is greater after development than occurred prior to development.
- (c) Control of runoff from a site shall occur using appropriate means of detention of the water on the site and/or other approved types of stormwater management within the requirements of this section.
- (d) Runoff that is detained shall be held and released at a predetermined controlled rate by appropriately installed devices. The release shall be in the same manner as the natural or predevelopment means of discharge from a site, such as point discharge or sheet flow.
- (e) Stormwater runoff shall not be increased or redirected in such a way that it results in hazards to persons or property or interferes with the normal movement of vehicles.
- (f) Detention ponds may be waived by the Borough Council on the recommendation of the Borough Engineer at sites in close proximity to the Beaver and Conewago Creeks. This is to facilitate drainage prior to stream flooding. Wherever detention ponds are waived by the Borough, temporary sedimentation ponds shall be designed and constructed throughout the project sufficient to adequately control stormwater runoff erosion resulting from site improvements.
- (g) All stormwater management methods are subject to approval by the Borough Engineer.
- (h) Lots shall be laid out and graded to provide positive drainage away from buildings. The Borough may require a grading plan for individual lots indicating a buildable areas within each lot, complying with the setback requirements, for which positive drainage is assured.
- (i) All stormwater management plans shall take into account and provide for existing flows within the entire watershed.
- (j) The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the concentration of water runoff be increased because of development without the written approval of all affected landowners.
- (k) No person, corporation or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing or commit any act which will affect normal or flood flow in any communal stream, watercourse or

drainage swale without having obtained prior approval from the Department of Environmental Protection and/or the Army Corps of Engineers, whichever are applicable.

- (l) No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, create flooding or the need for additional drainage structures on other private properties or public lands without complete approval of provisions being made by the developer for properly handling such conditions including water runoff impoundments, if necessary.
- (m) An adequate storm sewer system consisting of inlets and other underground drainage structures with approved outlets shall be constructed where the runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities, as determined by Borough Council based upon the recommendation of the Borough Engineer.
- (n) No substantial grading shall occur and no building permits shall be issued for any building unless the detention basin, erosion and sedimentation controls and improved major swales approved to handle the resulting runoff is in place. Any detention basin shall be seeded and stabilized and have an installed outlet structure prior to the construction of any streets or buildings within that drainage basin.
- (o) Storm roof drains, sump pumps or any other drainage structure shall not discharge water directly over a sidewalk or curb.
- (p) Stabilized outlets shall be provided for footer drains, floor drains and downspouts.
- (q) Due to the inability for visual inspection to determine continual functioning, inground seepage areas shall be prohibited in developments for individual residential lot runoff control facilities. When such facilities area proposed for small developments as cumulative control and/or land development sites, probe and perc testing shall be performed under the direction of the Borough Engineer.
- (r) Where the storm water management plan provides for roof drain and/or driveway drain infiltration facilities, these must be based upon onsite percolation testing and infiltration facilities must be protected by fabric and in the case of roof drain facilities, provide for sediment filtering at the roof and for clean out at ground level.
- (s) Detention/retention areas are to be restored to pre-storm levels within 24 hours after storm.

### **(3) Street Drainage**

- (a) Stormwater will not be permitted to cross intersections for a two (2) year storm.
- (b) Maximum spacing of street inlets shall not exceed 600 feet.

- (c) All street inlets shall be PENNDOT Type C or M. Inlet tops shall be cast-in-lace, reinforced concrete or precast concrete. Any adjustment to inlet tops shall be full masonry construction. Inlet capacity shall be assumed to be 60% of the open area of the inlet.
- (d) All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.
- (e) When material for storm drain system is not specified, PENNDOT specifications will govern.
- (f) Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than 20 feet wide, as approved by the Borough Engineer, who may require additional width of easement as circumstances warrant.
- (g) Inlet spacing shall be designed such that in a 5 year storm, one traffic lane of at least 10 feet in width shall be free from stormwater for minor streets and two 10 foot traffic lanes for all others.

**(4) Stormwater Easements**

- (a) Where a development is traversed by a watercourse, drainageway, swale, channel or stream, there shall be provided a drainage easement conforming substantially with the high-water line of such watercourse attributable to a flood of 100 year frequency in order to preserve the unimpeded flow of natural drainage and to provided for future possible widening, deepening, relocating, improving or protecting of such drainage facilities. In no case shall the easement be less than 20 feet.
- (b) Structures and other obstructions to flow (except fences made of materials and placed so as not to obstruct flow) shall be prohibited within stormwater easements. Such easements shall grant the Borough the right to enter the easement to accomplish maintenance work although the Borough assumes no responsibility for such work.
- (c) It shall be the responsibility of the applicant to obtain all stormwater easements on, over or through other properties that are needed to carry out the proposed stormwater management plan.
- (d) Areas where stormwater easements have or will be granted shall not be obstructed during or after construction.

**(5) Ownership and Maintenance of Stormwater Facilities**

A system for the ownership and maintenance responsibility of all temporary and permanent stormwater facilities and erosion and sedimentation control facilities, that is satisfactory to the Borough Council, shall be established prior to final plan approval including:

- (a) Description and a schedule of temporary and permanent maintenance requirements designed to keep the facility in proper working order.
- (b) Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent stormwater management and erosion and sedimentation control facilities.
- (c) Establishment of suitable easements for access to all facilities.
- (d) Access and maintenance.
  - (i) Stormwater facilities shall be designed to require minimal maintenance and shall have suitable access to all areas of the facilities for maintenance.
  - (ii) All storm drainage facilities shall be properly maintained by the party designated as responsible on the final plan or the party owning the facility.
  - (iii) Should a facility not be maintained in proper working order, the Borough Council may, after due notice to the responsible party, arrange for the needed maintenance to be accomplished with all such expenses charged to the responsible party. These expenses shall be collectible as municipal claims.
  - (iv) The Borough Engineer and Code Enforcement staff shall have the right to enter private property to inspect storm drainage facilities. A reasonable effort will be made to contact the property owner prior to any such inspection.

**H. Maintenance**

The subdivider or land developer must make adequate provision for the perpetual maintenance of all stormwater management facilities proposed by the subdivision or land development plan.

The subdivider or land developer shall in addition, provide for an easement enabling the Borough to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Borough shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin or other storm water management facility is located, by the filing of a municipal lien.

**I. Sewage Disposal**

- (1) A complete sanitary sewage collection system must be designed, installed and connected to the existing Borough sanitary sewer system in accordance with Borough standards, specifications and requirements.
- (2) Sanitary sewers shall not be used to carry storm water.

**J. Water Supply**

A complete water main system connected to the existing municipal system shall be provided. The water system shall be designed, installed and connected to the existing Borough water system in accordance with Borough standards, specifications and requirements.

**K. Land Subject to Flooding**

Land subject to flooding or land deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Commission to remedy said hazardous conditions.

**SECTION 800. PARKS, OPEN SPACES, AND NATURAL FEATURES**

**A. Recreation Areas Shown on the Comprehensive Plan or Official Map**

Where a proposed park, playground or open space shown on the Comprehensive Plan or Official Map is located in whole or in part in a subdivision, the Commission shall require that such areas be shown on the Plat in accordance with the requirements specified in section 802 below. Such area or areas may be dedicated to the Borough or County by the subdivider if the Borough Council approves such dedication.

**B. Parks and Playgrounds not Shown on the Comprehensive Plan or Official Map**

The Planning Commission shall require that the Plat show sites of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the Plat. The subdivider shall provide recreation space in accordance with the following schedule of standards and requirements:

(1) Recreational Space Requirements

<b>Residential Development Standards</b>	<b>Recreation Space Requirements</b>
0-200 Dwelling Units	½ acre/≥50 Dwelling Units
200+ Dwelling Units	3 acres + ¼ acres /100 Dwelling Unites for 200+Units

- (2) Areas set aside for recreational purposes shall be reasonably compact parcels placed to serve all parts of the subdivision, accessible from a public street, and not excessively irregular in terrain or shape.

- (3) Play lots for children of pre-school age shall be from 2,000 to 5,000 square feet in area. Playgrounds for active sports shall be not less than two and three-quarters acres, with adequate access and space for parking.
- (4) Wherever possible, subdividers shall preserve existing trees more than six (6) inches in diameter at the base of the trunk, groves, waterways, scenic points, historic spots, and other community assets and landmarks.
- (5) Provisions for perpetuation of use and grounds maintenance of such recreation areas, not offered or accepted for dedication by the Borough, shall be made with evidence of such attached to the application for final approval of a plat or plan.

**C. Information to be Submitted**

In the event that an area to be used for a park or playground is required to be shown, the subdivider shall submit, prior to final approval, to the Planning Commission, the following detail as part of the subdivision/land development plan:

- (1) The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.
- (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops, and structures.
- (3) Existing, and if applicable, proposed changes in grade and contours of the said area and of immediately adjacent areas.
- (4) A deed and title search for the area(s) to be dedicated public acceptance.
- (5) Access easements and other easements.

**D. Waiver of Plat Designation of Area for Parks and Playgrounds (Fee in Lieu of Dedication of Lands)**

In cases where the Planning Commission finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purposes cannot be properly located therein, or, if in the opinion of the Commission it is not desirable, the Commission may waive the requirements that the Plat show land for such purposes. The Commission shall then require as a condition to approval of the Plat a payment to the Borough in the amount of One Thousand (\$1,000.00) dollars per gross acre of land which otherwise would have been acceptable as a recreation site, as specified in this section.

Such amount shall be paid to the Borough at the time of final Plat approval, and no Plat shall be signed by the authorized officer of the Planning Commission and Borough Council until such payment is made. All such payments shall be held by the Borough in a special Borough Recreation Site Acquisition and Improvement Fund (an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received) to be used for the acquisition of land that: (1) is suitable for permanent park, playground or other recreational purpose; (b) is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies; and, (c) shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation

areas serving the general neighborhood in which the land shown on the Plat is situated, providing the Planning Commission finds there is a need for such improvements.

Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct or maintain the specific recreation facilities for which the funds were collected.

Upon request of any person who paid any fee under this subsection, the Borough shall refund such fee, plus interest accumulated thereon from the date of payment, if the Borough has failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.

**SECTION 900. NATURAL FEATURES**

The Planning Commission shall, wherever possible, establish the conservation of all natural and built features which add value to developments and to the community, such as large tree or groves of trees, water courses, banks and falls, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the Final Subdivision Plat. Removal of additional trees shall be subject to the approval of the Planning Commission. In no case, however, shall a tree with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk be removed without prior approval by the Planning Commission.



**ARTICLE VI**  
**SITE PLANNING AND PROJECT**  
**DESIGN**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE VI  
SITE PLANNING AND PROJECT DESIGN**

**CROSS REFERENCES**

Zoning Ordinance—Chapter 70 Borough Codified Ordinances, Ordinance 73-1 as amended

**SECTION 100. QUALITY OF WORK**

In addition to the requirements and procedures set forth in Article IV, the developer shall submit proposals which follow sound planning practice. For major subdivisions and developments it is recommended that professional consultants such as town planners, architects, landscape architects, engineers and surveyors be used for appropriate sections of the design and supervision of the work. The developer seeking technical or financial assistance from State or Federal agencies for a project shall follow the necessary procedures required by such agencies prior to legal commitment of layouts or commencement of physical work on the site.

**SECTION 200. SITE PREPARATION**

Existing vegetation, trees, watercourses and other natural features shall be protected during construction periods from damage, detriment, pollution and any subsequent erosion and sedimentation conditions. Topsoil removal shall be limited to those areas occupied by future roads, structures and portions to be cut or filled by re-grading. Topsoil removed shall be stored for re-use on the site as required.

**SECTION 300. GRADING AND DRAINAGE**

The layout and design of each development shall closely relate to the existing topography of the site and its drainage. Surface drainage shall be achieved by relating improvements and structures to the natural slopes assisted by careful grading where required. Seeding, sodding or other planting shall be applied to stabilize the top soil, with additional support or treatment on steeper slopes of cut or fill to prevent subsequent erosion. Where adequate surface drainage is not possible by grading alone a supplementary drainage system shall be included as part of the required improvements.

**SECTION 400. SITING OF HOUSING**

- A. Individual vehicular access to housing shall be generally restricted to minor or local streets and local collector streets. Vehicular access to major arterial streets (S.R. 234 and S.R. 194) are prohibited via private driveways, parking pads and the like. The minimum distance of a residence from street right-of-way shall be in compliance with the Borough's Zoning Ordinance. All housing shall be screened from all adjacent railway rights-of-way by planting and, where appropriate to the development, a fence, wall or berm designed to minimize noise and visual nuisance. The minimum distance of a residence from the edge of a railway right-of-way shall be such that the full height of the housing structure shall fall below a 45 degree line projected up from the edge of the adjacent right-of-way line. In urban areas the Borough may reduce these minimum requirements.

- B. Housing layout shall relate to topography, natural features, existing built developments, and focal points. Identity and interest in the layout of housing fronting streets shall be created by variations in setbacks.
- C. Visual relationships between buildings and spaces shall be considered in order to provide good character to the overall development.
- D. Housing shall be sited so as to preserve the privacy of ground floor windows and to ensure that overlooking from upper windows is avoided. Natural light to windows shall not be impaired either by buildings on the same site or from an adjacent site.
- E. Orientation for sun, wind and snow drifting shall be considered for all forms of housing. Advantage shall be taken of pleasant unobstructed views especially from higher buildings or houses on high ground. Care shall be exercised in the siting of buildings which will be silhouetted on the skyline.
- F. Circulation and access for vehicular and pedestrian traffic shall be convenient without creating nuisance or detracting from the privacy of the units.

**SECTION 500. PEDESTRIAN MOVEMENT**

Pedestrian walkways shall be planned to a system relating to the street sidewalks and access easements to play areas, parks, and other community facilities. Such system shall be separated, insofar as possible, from the vehicular traffic system.

**SECTION 600. VEHICULAR MOVEMENT AND PARKING**

The development shall be served by a street system designed with regard to topography, natural features, function, and clarity of movement and economy of street length.

All developments shall have off-street parking as required in the Zoning Ordinance. All off-street parking shall be accessible by a walkway system within 150 feet walking distance from the entrance to the building served.

**ARTICLE VII**  
**MOBILEHOMES AND**  
**MOBILEHOME PARKS**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE VII  
MOBILEHOMES AND MOBILEHOME PARKS**

**CROSS REFERENCES**

Zoning Ordinance, Chapter 70 Borough Codified Ordinances, Ordinance 73-1 as amended—see  
Article IX Conditional Uses  
Borough Codified Ordinances—see Chapter 63 Trailers and Trailer Parks (Mobile Home Parks)

**SECTION 100. PURPOSE**

The purpose of this Article shall be to provide for the planning and siting of mobilehomes and mobilehome parks in such a manner that:

- (1) will eliminate and prevent health and safety hazards;
- (2) will promote the economical and orderly development and utilization of land;
- (3) will preserve natural and scenic values;
- (4) will not create a traffic hazard or otherwise impair the function and amenity of the mobilehome occupants and/or the surrounding neighborhoods.

**SECTION 200. DEFINITIONS**

Definitions applicable to this Article are provided in Article II, Definitions of this Ordinance. An individual mobile home shall comply with all other applicable Borough and State regulations that govern a single-family home.

**SECTION 300. PERMITS AND CERTIFICATION OF REGISTRATION**

**A. Permits Required**

It shall be unlawful for any person to maintain, construct, alter or extend any mobilehome park within the limits of the Borough unless he holds a valid Certificate of Registration issued by the Department of Environmental Protection in the name of such person and also a permit issued by the Borough. Additional permitting requirements are contained in the Zoning Ordinance.

**B. Fees**

Fees shall be in accordance with an adopted resolution by the Borough Council.

**SECTION 400. SITE DESIGN STANDARDS**

- A. Newly created mobilehome parks and the expansion of existing mobilehome parks requires the submission of a Land Development Plan at a minimum and a Subdivision Plan of conveyance of land is required. All requirements of this Ordinance must be met.

## **SECTION 500. PUBLIC FACILITIES/SERVICES**

### **A. Sanitary Sewage Facilities**

A mobilehome park shall be served by the Borough's sanitary sewage system. The sanitary sewage facility shall be designed, constructed and discharged in compliance with the Borough and Commonwealth design standards. All public improvements shall be dedicated to the Borough.

### **B. Water**

A mobilehome park shall be served by the Borough's public water distribution system. The water system shall be design and constructed in compliance with the Borough. All public improvements shall be dedicated to the Borough.

### **C. Utilities**

All mobilehome parks shall have access to all utilities required by traditional residential developments. Electrical, telephone and cable distribution systems will be placed underground. Electrical, gas and fuel oil distribution systems are to be designed and provided in compliance with State BOCA Codes and other applicable Borough and State regulations. Fuel storage tanks or cylinders shall be installed underground and not located inside or beneath the mobilehome or accessory structure nor located less than five (5) feet from any mobile home exit.

### **D. Streets/Roads (Public and Private)**

Each mobilehome park shall be provided with at least two (2) points of ingress and a distance of at least one-hundred and fifty (150) feet shall be maintained between centerlines of access streets.

All mobilehome parks shall be provided with safe and convenient access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography. All streets within a mobile home park shall be privately owned and maintained. The street layout, design, naming and construction shall be in accordance with the requirements of foregoing Articles and Borough design standards for public street/roads.

All mobilehome park development must have direct access to a public street, either a major arterial street or a collector street.

### **E. Lighting**

All means of ingress, egress, walking, streets, and parking areas shall be adequately delineated on the plans showing the location and intensity of lighting fixtures shall be submitted with the required site plan.

### **F. Screening, Landscaping & Recreation Area Requirements**

A common recreation area or areas shall be provided in the mobilehome park, centrally located, and of an area not less than the total of mobilehome stands multiplied by four hundred (400) square feet per home. Recreation areas shall be planned in the layout with dimensions such that the average length shall not exceed twice the average width.

Screening of evergreen plantings, not less than six (6) feet high, shall be provided by the owner/developer along all property and street boundaries of a mobilehome park.

**G. Walks**

All mobilehome parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided. All sidewalks, paths, walkways and trails should be in compliance with requirements of the Borough, the Commonwealth of Pennsylvania and in compliance with Americans with Disabilities Act (ADA) requirements.

All mobilehome stands shall be connected to common walks, or the street, or to driveways or to parking spaces. Such individual walks shall have a minimum width of two (2) feet except where reasonable accommodations must be provided to comply with the Federal Fair Housing Act and ADA requirements.

**H. Solid Waste Disposal System**

The storage, collection and disposal of refuse in every mobilehome park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident of fire hazards or air pollution.

Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

Refuse shall be stored in fly tight, watertight, rodent proof containers which shall be located not more than 150 feet away from any mobilehome space. Containers shall not be provided in sufficient number and capacity to properly store all refuse.

The burning upon the premises of any paper, garbage, leaves or other disposable material is prohibited.

**I. Support Service Buildings and Other Community Facilities**

All support service buildings and community facilities must comply with State BOCA Codes and other Borough, State and Federal regulations for permanent structures. All support service buildings and community facilities are considered permanent structures; temporary construction is unacceptable. Every mobilehome park shall be provided with the following emergency sanitary facilities. For each 100 lots, or fractional part thereof, there shall be one flush toilet and one lavatory. The building containing such emergency sanitary facilities shall be accessible to all mobile homes.



**ARTICLE VIII**  
**PREVENTATIVE AND**  
**ENFORCEMENT REMEDIES**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE VIII  
PREVENTATIVE AND ENFORCEMENT REMEDIES**

**CROSS REFERENCES**

Enforcement Remedies—see Act 247 Section 515.3

Preventive Remedies—see Act 247 Section 515.1

**SECTION 100. ENFORCEMENT REMEDIES**

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance enacted under the Municipalities Planning Code shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Adams County Court of Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

**SECTION 200. PREVENTIVE REMEDIES**

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Borough may refuse to issue any permit or grant any necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provisions of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation.
- (2) The vendee or lessee of the owner of record a the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

**ARTICLE IX**  
**VALIDITY, AMENDMENTS AND**  
**ENACTMENT**

**EAST BERLIN BOROUGH, ADAMS COUNTY, PA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ARTICLE IX  
VALIDITY, AMENDMENTS AND ENACTMENT**

**CROSS REFERENCES**

Enactment of a Subdivision and Land Development Ordinance—see Act 247 Section 504  
Enactment of Subdivision and Land Development Ordinance Amendment—see Act 247 Section  
505

Publication, Advertisement and Availability of Ordinance—see Act 247 Section 506

**SECTION 100.           VALIDITY**

Should any clause, section or provision of this Ordinance contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity or the regulations as a whole or any part thereof other than the part so declared to be invalid.

**SECTION 200.           REPEALER**

All other ordinances, resolutions, or parts thereof are hereby repealed insofar as they are inconsistent herewith.

**SECTION 300.           CONTINUATION**

The repealer or modification of any prior regulation, resolution or ordinance by this Article shall not annul or relieve any party from any permit issued, condition imposed, approval granted, approval denied, or issued, or violation, penalty, or other liability incurred pursuant to such affected regulation, resolution or ordinance.

**SECTION 400.           ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE**

Before voting on the enactment of a proposed subdivision and land development ordinance, the Borough Council shall hold a public hearing thereon pursuant to public notice. A brief summary setting forth the principal provisions of the proposed ordinance and a reference to the place within the Borough where copies of the proposed ordinance may be secured or examined shall be incorporated in the public notice. Unless the proposed subdivision and land development ordinance shall have been prepared by the Borough Planning Commission, the Borough Council shall submit the ordinance to the planning agency at least forty-five (45) days prior to the hearing on such ordinance to provide the planning agency an opportunity to submit recommendations. The Borough shall submit the proposed ordinance to the county planning commission for recommendations at least forty-five (45) days prior to the public hearing on the ordinance.

Within thirty (30) days after adoption, the Borough Council shall forward a certified copy of the subdivision and land development ordinance to the county planning agency.

**SECTION 500. ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENT**

Amendments to the subdivision and land development ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of proposed ordinance by the MPC. In addition, in the case of amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment. The Borough shall submit the proposed amendment to the county planning commission at least thirty (30) days prior to the hearing on the amendment.

**SECTION 600. PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCE**

Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (1) A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
- (2) An attested copy of the proposed ordinance shall be filed in the County Law Library or other county designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

SECTION 700. EFFECTIVE DATE OF ENACTMENT

This Ordinance shall become effective on the   7th   day of   January  , 2002.

Enacted and Ordained this   7th   day of   January  , 2002.



ATTEST:

Hannelore B. Furst  
Secretary

Jacque L. Hoffman  
President, Borough Council

Jeff R. Hamer  
Vice-President, Borough Council

Approved this   7th   day of   January  , 2002.

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