

BOROUGH OF MARIETTA



SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Adopted: March 8, 2016

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**BOROUGH OF MARIETTA
LANCASTER COUNTY, PENNSYLVANIA
ORDINANCE#_____**

AN ORDINANCE OF THE BOROUGH OF MARIETTA, COUNTY OF LANCASTER, PENNSYLVANIA ENACTING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MARIETTA PROVIDING COMPREHENSIVE REGULATIONS FOR SUBDIVISION AND LAND DEVELOPMENT IN THE BOROUGH OF MARIETTA PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, INCLUDING PROVIDING EXTENSIVE DEFINITIONS, PROVIDING A METHODOLOGY OF ADMINISTRING THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO, THE COLLECTION OF FEES AND COSTS, ESTABLISHING PLANNED PROCESSING PROCEDURES AND INFORMATION TO BE INCLUDED ON OR WITH PLANS UNDER CERTAIN CIRCUMSTANCES, PROVIDING FOR ASSURANCES FOR COMPLETION AND MAINTENANCE OF MUNCIPALITY MANDATED IMPROVEMENTS AND THE RELEASE THEREOF, ESTABLISHING SUPPLEMENTAL REQUIREMENTS FOR TESTS AND STUDIES, PROVIDING PENALTIES FOR VIOLATIONS, AND PROVIDING A NUMBER OF APPENDICES CONSISTENT THEREWITH FOR PURPOSES OF IMPLEMENTING THE SAME, THEREBY PROVIDING A COMPREHENSIVE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

1. Pursuant to the Donegal Region Comprehensive Plan (dated August 2011, that included East Donegal Township, Mount Joy Borough, Marietta Borough and the Donegal School District) and direction from the Lancaster County Planning Commission; Marietta Borough finds that it is in the best interest of its citizens to adopt a comprehensive Subdivision and Land Development Ordinance, under the provisions of the Pennsylvania Municipalities Planning Code; and
2. This Ordinance is particularly consistent with Objective 5.4 of the Comprehensive Plan in that it requires the dedication of sufficient parks and open space, or the collection of fees in-lieu-of actual dedication, to meet demand for existing and future residents; and
3. The Borough Council also, pursuant to the requirements of the Pennsylvania Department of Environmental Protection (DEP) has adopted the Lancaster County Act 167 Stormwater Management Plan, also known as An Integrated Water Resource Plan for Lancaster County (SWMA), has adopted the Borough of Marietta Stormwater Management (SWM) Ordinance No. 2014-01 comprehensively regulating stormwater management in the municipality and the Borough Council has determined that certain provisions relating to the SWM Ordinance should be incorporated into the provisions of this Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Marietta, and it is hereby enacted and ordained by the authority of the same, after review and consultation with the Lancaster County Planning Commission and the Borough of Marietta Planning Commission, public notice and a hearing, that the following Ordinance be adopted:

ARTICLE 1

GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be known, cited and referred to as the Subdivision and Land Development Ordinance of the Borough of Marietta (hereinafter “Ordinance”).

1.2 PURPOSE AND INTENT

This Ordinance is adopted to regulate and manage the subdivision and development of land within the Borough of Marietta for the following intent:

Traditionally, Lancaster City served as the social, cultural and commercial hub of Lancaster County while each of the boroughs served as distinct focal points for their particular region. The Urban centers of the future are envisioned to reflect these mixed-use, compact communities of the past; each with a strong sense of uniqueness, identity and cohesion. Communities within adopted Urban and Village Growth Areas should develop with a mix of densities, housing types, and land uses, and allow people to walk to school, to parks, and to obtain the needs of everyday life. Efficient growth within Designated Growth Areas, that is served by the full range of public facilities and services necessary to support residential and economic development is considered appropriate and is intended to limit encroachment into the Rural countryside.

Compact and efficient Urban development, that encourages Infill and the retention of community character will, in combination with the Rural development strategies of farmland preservation and conservation, be instrumental in the successful implementation of the County-wide growth management strategies necessary to the future of Lancaster County and the retention of its sense of place. To increase mobility and create connectivity from New Development to existing developments using interconnect trails and sidewalks. New emphasis should be placed on compatible reinvestment, Infill, and Redevelopment in our Urban areas. To increase the proportion, density, and intensity of development in Urban areas, 12% of new residential growth and 55% of new employment must occur while increasing the character and form of New Development in a way that enhances the quality of life for current and new residents.

Marietta Borough encourages new development opportunities with an emphasis on Infill that supports, preserves and retains the character of the historic community. This includes accommodating pedestrians by extending the current sidewalk system or providing critical links from any new development to the existing Borough sidewalk system. The Borough also intends to protect and preserve the frontage along the Susquehanna River as a natural and recreational area that provides a unique sense of place. Therefore, the protection of historic, architectural and scenic landscape resources is necessary while accommodating future development trends. Other pockets of sensitive natural features and environmentally sensitive resources within the Borough are equally important. These natural areas should be managed to protect such resources and be incorporated into any development in order to preserve the scenic, passive recreational and other environmental resources of such areas. Any future residential or commercial development should be managed and encouraged to locate around, within or be directly connected to the Borough center.

1.3 STATUTORY AUTHORITY

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended, (hereinafter the PMPC).

1.4 APPLICABILITY

1.4.1 Territorial Application.

The provisions of this Ordinance shall apply to all Subdivisions and Land Developments within the corporate limits of the Borough of Marietta.

1.4.2 General Application.

No Subdivision or Land Development of any Lot, Tract or Parcel of land located within the Borough of Marietta shall be effected and no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, or for the common use of occupants of buildings thereon, unless and until in strict accordance with this Ordinance. Furthermore, no property shall be developed, no Building shall be erected and no Site Improvements shall be completed except in strict accordance with the provisions of this Ordinance. Compliance with this Ordinance may only be achieved if such Subdivision and/or Land development is also consistent with the Borough of Marietta Stormwater Management Ordinance and any and all other applicable Ordinances, laws, and regulations of the Municipality, County, Commonwealth, and United States of America.

1.4.3 General Prohibition.

No Lot in a Subdivision may be sold or transferred; no permit to erect, alter or repair any Building upon land in a Subdivision or Land Development may be issued; and no Building may be erected in a Subdivision or Land Development, unless, in strict accordance with this Ordinance, and until construction of any required Site Improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.

1.4.4 Pending Applications.

This Ordinance shall not affect an application for approval of a Subdivision and/or Land Development Plan which is pending action at the time of the effective date of this Ordinance and is covered by Section 508 of the Pennsylvania Municipalities Planning Code, in which case the Applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time when the application for such Plan was duly filed. Additionally, this Ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of the Borough of Marietta's Subdivision and Land Development Ordinance, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance.

1.4.5 Previously Approved Plans.

If an Applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the Applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of such application, nor shall any provision of this Ordinance be construed to waive the obligations imposed upon an Applicant to complete a previously approved Preliminary or Final Plan, including the installation of all Improvements, in strict compliance with the requirements of such approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) years shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances as they stood at the time when the application for such approval was duly filed.

1.4.6 Existing Improvements.

If existing Improvements, including Storm Water Management Facilities, on the Subject Tract do not meet the requirements of this Ordinance and/or not functioning properly, then such Improvements must be designed and upgraded to meet the requirements of this Ordinance in conjunction with an Application for Development.

1.5 ENACTMENT

This Ordinance is hereby adopted and made effective as of _____(the effective date of this Ordinance).

1.6 INTERPRETATION, CONFLICT AND SEPARABILITY

1.6.1 Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Ordinance was adopted.

1.6.2 Conflict with Public and Private Provisions.

A. Public Provisions.

This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in this Ordinance. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule or regulation, statute, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.

B. Private Provisions.

This Ordinance is not intended to abrogate any Easement, covenant, or other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such Easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Notwithstanding the foregoing, no easement, covenant, or other private agreement or restrictions shall be approved or recorded unless it is consistent with the provisions of this Ordinance.

1.6.3 Separability.

If any part or provision of this Ordinance or the application of this Ordinance to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts or provisions of this Ordinance or the application of them to other persons or circumstances. It is hereby declared as the intent of the Borough of Marietta that this Ordinance would have been adopted if such provision has not been included herein.

1.7 SAVING PROVISION

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision or Land Development regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Municipality under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the Municipality, except as shall be expressly provided for in this Ordinance.

1.8 REPEAL OF PREVIOUS ORDINANCE

Upon the adoption of this Ordinance, all provisions of the Lancaster County Subdivision and Land Development Ordinance of 1991, as amended, are expressly repealed in their entirety to land within the corporate limits of the Borough of Marietta.

1.9 ORDINANCE AMENDMENTS

1.9.1 Purpose.

For the purpose of protecting the public health, safety and general welfare, amendments to this Ordinance may, from time to time, be proposed pursuant to the provisions of the PMPC.

1.9.2 Procedure.

All proposals for amendments shall be made in accordance with the following procedure:

A. Proposal.

Amendments to this Ordinance may, from time to time, be proposed by the Borough Council on its own motion, or by the Planning Commission. In addition, any Landowner may propose an amendment to this Ordinance, in which event the Borough Council, at its sole option, may initiate procedures for amendment by referring the proposed amendment to the Planning Commission.

B. Review by Planning Commission.

In the case of an amendment other than that proposed by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations at least forty-five (45) days prior to the date of the Public Hearing on the proposed amendment. The Borough Council shall also submit the proposed amendment to the Lancaster County Planning Commission for recommendations at least forty-five (45) days prior to the date of the Public Hearing.

C. Action by Borough Council.

Amendments shall be approved or disapproved by the Borough Council after a Public Hearing held pursuant to Public Notice, as defined in Section 2.2 in accordance with the procedural requirements of Section 505 and 506 of Act 247 as amended.

D. Notification of Municipal Action.

Within thirty (30) days of said approval, the Borough Council shall forward a certified copy of any amendment to this Ordinance the Lancaster County Planning Commission.

1.10 ENFORCEMENT AND PENALTIES

1.10.1 Enforcement.

It shall be the duty of the administrative assistant to the Planning Commission, Borough Secretary/Treasurer, Borough Manger or other person to be determined by the Borough,

Municipal Solicitor, and the Municipal Zoning Officer to enforce this Ordinance and to bring any violations of these regulations to the attention of the Municipal Solicitor. Formal enforcement proceedings may be initiated by the Borough Manager in the name of the Municipality after authorization by the municipality.

1.10.2 Penalties.

A. Preventive Remedies.

1. 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.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a Subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following:
 - (a) The owner/owners of record at the time of violation;
 - (b) The vendee or lessee of the owner of record at any time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the action; or
 - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for issuance 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.

B. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs including reasonable attorneys fees incurred by the Borough as a result thereof. No judgment shall commence or be

imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the Pennsylvania Rules of Civil Procedures. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have been 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. 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.

ARTICLE 2 LANGUAGE AND DEFINITIONS

2.1 GENERAL RULES OF CONSTRUCTION

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

2.1.1 Tense and Form.

Words used or defined in one tense or form shall include other tenses or derivative forms.

2.1.2 Number.

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

2.1.3 Gender.

The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

2.1.4 Person.

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.

2.1.5 Building.

The word "Building" includes the word "Structure" and shall be construed as if followed by the words "or a part thereof".

2.1.6 Lot.

The word "Lot" includes the words "plot", "Tract", and "Parcel".

2.1.7 Watercourse.

The word "Watercourse" includes the words "river," "stream," "creek," "drain," "ditch," "swale," "impoundments," "lake," and "pond".

2.1.8 Shall and May.

The words "shall," "must" and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

2.1.9 Time.

The time, within which any act required by this Ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

2.1.10 Undefined Terms.

Any words not defined in this Section or in Section 107 of Act 247 shall be construed as defined in standard dictionary usage.

2.1.11 Illustrations and Tables.

In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Ordinance.

2.2 DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the following meanings:

Abutting. Having a common border with, or being separated from such common border by a Right-of-Way, Alley or Easement.

Accessory. Additional, something extra or complementary.

Access Drive. A public or private drive providing vehicular access to and between parking areas for more than two (2) parking spaces within a Land Development; or any drive servicing more than two (2) units of occupancy.

Act 247. The Pennsylvania Municipalities Planning Code ("MPC") as heretofore and hereafter amended.

Adjoining Lot. A Lot that shares all or part of a common point or line with another Lot.

Agricultural Land/Areas. Land used exclusively for the cultivation of the soil, the production of crops or livestock, or the science of forestry; also, land diverted from agricultural use by an active Federal farm program, provided the diverted land has a conservation cover of grass, legume, trees or wildlife shrubs. Agricultural Land may include, to a minor degree, farmsteads inhabited by the cultivator of the land, housing for farm employees, and land used for preparation of agricultural products by the cultivator of the land.

Average Daily Traffic (ADT). Computed by application of a day of the week by month factor to an average twenty-four (24) hour traffic count. Such information is available in the latest volume

of the Pennsylvania Department of Transportation Traffic Data Collection and Factor Development Report.

Applicant. A Landowner and/or Developer, as hereinafter defined, including his heirs, successors and assigns, who filed an application for Subdivision and/or Land Development.

Application for Development. Every application, whether Preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a Building permit, for the approval of a Subdivision Plat or Plan, or for the approval of a Development Plan.

Block. Land surrounded on all sides by Streets (measured at the Right-of-Way) or other transportation or utility Rights-of-Way, or by physical barriers such as bodies of water or public open spaces.

BMP's. Best management practices.

Buffer. A strip of land with Landscaping, fences and/or walls located between two (2) uses, or between one (1) use and a public Right-of-Way, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or on the public Right-of-Way.

Buffer Area. A strip of land within a public Right-of-Way which may include Signage, Street trees, and curbs, gutters, or swales.

Building. Any enclosed or open Structure, other than a boundary wall or fence, occupying more than four (4) square feet of area and/or having a roof supported by columns, piers or walls.

Building, Accessory. A detached, subordinate Building, the use of which is customarily incidental and subordinate to that of the Principal Building, which is located on the same Lot as that occupied by the Principal Building. Farm Buildings not intended for habitation are considered to be Accessory Buildings.

Building, Principal. A Building that is enclosed within exterior walls or firewalls, and is built, erected and framed of component structural parts. The Principal Building is also designed for housing, shelter, enclosure and support of individuals, animals or property of any kind, and is a main Structure on a given Lot.

Building Setback Line. A line within a Lot, designated on a Plan as the minimum required distance between any Structure and the adjacent Street centerline, or Right-of-Way line as specified by any applicable zoning ordinance.

Capacity. The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

Cartway. The portion of a Street Right-of-Way, paved or unpaved, customarily used by motorized and non-motorized vehicles in the regular course of travel over the Street.

Clear Sight Triangle. An area of unobstructed vision at Street intersections defined by lines of sight between points at a given distance from the intersection of the Street centerlines.

Common Open Space. A Parcel or Parcels of land or an area of water, or a combination of land and the water, within the development Site, designed and intended for the use or enjoyment of residents of the development, not including Streets, off-Street parking areas, and areas set aside for public facilities.

Commonwealth. Commonwealth of Pennsylvania.

Community Water Supply. A utility operated by a Municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one (1) household, business or institution.

Comprehensive Plan. The official public document prepared and adopted in accordance with the Pennsylvania Municipalities Planning Code, consisting of maps, charts and textual material, that constitutes a policy guide to decisions about the physical and social development of the Municipality.

Concentrated Building Area. Presently undeveloped land within an Urban Growth Area that has the physical characteristics and available infrastructure to accommodate more intense development.

Condominium. A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes a multiple unit Land Development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities.

Conservation Subdivision. A residential development in a Rural setting that is characterized by compact Lots and Common Open Space, and where the natural features of the land are maintained to the greatest extent possible.

Contiguous. Lots are Contiguous when at least one (1) boundary line of one Lot touches a boundary line or lines of another Lot.

Core Reinvestment Areas. Lancaster City and the boroughs.

County. Lancaster County, Pennsylvania.

Dedication. The deliberate appropriation of land by its owner for general public use.

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

Density. A term used to express the allowable number of dwelling units per acre of land.

Density, Gross. The number of dwelling units or units of occupancy in relation to the area of land of a parcel in use, or proposed to be used, for residential purposes, exclusive of exterior public rights-of-way (i.e. the total area within the Deeded property lines without exception).

Density, Net. The number of dwelling units or units of occupancy in relation to the area actually in use, or proposed to be used, for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common parking lots, common open spaces, floodplains, etc. (i.e. the total area within the Deeded property lines exclusive of existing Street Rights-of-Way and other unusable areas).

Detention Basin. A reservoir that temporarily contains Storm Water Runoff and releases it gradually into a Watercourse or Storm Water facility.

Developer. Any Landowner, agent of such Landowner, or tenant with the permission of such Landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, for whom Subdivision or Land Development Plans are being or have been made.

Development Plan. The provisions for development, including a Planned Residential Development, a Subdivision Plat or Plan and/or a Land Development Plat or Plan, 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 shall mean the written and graphic materials referred to in this definition.

Drainage Easement. The land required for the installation of storm sewer or drainage facilities, or required along a natural Stream or Watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

Dripline. A line marking the outer edges of the branches of the tree.

Driveway. A private drive providing vehicular access between a Street or Access Drive and a parking area for two (2) or less residential units of occupancy.

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

Elevation. The vertical alignment of a surface, as it exists or as it is made by cut and/or fill.

Engineer. A professional Engineer licensed as such in the Commonwealth of Pennsylvania.

Environmental Covenant. A servitude arising under an environmental response project which imposes activity and use limitation. (On December 18, 2007, Governor Ridge signed the Uniform Environmental Covenants Act (UECA) into law as Act 68 of 2007. Section 6517(a)(1) of UECA requires the use of Environmental Covenants whenever engineering controls or institutional controls are necessary to demonstrate attainment of an Act 2 remediation standard for any cleanup conducted under any applicable Pennsylvania environmental law. The covenant provides a tool to ensure that the conditions allowing for a risk-based cleanup will continue in the future.)

Environmentally Sensitive Areas. An area not suitable for development that includes wooded areas, flood plains, flood plain soils, Steep Slopes, Wetlands, and riparian areas.

Existing Wooded Area. A biological community dominated by trees and other woody plants covering a land area of ¼ acre or more. Existing wooded areas includes areas that have at least 25 trees per ¼ acre with at least fifty (50%) percent of those trees having a two-inch or greater caliper at 4.5 feet above the ground and larger.

Flagpole. A narrow extension of property on a Lot or Parcel from the buildable area of a Lot to the public Right-of-Way, and which is not part of the Lot Area, but serves as access to the Lot or Parcel. See also Lot definition.

Floodplain. The area of inundation which functions as a storage or holding area for floodwater to a width required to contain a base flood of which there is a one percent (1%) chance of occurring in any given year (i.e that is likely to occur once every one hundred (100) years, although the flood may occur in any year). The Floodplain also contains both the floodway and the flood fringe. The floodway is the channel of a Watercourse and the adjoining land area that are required to carry and discharge the base flood. The flood fringe is the adjoining area that may be covered by water of the base flood. The location of a Floodplain may include an area of greater magnitude than the base flood if a greater flood hazard area is designated by the Borough Zoning Ordinance.

Floor Elevation. The Elevation of the lowest level of a particular Building, including the basement.

Footcandle. A unit of light intensity stated in lumens per square foot and measurable with an Illuminance meter or light meter.

Frontage. That portion of the property which abuts and is measured along the Street Right-of-Way line.

Fully Shielded. A light constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Future Access Strip. A Right-of-Way reserved for the future Improvement of a Street.

General Building Area. Presently undeveloped land within a Urban Growth Area that has less available infrastructure (water, sewer, transportation, access) than Concentrated Building Areas and thus may not be appropriate for the highest intensity uses.

Geologist. A professional Geologist registered by the Commonwealth of Pennsylvania.

Glare. The sensation produced by lighting that causes an annoyance, discomfort, or loss in visual performance and visibility to the eye.

Governing Body. The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or any other similar body with the final decision-making, budgeting and appointing authority of a general purpose unit of government.

Historic Feature. Any district, Site, Building Structure, or object that meets one or more of the following criteria:

- A.** Is listed or may be determined to be eligible to be listed on the National Register of Historic Places either individually or as a contributing resource.
- B.** Is listed on the Lancaster County Historic Sites Survey or on any officially adopted Municipal inventory of historic resources and is determined by a qualified historic preservation professional to retain the historic characteristics that qualified it for said list.

- C. Is determined by a qualified historic preservation professional to be historically or architecturally significant.

Horizon Year. The anticipated opening year of a development, assuming full buildout and occupancy.

Illuminance. The quantity of light measured in Footcandles or Lux.

Impervious Surface. Surfaces which prevent the infiltration of water into the ground. All structures, buildings, parking areas, driveways, roads, streets, sidewalks, decks, any areas of concrete, asphalt, packed stone, and compacted soil shall be considered impervious if they prevent infiltration.

Improvement. Physical changes to the land, including, but not limited to, Buildings, Streets, curbs, gutters, Streetlights and signs, water mains, hydrants, sanitary sewer mains, including Laterals to the Street Right-of-Way lines, storm drainage lines, Storm Water management Structures, walkways, recreational facilities, open space Improvements, shade trees, Buffer or screen plantings, and all other additions to the Tract which are required by ordinance or are deemed necessary to result in a complete Subdivision or Land Development in the fullest sense of the term.

Improvement, Public. Improvements for which the Municipality may ultimately assume the responsibility for maintenance and operation, or which may effect an Improvement for which Municipal responsibility is established.

Indigenous Species. Plants which have not been introduced by man and thrive in an area where it is considered native.

Infill. Development of land accessible to infrastructure that is within a designated Urban Growth Area (UGA).

Influence Area. An area that contains eighty percent (80%) or more of the Trips that will be attracted to a development Site.

Invasive Species. Plants which grow quickly and aggressively, spreading, and displacing other plants. Invasives typically are introduced into a region far from their native habitat.

Land Development. The development of property as specified below:

- A. The Improvement of one (1) Lot or two (2) or more Contiguous Lots, Tracts or Parcels of land for any purpose involving:
1. A group of two (2) or more residential or non-residential Buildings, whether proposed initially or cumulatively, or a single non-residential Building on a Lot or Lots, regardless of the number of occupants or tenure.
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, Streets, common areas, leaseholds, Condominiums, Building groups or other features.

- B.** A Subdivision of land.
- C.** "Land Development" shall not include:
- 1.** The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a Condominium.
 - 2.** The addition of an Accessory Building on a Lot or Lots subordinate to an existing Principal Building.
 - 3.** The addition or conversion of Buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a Tract or area used principally as a location for permanent amusement Structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial Plans for the expanded area have been approved.

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.

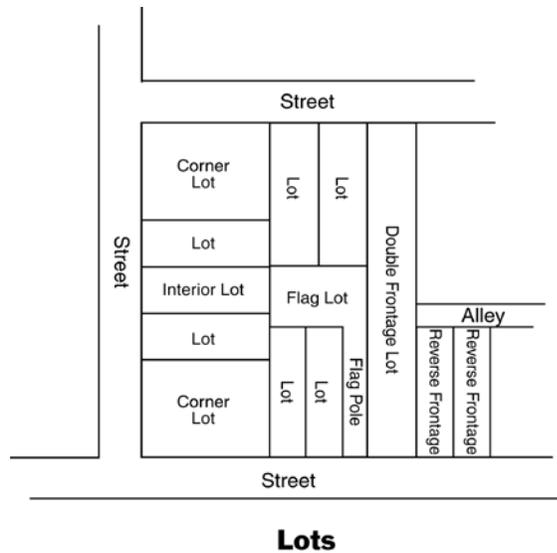
Landscape Architect. A Landscape Architect registered by the Commonwealth of Pennsylvania.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, Buffers and shade trees.

Level-of-Service. A measure of the effect of traffic on the Capacity of a road.

Light Trespass. Light emitted by a lighting installation which extends beyond the boundaries of the property on which the installation is sited.

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.



Lot, Corner. A Lot situated at the intersection of two (2) or more Streets with Frontage on two (2) or more adjacent sides.

Lot, Double Frontage. An Interior Lot with front and rear Street Frontage, where vehicular access occurs on either Street (See Section 8.4.3.F).

Lot, Flag. A Parcel of land created by a Subdivision or partition which includes a narrow projection or "Flagpole" to the public Right-of-Way.

Lot, Interior. A Lot whose side Lot Lines do not abut upon any Street.

Lot, Reverse Frontage. An Interior Lot with front and rear Street Frontage, where vehicular access occurs on only the Street of lesser intensity (See Section 8.4.3.F).

Lot Area. The area contained within the property lines of the individual Parcel of land, excluding space within the Street Right-of-Way. The Lot Area includes the area of any utility Easement or Storm Water management facility.

Lot Coverage. The area of the lot which may be covered with an impervious surface (e.g. buildings, driveways, parking area, sidewalks) that will result in the generation of stormwater runoff during periods of precipitation.

Lot Frontage. That portion of a Lot Abutting on the Street Right-of-Way and regarded as the front of the Lot.

Lot Line. A property boundary line of any Lot held in single or separate ownership, except that where any portion of the Lot extends into the Abutting Street or Alley, the Lot Line shall be deemed the Street or Alley line.

Lot Line Marker. A metal plate, pin, permanent stone or concrete Monument used to identify Lot Line intersections.

Lot of Record. A Lot which is a part of a Subdivision, the Plan of which was recorded, or a Parcel of land, the Deed of which was recorded in the office of the Lancaster County Recorder of Deeds prior to the adoption of this Ordinance.

Luminance. The physical and measurable quantity of light that corresponds to the brightness of a surface (e.g., a lamp, luminaire, reflecting material) in a specific area and measurable with a Luminance meter or light meter.

Lux. A unit of light intensity stated in lumens per square meter. There is approximately 10.7 Lux per Footcandle.

Manufactured Home or Mobile Home. A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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, including any addition or Accessory Structure, such as porches, sheds, decks or additional rooms. All Manufactured or Mobile Homes shall meet construction standards set by the United States Department of Housing and Urban Development.

Mobile Home Lot. A Parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single Mobile Home.

Mobile Home Pad. That part of a Mobile Home Lot that is being reserved for the placement of the Mobile Home.

Mobile Home Park. A Parcel or Contiguous Parcels of land which has been so designated and improved that it contains two (2) or more Mobile Home Lots for the placement thereon of Mobile Homes.

Modification. A process for alleviating specific requirements imposed by this Ordinance, as described in Section 3.1.

Monument. A concrete or stone Monument used to identify Street Line intersections.

Multimodal. Accommodating various modes of power assisted surface transportation including but not limited to bicycles, non-motorized scooters, Segways, and horse drawn buggies.

Multi-Municipal Plan. A Plan developed and adopted by any number of Contiguous municipalities, including a joint Municipal Plan as authorized by the Pennsylvania Municipalities Planning Code or a regional Plan.

Municipal Solicitor. The licensed attorney designated by the Borough Council to furnish legal assistance for the administration of this Ordinance.

Municipal Engineer. A professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Municipality.

Municipality. The Borough of Marietta, Pennsylvania.

Native Plant. A plant which grew in a defined region prior to European settlement. Indigenous Species and naturalized non-Native Plants may be included as a Native Plant if it has been brought into the region and has become established into the wild and is not considered invasive or displaces Native Plants. Naturally occurring hybrids and cultivars (cultivated varieties) of native genetic parent species which may or may not have been present prior to European settlement are considered Native Plants.

New Development. A project involving the construction, reconstruction, Redevelopment, conversion, structural alteration, relocation or enlargement of any Structure, or any use or extension of land. New Developments have the potential of increasing the requirements for capital Improvements, requiring either approval of a Plan pursuant to this Ordinance, the issuance of a Building permit, or connection to the Municipal water or sanitary sewer system.

Non-Native / Introduced Plant. Any plant species that has been introduced by humans and now grows independently of cultivation. A subset of Non-Native / Introduced species are the Invasive Species.

Non-Site Traffic. Vehicle Trips passing within the study area as defined in the traffic impact study that do not enter or exit the Site and are generally the result of through traffic and traffic generated by other developments.

Off-Site. Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the Applicant for Subdivision or Land Development approval.

Official Map. A map adopted by ordinance pursuant to the Pennsylvania Municipalities Planning Code and recorded in the office of the Lancaster County Recorder of Deeds.

Parcel. See Lot.

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

Pedestrian Way. A Right-of-Way, publicly or privately owned, intended for human movement by walking.

Pennsylvania Municipalities Planning Code (PMPC). Adopted as Act 247 of 1968, as reenacted and amended. This act enables municipalities to Plan for, and regulate community development with Subdivision and Land Development ordinances. The code also contains guidelines for Subdivision and Land Development ordinance content. For the purpose of this Ordinance, the Code may be referred to as "Act 247" and is intended to include the current code and any further amendments thereto.

Pervious Material. Any material that would allow water to pass through at a rate at least equal to the pervious ground cover (e.g., porous pavement, and preformed or prefabricated Blocks which would permit water to penetrate) and as approved by the Municipal Engineer.

Phases. As defined under the PMPC, Article V, as stages or sections of development.

Plan. A drawing, together with supplementary data, that describes a Subdivision or Land Development.

- A. ***As-Built Plan.*** Engineering documents drawn to scale showing the constructed dimensions and materials of a Structure or other land Improvement. An as-built drawing differs from design drawings and construction drawings, which are design-oriented documents prepared prior to construction rather than a depiction of what has been constructed.
- B. ***Centerline Separation Plan.*** A complete and exact Subdivision Plan that creates two (2) Lots by using a Street centerline as the common boundary, which meets the criteria specified in Section 4.5, and is designed in accordance with the requirements of Section 5.4.
- C. ***Final Plan.*** A complete and exact Subdivision and/or Land Development Plan, including all supplementary data, designed in accordance with the requirements of Sections 4.3 and 5.3.
- D. ***Lot Add-On Plan.*** A complete and exact Subdivision Plan, the sole purpose of which is to increase the Lot Area of an existing Lot or Tract, designed in accordance with the requirements of Sections 4.5 and 5.4.
- E. ***Lot Consolidation Plan.*** A plan for the consolidation of two or more existing Lots or Tracts to create fewer Lots or Tract with revised Lot lines, designed in accordance with the requirements of Sections 4.5 and 5.4.
- F. ***Minor Plan.*** A Final Plan which has an expedited process when designed in accordance with the requirements of Sections 4.6 and 5.5.
- G. ***Modified Final Plan.*** A Final Plan modified to reflect a change to the Site or its surroundings that occurs after the Preliminary Plan approval as per Section 4.3.1.C.
- H. ***Preliminary Plan.*** A Subdivision and/or Land Development Plan which is designed in accordance with the requirements of Sections 4.2 and 5.2, and is prepared for consideration prior to submission of a Final Plan.
- I. ***Preliminary/Final Plan.*** A Final Plan which includes both Preliminary and Final Plan requirements and is designed in accordance with Section 4.4 and 5.3.
- J. ***Record Plan.*** A Final Plan that contains the original endorsement of the Municipality, which is recorded with the Lancaster County Recorder of Deeds.
- K. ***Revised Subdivision and/or Land Development Plan.*** Any Revised Plan due to survey corrections prepared in accordance with the requirements of Sections 4.5 and 5.4.
- L. ***Sketch Plan.*** An informal Plan, not necessarily to exact scale, indicating salient existing features of a Tract and its surroundings, with the general layout of proposed improvements and lot configuration prepared in accordance with the requirements of Sections 4.1 and 5.1.

Planning Commission. The Borough of Marietta Planning Commission.

Planning Commission, County. The Lancaster County Planning Commission.

Plat. The map or Plan of a Subdivision or Land Development, whether preliminary or final.

Public Hearing. A formal meeting held pursuant to Public Notice, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and/or the Pennsylvania Municipalities Planning Code.

Public Meeting. A forum held pursuant to notice under the Sunshine Act, 65 Pa. C.S.A. § 701 et seq.

Public Notice. A notice published once each week for two (2) 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 three (3) days and the second publication shall not be less than seven (7) days from the date of the hearing

Redevelopment. Public and/or private investment made to re-create the fabric of an area by renovating previously developed land. Replacing, remodeling, or reusing existing Buildings and Structures to accommodate New Development.

Retention Basin. A reservoir designed to retain Storm Water Runoff with its primary release of water being through the infiltration of said water into the ground.

Right-of-Way. The total width of any land reserved or dedicated as a Street, Alley or Pedestrian Way, or for any other public or private purpose.

Runoff. The surface water discharge and rate of discharge of a given Watershed after a full rain or snow that does not enter the soil but runs off the surface of the land.

Rural. Land outside of Urban and Village Growth Areas, including Agricultural Areas and natural resource areas.

Rural Business Area. An existing developed area with undeveloped Lots or the potential to expand or add uses where additional development could be accommodated rather than sprawled throughout the Rural areas.

Rural Center. An area of existing development to which New Development not directly related to the Rural economy is to be directed that otherwise would occur as scattered sprawl in Designated Rural Areas. Four types of Rural Centers are: Village Growth Areas, Crossroads Communities, Rural Business Areas, and Rural Neighborhoods.

Rural Neighborhood. An area of existing residential development within a Designated Rural Area.

Screening. Planted (or having equivalent natural growth) shrubs or trees, earthen mounds, or fencing.

Sedimentation. The process by which soil or other surface material is accumulated or deposited by wind, water or gravity.

Setback Line. See Building Setback Line.

Sewage. A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. The term includes any substance which constitutes pollution under The Clean Streams Law.

Sewage Facilities. A system of Sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated Sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of Sewage or other waste as recognized by the Department of Environmental Protection.

- A. Public Sewage System.** A publicly owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of Sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- B. Private Community Sewage System.** A privately owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of Sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- C. Community On-Lot Sewage System.** A Sewage Facility serving two or more lots, which uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of Sewage into a soil absorption area or retaining tank.
- D. Individual On-Lot Sewage System.** An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
- E. Individual Sewage System.** A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal.

Shared Trips. Vehicle Trips entering and exiting the Site that were using the facility on the adjacent Streets and therefore did not generate new Trips on the road.

Sight Distance. The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

Significant Tree. Non Invasive trees with eighteen (18) inch minimum caliper measured five (5) feet above grade located outside an existing wooded area.

Site. The existing Lot of Record proposed for Land Development, including Subdivision.

Steep Slope. The grade of the ground surface where greater than or equal to fifteen percent (15%).

Storm Water. Water that surfaces, flows, or collects during and subsequent to rain or snowfall.

Storm Water Management Facilities. Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, Swales, Watercourses and Floodplains) used to implement a Storm Water management program.

Stream. A body of water flowing in a channel within a defined bed and banks.

Street. A strip of land, including the entire Right-of-Way, publicly or privately owned, serving primarily as a means of motorized and non-motorized vehicular and pedestrian travel, and furnishing access to Abutting properties. This term shall include the terms avenue, boulevard, road, highway, freeway, parkway, lane, Alley, viaduct or any other way used for similar purposes. Streets shall conform to one of the following categories:

- A. Alley (Service Street).** A service road that provides secondary means of access to Lots. Alleys are on the same level as a Local Street, and are used in cases of narrow Lot Frontages. Alleys shall be designed to discourage through traffic. Alleys may be designed as one-lane Streets.
- B. Arterial.** An interregional road in the Street hierarchy system that carries vehicle traffic to and from the region as well as any through traffic. This Street should be a controlled access Street (designed to the Capacity analysis of the intersection (LOS) Level of Service).
- C. Collector.** A Street that provide connections with Local and Arterial Streets. They may serve a traffic corridor connecting villages, small boroughs, shopping points, and mining and Agricultural Areas on an intra-County or Municipal basis.
- D. Cul-de-sac.** A Street with a single means of ingress and egress and having a turnaround. The design of the turnaround may vary.
- E. Local.** This classification provides direct access to adjacent land and includes connections to farms, individual residences and commercial properties, and to higher classes of highway systems.

Street Line. The Right-of-Way line of any given Street.

Street, Private. A Street not accepted for Dedication by the Municipality.

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

Subdivision. The division or re-division of a single Lot, Tract or Parcel of land by any means into two (2) or more Lots, Tracts, Parcels or other divisions of land, including changes in existing Lot Lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or Building, or Lot development.

Subject Tract. The Site proposed for Land Development, including Subdivision.

Substantially Completed. Where, in the judgment of the Municipal Engineer, at least ninety percent (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 approved Plan, so that the project will be able to be used, occupied or operated for its intended use.

Superelevation. The distance in height (Elevation) between the inside and outside edge of a banked Cartway.

Surveyor. An individual registered with the Commonwealth of Pennsylvania as authorized to measure the boundaries of Tracts of land, establish locations, and perform the requirements of a survey.

Swale. A wide shallow ditch that gathers or carries surface water.

Tie Bar. The symbol on a survey, Plan, or Plat shown as “Z” indicating common ownership of two adjacent Lots or Tracts.

Topography. The relief features or surface configurations of an area of land.

Tract. The term “Tract” is used interchangeably with the term “Lot,” particularly in the context of Subdivision, where a “Tract” is subdivided into several Lots, Parcels, units, plots, Condominiums, Tracts or interests.

Tree Protection Zone. An area that is radial to the trunk of a tree in which no construction activity shall occur. The Tree Protection Zone shall be the distance from the trunk to the Dripline (a line marking the outer edges of the branches of the tree).

Trip. A single or one-directional motorized and/or non-motorized vehicle movement.

Unit of Occupancy. An allocation of space within a Building or Structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

Urban. Lancaster City, all boroughs, and developed land in townships within an Urban Growth Area.

Urban Growth Area (UGA). An area that is designated as appropriate for future development and includes a city or borough at its center, developed portions of a township, and development capacity to meet future land use needs. Urban Growth Areas are given official standing by their incorporation on Future Land Use Maps and through the adoption of the Donegal Region Comprehensive Plan (dated August 2011 and as may be revised).

Watercourse. A permanent topographic feature, whether natural or man-made, that serves to gather and carry flowing surface water such as a permanent or intermittent Stream, a river, creek, brook, run or Swale; and which measured by the width of the channel during normal high water.

Watershed. All land and water within the confines of a drainage basin.

Wetlands. Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs and similar areas.

Yard. An open area at grade between a Building and the Adjoining Lot Line unoccupied and unobstructed by any portion of a Structure from the ground upward.

Yard, Front. A Yard extending across the full width of a Lot between any Building and the front Lot Line or right-of-way line, and measured perpendicular to the Building at the closest point to the front Lot Line.

Yard, Rear. A Yard extending across the full width of a Lot between the Principal Building and the rear Lot Line, and measured perpendicular to the Building at the closest point to the rear Lot Line.

Yard, Side. A Yard extending from the Front Yard to the rear Lot Line between the Principal Building and the side Lot Line, and measured perpendicular to the Building at the closest point to the side Lot Line; or a Yard which is not a front or Rear Yard.

ARTICLE 3 ADMINISTRATION

3.1 MODIFICATIONS

The Subdivision and Land Development ordinance requirements are minimum standards for the protection and promotion of the public health, safety, and welfare. The regulations preserve public order and establish interactions among citizens in a way that prevents a conflict of rights. The regulations ensure the uninterrupted enjoyment of rights by all of the citizenry by guiding development and growth and to permit municipalities to minimize such problems as may presently exist or which may be foreseen.

Modifications shall only be granted when consistent with the provisions of Section 503(8) of the PMPC, i.e., when the literal compliance with mandatory provisions is shown to the satisfaction of the Municipality to be unreasonable, to cause undue hardship, or where an alternative standard can be demonstrated to provide equal or better results.

3.1.1 Purpose.

The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and general welfare. If the literal compliance with any mandatory provision of these regulations is demonstrated by the Applicant to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the particular property, and if the Applicant demonstrates that an alternative proposal will provide equal or better results, the Borough Council Body may grant a Modification from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a Modification shall not have the effect of making null and void the purpose and/or intent of this Ordinance.

3.1.2 Procedure.

All requests for Modifications shall be made in accordance with the following procedure:

A. Application Requirements.

1. All requests for Modifications shall be made in writing and shall accompany and be a part of the Application for Development. The request shall state in detail the grounds and facts of unreasonableness or hardship on which the request is based, or the alternative standard proposed to provide equal or better results, the provision(s) of this Ordinance which are requested to be modified, and the minimum Modification necessary. A completed Application for Consideration of a Modification (see Appendix C) shall be provided to the Borough as part of the written request. The request shall be accompanied by a Plan prepared at least to the minimum standards of a Sketch Plan (see Section 5.1) and by fees for submittal established, from time to time, by Resolution of the Borough Council.
2. Should a revision to a submitted Plan require a Modification that was not apparent at the time of initial Plan submission, the request for a Modification shall be submitted in accordance with Paragraph A., above, at the time of resubmission of the Plans.

B. Review by Borough Planning Commission.

Based on the evaluation and recommendation(s) by the Municipal Engineer, the Planning Commission, at a scheduled Public Meeting, shall review the Modification request and provide comments to the Borough Council.

C. Action by Borough Council.

At a scheduled Public Meeting, the Borough Council shall review the comments submitted by the Planning Commission, and the request to determine if the literal compliance with any mandatory provision of the Ordinance is demonstrated by the Applicant to exact undue hardship or to be unreasonable, or that an alternative standard has been demonstrated to provide equal or better results, provided that such Modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. The Applicant shall demonstrate that the alternative proposal represents the minimum Modification necessary. If the Borough Council determines that the Applicant has met his burden, it may grant a Modification from the literal compliance with the terms of this Ordinance.

D. Notification of Municipal Action.

1. After the meeting at which the Modification was reviewed, written notice of the Borough Council's action shall be sent to the following individuals:
 - (a) Landowner or his agent.
 - (b) Applicant.
 - (c) Firm that prepared the Plan.
 - (d) Any person who has submitted a request for party status, pursuant to the PMPC.
2. If the Borough Council denies the request, it will notify the above individuals, in writing, of the justification for denial. If the Borough Council grants the request, the Final Plan shall include a note that identifies the specific Modification as granted.

3.1.3 Authority to Impose Conditions.

In granting a Modification, the Borough Council or Planning Commission, as applicable, may impose such conditions, as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

3.1.4 Time Extension Modifications.

In instances where the Applicant requires additional time to resolve outstanding conditions of approval, a written request with the associated fee shall be submitted for consideration of review for the last Borough Council or Planning Commission meeting, as applicable, prior to the

deadline for Plan recordation. The written request must include an explanation necessary to justify the time extension.

3.1.5 Waiver of Preliminary Plan Modifications.

In instances where the Applicant submits a Preliminary Plan and is approved for a waiver of Preliminary Plan processing, a written notification shall be provided to the Borough Planning Commission as part of their application so that the Borough reviews the Plan as a Final Plan and creates recording papers.

3.1.6 Waiver of Land Development Plan Requirements.

In certain circumstances, the landowner of an existing improved property may propose additional development that requires the processing of a Land Development Plan. When the impacts of such development can be demonstrated by the landowner to be negligible or will otherwise be inherently addressed as part of the proposed improvements, the Borough can consider a waiver of such requirements. The landowner/Applicant shall submit a written request in the form of completed Criteria for Waiver of Land Development Plan (see Appendix Q). The request shall be accompanied by the Cost of Application fee and the establishment of an Escrow as established, from time to time, by Resolution of the Borough Council.

3.2 ACCEPTANCE OF CONDITIONS OF PLAN APPROVAL

When a Plan, whether Preliminary or Final, has been approved subject to conditions, and when the Applicant rejects one or all of the conditions, the Applicant shall so notify the Borough Council in writing within thirty (30) days of the date of the Borough Council's action. Such notification of rejection of one or more of the conditions of approval shall serve to automatically rescind the approval of the Plan.

Failure by the Applicant to notify the Borough Council of rejection of one or more of the conditions of approval within the time so specified shall serve as notice of acceptance of the conditions of approval and that the Applicant intends to fully comply with the conditions unless such condition is invalidated by final order of court upon appeal thereto by the Applicant.

3.3 CHALLENGES AND APPEALS

3.3.1 Right to Appeals.

Any person aggrieved by a finding, or decision of the Borough Council with respect to the approval or disapproval of a Plan or request for Modification may appeal as provided for in the Pennsylvania Municipalities Planning Code.

3.3.2 Mediation Option.

As an alternative to an adjudicatory appeal proceeding, any party entitled to appeal a decision of the Borough Council may request the utilization of mediation as an aid in resolving the dispute.

Participation in mediation shall be wholly voluntary by the parties, and shall be conducted as prescribed in the Pennsylvania Municipalities Planning Code.

3.4 RECORDS

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

3.5 FEES

3.5.1 Review Fee.

Each Subdivision or Land Development Plan application shall be accompanied by the required review fee as established and adopted resolution by the Borough Council. Fees shall be payable to the Municipality at the time of application (unless otherwise noted herein) and Plan processing, approval and recording shall not be completed until all required fees are paid. There shall be no refund or credit of fees or a portion of any fee should the Applicant withdraw the Plan during the review process or fail to receive Plan approval.

3.5.2 Professional Service Fees.

In addition to the required review fee, it is anticipated that additional expenses will be incurred by the Municipality in processing the Preliminary and/or Final Plans which are submitted or which may be required to be submitted under this Ordinance, for engineering, legal or other professional consultant expenses. If the fees are not sufficient to cover these expenses incurred in the review of said Plans, the Municipality shall notify the person submitting the Plans for review of the additional expense and shall request payment of the same. All payment requested by the Municipality for engineering, legal or other professional expense shall be the actual cost of the services incurred by the Municipality. These services shall be billed at the normal established rate for engineering or legal services provided to the Municipality.

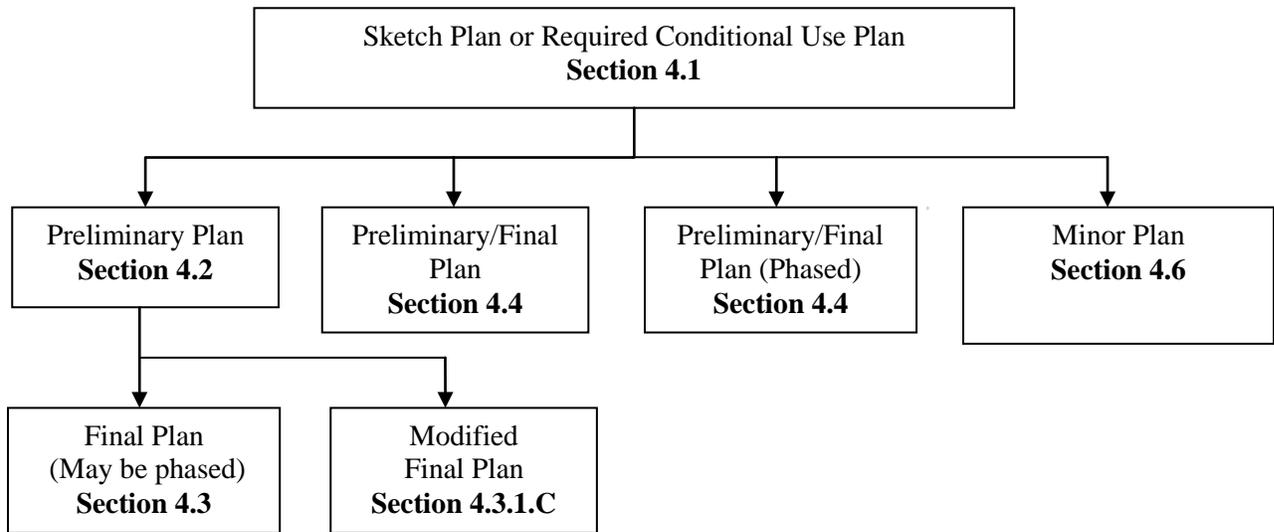
3.5.3 Professional Service Fee Disputes.

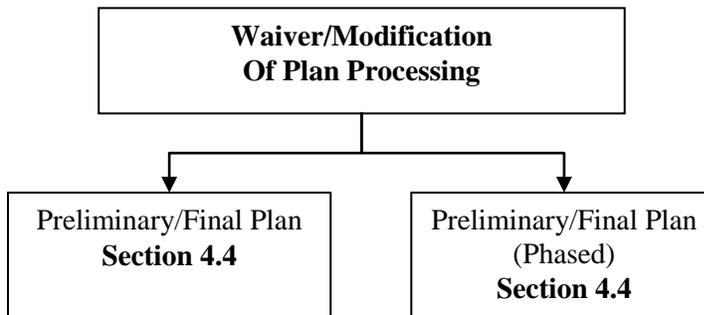
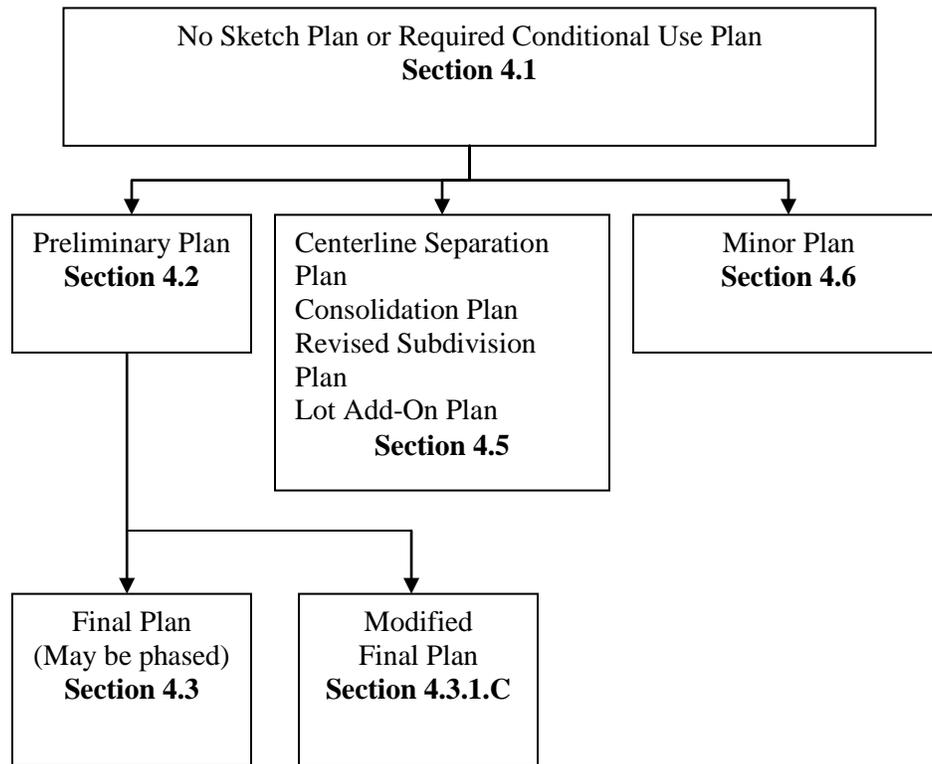
All fee disputes shall be addressed pursuant to Section 503(1) of the PMPC.

ARTICLE 4 PLAN PROCESSING PROCEDURES

4.1 SKETCH PLAN

The Sketch Plan process is encouraged in all situations, but is not mandatory and will not prevent the Applicant from submitting a Modification request regarding Preliminary Plan processing requirements as part of its submission. However, historically, Subdivision and Land Development Plans have been submitted and processed in steps, i.e. Preliminary Plan followed by Final Plan. The Borough of Marietta believes that certain Plans should be processed on an expedited basis without going through all of the traditional steps. The Borough places great value on the open exchange of ideas between the Applicant and municipality before the Applicant invests considerable time and funds in the preparation and submittal of the Applicant's Subdivision and/or Land Development Plan. The Applicant is encouraged, but not required, to initiate the Subdivision and Land Development process by initiating and completing the Sketch Plan process. The Sketch Plan shall be prepared in accordance with Article 5 and is a permissive and not a mandatory submission. The submission of the Sketch Plan would enable the Borough to openly discuss the Applicants' Plans and project and to make recommendations for the Applicant to consider in preparing the formal submission. An Applicant who elects to take advantage of the Sketch Plan process, will, at the Applicant's option, have the right to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements. An Applicant who obtains conditional use approval of its project shall also have the right, at the Applicant's option, to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements. The Borough has prepared the following flow chart as a summary of the Plan processing procedures. The flow charts do not, nor shall be construed to, override or supersede the processing requirements set forth in this ordinance but are provided as an additional aid to the Applicant.





4.1.1 General.

All Applicants for Subdivision or Land Development may submit a Sketch Plan to the Municipality for review prior to submission of a formal application; however, submission of a Sketch Plan is not mandatory. Submission of a Sketch Plan does not constitute a formal Subdivision or Land Development application.

4.1.2 Plan Information.

Sketch Plan reviews are not required to be consistent with procedures of the Pennsylvania Municipalities Planning Code. Sketch Plans prepared for review and discussion should include those items listed in Section 5.1.

If the Developer accesses a Collector, Arterial, or state road; the Sketch Plan shall depict the proposed access and required Frontage Improvements.

4.1.3 Submission, Meeting, and Consultant Review.

The Applicant shall submit sufficient copies of the Sketch Plan, along with any required supplemental data and an application form (see Appendix B), to the Borough; eight (8) copies all relevant Plans and supplemental data are required. The Applicant shall schedule a review meeting with the Borough Staff which shall include the Zoning Officer, Municipal Engineer, other individuals to be determined by the Borough and/or County Community Planner. The Applicant may request that the Borough Planning, Engineering, and/or legal consultant perform a written review of the Sketch Plan, at the Applicant's sole cost and expense. In such case, the written review shall be provided to Borough Staff and Planning Commission with copies provided to the Applicant.

4.1.4 Review by Planning Commission.

In general, the Borough Planning Commission will schedule and discuss the merit of the Sketch Plan at the first Planning Commission meeting that is at least fifteen (15) days following the date of submission. The Borough Planning Commission shall review the Sketch Plan submission, considering the evaluation by the Municipal Engineer or other applicable consultants, and then advise the Applicant how the proposed Subdivision or Land Development may conform or fail to conform to the requirements and objectives of this Ordinance and other applicable Plans and ordinances. The Planning Commission may then submit its written comments and recommendations to the Applicant and Borough Council. Said comments shall not be deemed to be an approval of any application or to vest any rights in the Applicant.

4.1.5 Review by Borough Council.

The Applicant may, but need not, request further review of the Sketch Plan submission by the Borough Council at a regularly scheduled meeting. The Borough Council may provide written comments to the Applicant. Said comments shall not be deemed to be an approval of any application or to vest any rights in the Applicant.

4.1.6 Completion of the Sketch Plan Process

After completion of the Sketch Plan Process or Conditional Use Process, the Applicant is allowed to do one of the following:

- A. Preliminary Plan submission** per Section 4.2 and then Final Plan submission per Section 4.3.
- B. Combined Preliminary /Final Plan submission.**
Plan must be titled Preliminary/Final. Plans must be processed per Sections 4.4.
- C. Combined Preliminary/Final Phased Plan submission (multi phased final).**
Plan must be titled Preliminary/Final. Plans must be processed per Section 4.4.

4.2 PRELIMINARY PLAN

4.2.1 Purpose.

The purpose of the Preliminary Plan is to require formal preliminary approval in order to, vest the Plan from changes in Municipal ordinances, phase development, and provide additional time to complete conditions of approval. With the exceptions noted in Sections 4.4 and 4.5, a Preliminary Plan is required for all applications which propose new streets, phased Land Development Plans, and Subdivision Plans of 10 or more lots.

4.2.2 Plan Requirements.

All Preliminary Plans shall be prepared in conformance with the provisions of Section 5.2 and any other applicable requirements of law.

4.2.3 Submission.

Official submission of the Preliminary Plan application to the Municipality shall consist of:

- A. Preliminary Plan.**
Eight (8) copies of the Preliminary Plan, plus one (1) additional copy if the subject Site is within one (1) mile of a Municipal boundary and one (1) additional copy if the subject Site abuts a State road.
- B. Supplemental Data.**
Two (2) copies of all reports, notifications and certifications that are not provided on the Preliminary Plan, including Storm Water management Plans and calculations.
- C. Application Form.**
One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures. (see Appendix B)
- D. Filing Fee.**
A filing fee (in accordance with the Borough's current fee schedule) consisting of a check or money order drawn to the "Borough of Marietta".
- E. Application Completeness Review.**
All required Plans and documents and the required filing fee shall accompany a Preliminary Plan application. The Borough shall have seven (7) days from the date of submission to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.2.4 Notification.

The Borough shall refer the Application to the Borough Planning Commission for the initial review of the Application, and the Applicant shall notify and provide the Preliminary Plan Application including a copy of the Plan(s) and all supporting documents directly to the following:

- A. Borough Engineer
- B. Fire Company
- C. Columbia Water Company
- D. Marietta Donegal Joint Sewer Authority
- E. Other Municipalities when part of an Intermunicipal Agreement.
- F. Lancaster County Planning Commission
- G. Lancaster Countywide Communications
- H. Borough Planning Commission

4.2.5 Planning Commission Action.

In general, the Borough Planning Commission will schedule the initial Preliminary Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. Any subsequent re-submittals of the application shall be provided to the Borough and the entities listed in Section 4.2.4 at least three (3) weeks prior to the scheduled meeting of the Planning Commission. In considering the Preliminary Plan application, the Planning Commission shall:

- A. Review and evaluate the application and all reports received from applicable reviewing agencies, Municipal Engineer and any other consultants.
- B. Determine whether the Preliminary Plan meets the requirements and objectives of this Ordinance and other applicable ordinances.
- C. If available, review Lancaster County Planning Commission comments.
- D. Send meeting minutes or a written report recommending approval or disapproval of the Preliminary Plan and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
 - 1. Landowner or his agent.
 - 2. Applicant.
 - 3. Firm that prepared the Plan.
 - 4. Borough Council.
 - 5. Lancaster County Planning Commission.

4.2.6 Borough Council Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Borough Council will schedule the Preliminary Plan application for action at a regularly scheduled Public Meeting. In considering the Preliminary Plan application, the Borough Council shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies, Municipal Engineer and any other consultants.
- B.** Review comments from the Lancaster County Planning Commission and Municipal Planning Commission.
- C.** Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.2.7.

4.2.7 Notification of Borough Council Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Preliminary Plan application is acted upon by the Borough Council, written notice of the Council's action shall be sent to the following individuals:

- 1.** Landowner or his agent.
- 2.** Applicant.
- 3.** Firm that prepared the Plan.
- 4.** Lancaster County Planning Commission.

B. Disapproval of Application.

If the Preliminary Plan application is disapproved, the Borough Council will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Borough Council to Act.

Failure of the Borough Council to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.2.8 Compliance with Borough Council Action.

If the Borough Council conditions its Preliminary Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Borough for approval by the Borough Council

within thirty (30) days of the meeting at which the Preliminary Plan application is reviewed by the Borough Council or as part of the Final Plan Application.

Failure to reject the conditions in writing by the Applicant within thirty (30) days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.2.9 Borough Council Approval and Certification.

A. Preliminary Plan Approval.

Approval of a Preliminary Plan application shall constitute approval of the proposed Subdivision and/or Land Development as to the character and intensity of development and the general arrangement of Streets, Lots, Structures and other planned facilities, but shall not constitute Final Plan approval. The Preliminary Plan may not be recorded in the office of the Lancaster County Recorder of Deeds.

B. Time Period of Approval.

Preliminary Plan approval will be effective for a five-year period from the date of the Borough Council's approval of the Preliminary Plan application; therefore, construction of a project must be Substantially Completed within five (5) years of said date unless the Borough Council grants a waiver by extending the effective time period of the approval.

4.2.10. Improvement Construction from Preliminary Plan.

In accordance with the option as set forth in Section 509 of the MPC authorizing an Applicant to complete construction of the Subdivision/Land Development improvements prior to approval and recording of a Final Plan and, hence, avoiding the requirements for the deposit with the Borough of financial security to cover the costs of such improvements an Applicant electing to do so shall meet the following requirements;

A. Requirements.

1. The Applicant shall indicate in writing the intent to construct the Improvements prior to Final Plan approval to the Borough Council as part of the Preliminary Plan application process.
2. Plans must also receive approval, when applicable, from all authorities having jurisdiction including by way of example but not limited to, Highway Occupancy Permit, Erosion and Sedimentation Control Approval, etc.
3. The Applicant may, after receipt of acknowledgment from the Borough Council of the satisfactory completion of all conditions of Preliminary Plan approval, proceed to construct the Improvements required by this Ordinance and shown on the approved Preliminary Plan.
4. The Applicant shall complete and enter into the appropriate Developers agreement. The Applicant shall indicate the timetable for the construction of the Improvements including a schedule and Plan of the proposed phasing of sections of the Plan.

5. An As-Built Plan will be required to be recorded as the Final Plan after constructing Improvements from each phase of a Preliminary Plan.

B. Limitations.

Construction and completion of the Improvements shall not constitute permission to sell Lots or occupy proposed Buildings shown on the Plan. Such permission shall occur concurrently with the recordation of the Final Plan.

4.3 FINAL PLAN

4.3.1 General.

A. Final Plan Submission.

Applications for Final Plan approval can be submitted only after the following, when required, have been completed:

1. The Applicant has satisfied any conditions of preliminary approval which the Borough Council's Preliminary Plan Approval has required to be completed prior to the submission of a Final Plan.
2. When a Preliminary Plan is not required.
3. When a Preliminary Plan has been approved with conditions to be resolved during the Final Plan review process and the Applicant has not chosen to construct and complete the Subdivision/Land Development improvements pursuant to Section 4.2.10.

B. Final Plan Submitted in Phases.

The Final Plan may be submitted in Phases, each phase covering a reasonable portion of the entire proposed Subdivision or Land Development as shown on the approved Preliminary Plan; provided that each phase, except for the last, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the approved Preliminary Plan unless the Borough Council specifically approves a lesser percentage for one or more Phases.

C. Modified Final Plan.

The Borough Council may accept a Final Plan modified to reflect a change to the Site or its surroundings that occurs after the Preliminary Plan review. The Borough Council shall determine whether a Modified Final Plan will be accepted or whether a new Preliminary Plan shall be submitted.

4.3.2 Purpose.

The purpose of the Final Plan is to record the Subdivision and or Land Development according to state law, insure formal approval by the Borough Council before Plans are recorded, and to provide sufficient information so that the Borough Council can assure construction according to the requirements of this ordinance.

4.3.3 Plan Requirements.

All Final Plans shall be prepared in conformance with the provisions of Section 5.3 and any other applicable requirements of law.

4.3.4 Submission.

Official submission of the Final Plan application to the Municipality shall consist of:

A. Final Plan.

Eight (8) copies of the Final Plan sheet(s) to be recorded, plus one (1) additional copy if the subject Site is within one (1) mile of a Municipal boundary and one (1) additional copy if the subject Site abuts a State road.

B. Supplemental Data.

Two (2) copies of all reports, notifications and certificates that are not provided on the Final Plan, including Storm Water management Plans and calculations.

C. Application Form.

One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures. (see Appendix B)

D. Filing Fee.

A filing fee (in accordance with the Borough’s current fee schedule) consisting of a check or money order drawn to the “Borough of Marietta”.

E. Application Completeness Review.

All required Plans and documents and the required filing fee shall accompany a Final Plan application. The Municipality shall have seven (7) days from the date of submission of an application to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.3.5 Notification.

The Borough shall refer the Application to the Borough Planning Commission for the initial review of the Application, and the Applicant shall notify and provide the Final Plan Application including a copy of the Plan(s) and all supporting documents directly to the following:

- A.** Borough Engineer
- B.** Fire Company
- C.** Columbia Water Company
- D.** Marietta Donegal Joint Sewer Authority
- E.** Other Municipalities when part of an Intermunicipal Agreement.
- F.** Lancaster County Planning Commission
- G.** Lancaster Countywide Communications
- H.** Borough Planning Commission

4.3.6 Planning Commission Action.

In general, the Borough Planning Commission will schedule the Final Plan application for discussion at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. Any subsequent re-submittals of the application shall be provided to the Borough three (3) weeks prior to the scheduled meeting of the Planning Commission. In considering the Final Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies and Municipal consultants.
- B.** Determine whether the Final Plan meets the requirements and objectives of this Ordinance and other applicable ordinances.
- C.** If available, review Lancaster County Planning Commission Comments.
- D.** Send meeting minutes or a written report recommending approval or disapproval of the Final Plan and the reasons therefore, citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Borough Council.

5. Lancaster County Planning Commission.

4.3.7 Borough Council Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Borough Council will schedule the Final Plan application for action at a regularly scheduled Public Meeting. In considering the Final Plan application, the Borough Council shall:

- A. Review and evaluate the application and all reports received from applicable reviewing agencies and consultants for compliance with all Borough Ordinances.
- B. Review comments from the Lancaster County Planning Commission and Borough Planning Commission
- C. Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.3.8.

4.3.8 Notification of Borough Council Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Final Plan application is acted upon by the Borough Council, written notice of the Borough Council's action shall be sent to the following individuals:

- 1. Landowner or his agent.
- 2. Applicant.
- 3. Firm that prepared the Plan.
- 4. Lancaster County Planning Commission.

B. Disapproval of Application.

If the Final Plan application is disapproved, the Borough Council will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met, citing the provisions of the statute or ordinance relied upon, and/or where the Final Plan fails to meet the terms and conditions of the approved Preliminary Plan.

C. Failure of Borough Council to Act.

Failure of the Borough Council to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.3.9 Compliance with Borough Council Action.

If the Borough Council conditions its Final Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Municipality for approval by the Borough Council within thirty (30) days of the meeting at which the Final Plan application is reviewed by the Borough Council.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.3.10 Plan Certification.

After the Final Plan has been approved by the Borough Council and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Final Plan. One (1) paper copy of the Plan shall be kept in the Borough files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.3.13.

4.3.11 Planning Commission and Borough Council Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Final Plan shall be presented to the Planning Commission and/or the Borough Council for signature.

4.3.12 Lancaster County Planning Commission Signature Required.

After obtaining the required Borough signatures, both record copies and one (1) paper copy of the approved version of the Final Plan shall be presented to the Lancaster County Planning Commission for signature.

4.3.13 Recordation.

A. Recording of Final Plan.

Upon approval and certification of a Final Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Final Plan for any Subdivision and/or Land Development may be recorded unless it bears the signature of an authorized representative of the Borough denoting approval of the Plan and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of Act 247, as amended. Unless all site improvements have been constructed and completed in accordance with Section 4.2.10 above, the Final Plan shall not be released for recording until the Applicant has provided an improvement construction guarantee in accordance with Section 6.3 hereof.

B. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the Borough, following completion of conditions

imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of Act 247, as amended.

In the event the Plat is not recorded as stated above, the governing bodies' action is null and void unless the Borough Council has granted a waiver by extending the effective time period of the approval.

C. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Borough before any permits are issued.

D. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

4.3.14 Prior Conveyance of Lots Prohibited.

The Final Plan shall be filed with the Lancaster County Recorder of Deeds before proceeding with the conveyance of Lots. Lots may be placed under agreement of sale prior to Plan recording but not conveyed.

4.3.15 Dedication by Recording the Final Plan.

After approval of the Final Plan by the Borough Council, the act of recording the Final Plan shall have the effect of an irrevocable offer to dedicate all Streets and other areas designated for public use, unless reserved by the Landowner as provided in Section 4.3.16. However, the approval of the Borough Council shall not impose any duty upon the Commonwealth, County, or Municipality concerning acceptance, maintenance or Improvement of any such dedicated areas or portion of same until proper authorities of the Commonwealth, County, or Borough actually accept same by ordinance or resolution, or by entry, use or Improvement.

4.3.16 Notice of Reservation from Public Dedication.

The Landowner shall place a notation on the Final Plan when there is no offer of Dedication to the public of certain designated areas, in which event the title to such areas shall remain with the owner, and the Commonwealth, County and local authorities shall assume no right to accept ownership or Right-of-Way.

4.4 PRELIMINARY/FINAL PLAN.

4.4.1 Purpose.

Historically, Subdivision and Land Development Plans have been submitted and processed in steps, i.e. Preliminary Plan followed by Final Plan. The Borough of Marietta believes that certain Plans should be processed on an expedited basis without going through all of the traditional steps.

An Applicant who elects to take advantage of the Sketch Plan process, will, at the Applicant's option, have the right to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements. An Applicant who obtains conditional use approval of its project shall also have the right, at the Applicant's option, to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements.

4.4.2 Plan Requirements.

All Preliminary/Final Plans shall be prepared in conformance with any other applicable requirements of law. Only the Plan sheets relating to the Final Plan are recorded. The entire set of Plans is not recorded. Plans shall only be permitted when all of the following criteria are satisfied:

- A.** Plan must be titled Preliminary/Final.
- B.** Plans must be prepared per Section 5.3.

4.4.3 Submission.

Official submission of the Preliminary/Final Plan application to the Municipality shall consist of:

- A. Preliminary/Final Plan.**

Eight (8) copies of the Preliminary/Final Plan.

- B. Supplemental Data.**

Two (2) copies of all reports, notifications and certifications that are not provided on the Preliminary/Final Plan, including Storm Water management Plans and calculations.

- C. Application Form.**

One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures. (see Appendix B)

- D. Filing Fee.**

A filing fee (in accordance with the Borough's current fee schedule) consisting of a check or money order drawn to the "Borough of Marietta".

- E. Application Completeness Review.**

All required Plans and documents and the required filing fee shall accompany a Preliminary/Final Plan application. The Municipality shall have seven (7) days from the date of submission to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.4.4 Notification.

The Borough shall refer the Application to the Borough Planning Commission for the initial review of the Application, and the Applicant shall notify and provide the Preliminary/Final Plan Application including a copy of the Plan(s) and all supporting documents directly to the following:

- A.** Municipal Engineer.
- B.** Fire Company
- C.** Columbia Water Company
- D.** Marietta Donegal Joint Sewer Authority
- E.** Other Municipalities when part of an Intermunicipal Agreement.
- F.** Lancaster County Planning Commission
- G.** Lancaster Countywide Communications
- H.** Borough Planning Commission

4.4.5 Planning Commission Action.

In general, the Borough Planning Commission will schedule the Preliminary/Final Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. Any subsequent re-submittals of the application shall be provided to the Borough three (3) weeks prior to the scheduled meeting of the Planning Commission. In considering the Preliminary/Final Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies and Municipal consultants.
- B.** Determine whether the Preliminary/Final Plan meets the requirements and objectives of this Ordinance and other applicable ordinances and planning documents.
- C.** If available, review Lancaster County Planning Commission comments.
- D.** Send meeting minutes or a written report recommending approval or disapproval of the Combined Preliminary/Final Plan and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Borough Council.

5. Lancaster County Planning Commission.

4.4.6 Borough Council Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Borough Council will schedule the Preliminary/Final Plan application for action at a regularly scheduled Public Meeting. In considering the Preliminary/Final Plan application, the Borough Council shall:

- A. Review and evaluate the application and all reports received from applicable reviewing agencies for compliance to all Municipal ordinances.
- B. Review comments from the Lancaster County Planning Commission and Municipal Planning Commission.
- C. Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.4.7.

4.4.7 Notification of Borough Council Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Preliminary/Final Plan application is acted upon by the Borough Council, written notice of the Borough Council's action shall be sent to the following:

- 1. Landowner or his agent.
- 2. Applicant.
- 3. Firm that prepared the Plan.
- 4. Lancaster County Planning Commission.

B. Disapproval of Application.

If the Preliminary/Final Plan application is disapproved, the Borough Council will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Borough Council to Act.

Failure of the Borough Council to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.4.8 Compliance with Borough Council Action.

If the Borough Council conditions its Preliminary/Final Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Borough for approval by the Borough Council within thirty (30) days of the meeting at which the Preliminary/Final Plan application is reviewed by the Borough Council.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.4.9 Plan Certification.

After the Preliminary/Final Plan has been approved by the Borough Council and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Preliminary/Final Plan. One (1) paper copy of the Plan shall be kept in the Borough's files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.4.12.

4.4.10 Planning Commission and Borough Council Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Preliminary/Final Plan shall be presented to the Planning Commission and, then, to the Borough Council for signature.

4.4.11 Lancaster County Planning Commission Signature Required.

After obtaining the required Borough signatures, both record copies and one (1) paper copy of the approved version of the Preliminary/Final Plan shall be presented to the Lancaster County Planning Commission for signature.

4.4.12 Recordation.

A. Recording of Final Plan.

Upon approval and certification of a Preliminary/Final Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Preliminary/Final Plan for any Subdivision and/or Land Development may be recorded unless it bears the signature of an authorized representative of the Borough denoting approval of the Plan by the Borough Council and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of Act 247, as amended. No Preliminary/Final Plan shall be released for recording until the Applicant has complied with the requirements for posting an improvement construction guarantee in accordance with Section 6.3 hereof.

B. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the Borough Council, following completion of

conditions imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of Act 247, as amended.

In the event the Plat is not recorded as stated above, the Borough Councils' action is null and void unless the Borough Council has granted a waiver by extending the effective time period of the approval.

C. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Borough before any permits are issued.

D. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

4.4.13 Prior Conveyance of Lots Prohibited.

The Preliminary/Final Plan shall be filed with the Lancaster County Recorder of Deeds before proceeding with the conveyance of Lots. Lots may be placed under agreement of sale prior to Plan recording but not conveyed.

4.4.14 Dedication by Recording the Preliminary/Final Plan.

After approval of the Preliminary/Final Plan by the Borough Council, the act of recording the Preliminary/Final Plan shall have the effect of an irrevocable offer to dedicate all Streets and other areas designated for public use, unless reserved by the Landowner as provided in Section 4.4.15. However, the approval of the Borough Council shall not impose any duty upon the Commonwealth, County, or the Borough concerning acceptance, maintenance or Improvement of any such dedicated areas or portion of same until proper authorities of the Commonwealth, County, or Borough actually accept same by ordinance or resolution, or by entry, use or Improvement.

4.4.15 Notice of Reservation from Public Dedication.

The Landowner shall place a notation on the Preliminary/Final Plan when there is no offer of Dedication to the public of certain designated areas, in which event the title to such areas shall remain with the owner, and the Commonwealth, County and local authorities shall assume no right to accept ownership or Right-of-Way.

**4.5 CENTERLINE SEPARATION PLAN / LOT CONSOLIDATION PLAN /
REVISED SUBDIVISION PLAN / LOT ADD-ON PLAN**

The following Plans shall be processed as a single submission and handled as a Final Plan: Centerline Separation Plans, Lot Consolidation Plans, Lot Add-On Plans, and Revised Subdivision Plans.

4.5.1 Plan Types.

A. Centerline Separation Plan.

The division of an existing Tract along the centerline of an existing road to create two (2) Lots whose common boundary is said centerline if it is in conformance with the criteria specified in Section 5.4.

B. Lot Consolidation Plan.

The consolidation of two or more existing Tracts to create one (1) Lot with revised Lot Lines if it is in conformance with the criteria specified in Section 5.4.

C. Revised Subdivision Plan.

Any replatting of recorded Plans due to survey corrections or revision due to survey corrections of approved Final Plans which have not yet been recorded can be made if it is in conformance with the criteria specified in Section 5.4.

D. Lot Add-On Plan.

The proposal to alter the location of Lot Lines between existing Lots of separate ownership or under the same ownership with separate Deeds for the sole purpose of increasing Lot size if it is in conformance with the criteria specified in Section 5.4.

4.5.2 Plan Criteria.

Plans shall only be permitted when all of the following criteria are satisfied:

- A.** The resultant Lots meet all requirements of the applicable zoning district.
- B.** The resultant Lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.
- C.** Drainage Easements or rights-of way are not altered.
- D.** Access to the affected Parcels is not altered or modified.
- E.** Street alignments are not changed.
- F.** The resultant Lots meet all previously approved sewage module requirements, including where applicable, minimum lot size.

4.5.3 Plan Requirements.

Where the above conditions are satisfactorily proven to exist, a Plan shall be prepared in conformance with the provisions of Section 5.4 and any other applicable requirements of law.

4.5.4 Submission.

Official submission of the Plan application to the Municipality shall consist of:

A. Plan.

Eight (8) copies of the Plan sets.

B. Application Form.

One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures. (see Appendix B)

C. Filing Fee.

A filing fee (in accordance with the Borough's current fee schedule) consisting of a check or money order drawn to the "Borough of Marietta".

D. Written Review from the Municipal Zoning Officer.

A written review from the Municipal Zoning Officer shall accompany the Plan application.

4.5.5 Planning Commission Action.

In general, the Borough Planning Commission will schedule the Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. Any subsequent re-submittals of the application shall be provided to the Borough three (3) weeks prior to the scheduled meeting of the Planning Commission. In considering the Plan application, the Planning Commission shall:

A. Review and evaluate the application and all reports received from applicable reviewing agencies (including LCPC action) and consultants. Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.

B. Send meeting minutes or a written report recommending approval or disapproval of the Plan and the reasons therefore, citing the provisions of the statute or ordinance relied upon, to the following:

1. Landowner or his agent.
2. Applicant.
3. Firm that prepared the Plan.
4. Borough Council.
5. Lancaster County Planning Commission.

4.5.6 Borough Council Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Borough Council schedule the Plan application for action at a regularly scheduled Public Meeting. In considering the Plan application, the Borough Council shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies (including LCPC action). Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.
- B.** Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.5.7.

4.5.7 Notification of Borough Council Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Final Plan Application is acted upon by the Borough Council, written notice of the Borough Council's action shall be sent to the following:

1. Landowner or his agent.
2. Applicant.
3. Firm that prepared the Plan.
4. Lancaster County Planning Commission.

B. Disapproval of Application.

If the Plan application is disapproved, the Borough Council will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Borough Council to Act.

Failure of the Borough Council to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.5.8 Compliance with Borough Council Action.

If the Borough Council conditions its Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Municipality for approval by the Borough Council within thirty (30) days of the meeting at which the Plan application is reviewed by the Borough Council.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.5.9 Plan Certification.

After the Plan has been approved by the Borough Council and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Plan. One (1) paper copy of the Plan shall be kept in the Borough's files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.5.12.

4.5.10 Planning Commission and Borough Council Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Borough Planning Commission and, then, to the Borough Council for signature.

4.5.11 Lancaster County Planning Commission Signature Required.

After obtaining the required Borough signatures, both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Lancaster County Planning Commission for signature.

4.5.12 Recordation of Plan and Deed.

A. Recording of the Plan.

Upon approval and certification of a Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Plan may be recorded unless it bears the signature of an authorized representative of the municipality denoting approval of the Plan by the Borough Council and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of the Act 247, as amended. In the event that the Plan requires the installation of Subdivision/Land Development improvements, then the Final Plan shall not be released for recording until the Applicant has complied with an improvements construction guarantee requirements of Section 6.3 hereof.

B. Deeds.

A copy of the Deeds to be recorded for the Subject Tract or receiving and conveying Tracts shall be submitted prior to recording of the Plan.

Recordation of such Plan does not serve to join the receiving Tract with the acreage to be conveyed. To reflect the descriptions as provided on the recorded Plan, Deeds must be recorded for the receiving and conveying Tracts.

C. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the Borough Council, following completion of

conditions imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of the Act 247, as amended.

In the event the Plat is not recorded as stated above, the Borough Council's action is null and void unless the Borough Council granted a waiver by extending the effective time period of the approval.

D. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Borough before any permits are issued.

E. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

F. Time Period for Recording Deeds.

Deeds that are to be recorded pursuant to approvals shall be recorded within one hundred and twenty (120) days following the recording of the Plan. The failure to record such Deed shall render the recording of the Plan null and void. The documents shall be recorded by the Applicant in the Recorder of Deeds Office notifying the public that the Plan as recorded is null and void or the Plan shall have a reference therein to the fact that it is null and void, unless the Deeds are recorded within said one hundred and twenty (120) days.

4.5.13 Future Development.

Any development of the Lots created through this process must follow standard Plan processing procedures as specified in this Article.

4.6 MINOR PLAN

4.6.1 Plan Purpose.

- A.** An expedited process when a Subject Tract development rights have been specifically restricted and storm water management and environmental features of the Subject Tract are not affected. To expedite the process when constructing a second residential dwelling unit on a Subject Tract that does not utilize an existing structure.
- B.** Subdivision of one Lot into two Lots for single family residential development in any zoning district or,
- C.** Construction of a second residential dwelling unit on a Subject Tract when not utilizing an existing structure.

4.6.2 Plan Criteria.

Plans shall only be permitted when all of the following criteria are satisfied:

- A.** The proposed Lots are designed in accordance with the provisions of the applicable zoning district.
- B.** Development of the proposed Lots respects the particular topographic and environmental features of the Site and does not adversely impact any Environmentally Sensitive Areas such as Floodplain, Wetlands, Steep Slopes, or sinkholes. It shall be the responsibility of the professional certifying the accuracy of the Plan that such features are accurately identified and appropriately protected. However, if determined by the Borough that the protection of such features has not been adequately demonstrated, the proposal shall be disapproved.
- C.** All Lots shall front on a public or Private Street and shall provide for vehicular access which does not interfere with the normal movement of traffic.
- D.** Public sewer and water service is available to the Site and all lots shall connect to the public utilities. All existing and proposed water and sewage systems shall have received the necessary approvals from DEP.
- E.** The amount of impervious area permitted on the Subject Tract shall be in accordance with the small project standards of the Municipal Stormwater Management Ordinance.
- F.** No new point discharge of Runoff will result from the proposal. The Applicant shall demonstrate by submission of existing contour information and a grading Plan that Storm Water flows from the Site leave the Site in the same manner as in pre-development condition.

4.6.3 Plan Requirements.

- A.** The Applicant shall demonstrate by submission of existing contour and storm water management report and a grading plan that post development peak storm water flows from the site do not exceed the pre development peak flows from the site and leave the site in the same manner as in pre-development condition.
- B.** Where the above conditions are satisfactorily proven to exist, a Plan shall be prepared in conformance with the provisions of Section 5.5 and any other applicable requirements of law.

4.6.4 Submission.

Official submission of the Plan application to the Municipality shall consist of:

- A. Plan.**

Provide eight (8) copies of the Plan sets.

B. Application Form.

One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures. (see Appendix B)

C. Filing Fee.

A filing fee (in accordance with the Borough's current fee schedule) consisting of a check or money order drawn to the "Borough of Marietta".

D. Written Review from the Municipal Zoning Officer.

A written review from the Municipal Zoning Officer shall be provided after the Plan application submittal to the Borough but prior to the Planning Commission meeting.

E. Written Notice from the Lancaster County Conservation District.

If applicable to the project based on the limits of disturbance, notification from the Lancaster County Conservation District which indicates that an acceptable Erosion and Sedimentation Control Plan has been submitted for the proposed project.

4.6.5 Planning Commission Action.

In general, the Borough Planning Commission will schedule the Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of the initial filing. Any subsequent re-submittals of the application shall be provided to the Borough three (3) weeks prior to the scheduled meeting of the Planning Commission. In considering the Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies and consultants, including the Municipal Engineer. Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.
- B.** Send meeting minutes or a written report recommending approval or disapproval of the Plan and the reasons therefore, citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Borough Council.
 - 5.** Lancaster County Planning Commission.

4.6.6 Borough Council Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Borough Council will schedule the Plan application for action at a regularly scheduled Public Meeting. In considering the Plan application, the Borough Council Body shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies. Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.
- B.** Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.6.7.

4.6.7 Notification of Borough Council Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Final Plan Application is acted upon by the Borough, written notice of the Borough Council's action shall be sent to the following:

1. Landowner or his agent.
2. Applicant.
3. Firm that prepared the Plan.
4. Lancaster County Planning Commission.

B. Disapproval of Application.

If the Plan application is disapproved, the Borough Council will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Borough Council to Act.

Failure of the Borough Council to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.6.8 Compliance with Borough Council Action.

If the Borough Council conditions its Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Borough for approval by the Borough Council within 30 days of the meeting at which the Plan application is reviewed by the Borough Council.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification shall constitute an acceptance of the conditions by the Applicant.

4.6.9 Plan Certification.

After the Plan has been approved by the Borough Council and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Plan. One (1) paper copy of the Plan shall be kept in the Borough's files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.6.12.

4.6.10 Planning Commission and Borough Council Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Planning Commission and, then, to the Borough Council for signature.

4.6.11 Lancaster County Planning Commission Signature Required.

After obtaining the required Borough signatures, both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Lancaster County Planning Commission for signature.

4.6.12 Recordation of Plan and Deed.

A. Recording of the Plan.

Upon approval and certification of a Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Plan may be recorded unless it bears the signature of an authorized representative of Borough Council denoting approval of the Plan by the Borough Council and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of the Act 247, as amended. In the event that the Plan requires the installation of Subdivision/Land Development improvements, then the Final Plan shall not be released for recording until the Applicant has complied with the improvements construction guarantee requirements of Section 6.3 hereof.

B. Deeds.

A copy of the Deeds to be recorded for the Subject Tract or receiving and conveying Tracts shall be submitted prior to recording of the Plan.

Recordation of such Plan does not serve to join the receiving Tract with the acreage to be conveyed. To reflect the descriptions as provided on the recorded Plan, Deeds must be recorded for the receiving and conveying Tracts.

C. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the Borough, following completion of conditions

imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of the Act 247, as amended.

In the event the Plat is not recorded as stated above, the Borough Councils' action is null and void unless the Borough Council granted a waiver by extending the effective time period of the approval.

D. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Borough before any permits are issued.

E. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

ARTICLE 5

INFORMATION TO BE INCLUDED ON OR WITH PLANS

5.0 GENERAL

All Plans shall be prepared by an Engineer, a Surveyor or a Landscape Architect. The Plans shall show, be accompanied by, and be prepared in accordance, with this Article and shall provide sufficient design information to demonstrate conformance with the requirements of Article 8, Article 9, and Article 10.

5.1 SKETCH PLAN

5.1.1 Drafting Standards.

A. Scale.

The Plan shall be clearly and legibly drawn at a standard scale of 20 to 200 feet to the inch.

B. Sheets.

If the Plan is prepared in two (2) or more drawing sheets, a key map showing the location of the sheets and a match line shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).

C. Presentation.

Plans shall be presented in a clear, legible, coherent, and organized manner.

5.1.2 Plan Information.

A. Location and Identification.

- 1.** The name and address of the owner(s) of the Tract (or an authorized agent), the Developer or subdivider and the firm that prepared the Plan.
- 2.** The file or project number assigned by the firm that prepared the Plan, the Plan date, and the date(s) of all Plan revisions.
- 3.** A north arrow and a graphic scale.
- 4.** A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the Subdivision to at least two (2) intersections of road

centerlines. The approximate distance to the intersection of the centerlines of the nearest improved Street intersection shall be identified.

5. If the Tract of land is located within 200 feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
6. The source of title (including the Deed, Lot, and Plan of record number) to the Subject Tract.
7. The (tax) Parcel identification number(s) for the Subject Tract.
8. If applicable, a Plan note indicating the subject property is enrolled in the Clean and Green preferential assessment program.
9. In the case of a Plan for which the Subject Tract has an Environmental Covenant, the plan shall include a plan note indicating the recording information of the Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA).

B. Existing Features.

1. Existing contours. Lancaster County Geographic Information System (GIS) Topography may be accepted.
2. The following items when located within the Subject Tract:
 - (a) The name and approximate location and approximate dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets, public utilities, Storm Water Management Facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, Buildings, environmental and topographic features, including, but not limited to, flood plains, Wetlands, quarry Sites, woodlands, habitats for threatened and endangered species, solid waste disposal areas, Historic Features, cemetery or burial sites, archeological sites, or areas with highly erosive soils.
3. When available, the following items when located within two hundred (200) feet of the Subject Tract as inventoried in the Lancaster County GIS:
 - (a) The name and approximate location and approximate dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets, public utilities, Storm Water Management Facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, Buildings, Floodplains, and Wetlands.
4. In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act,

Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall include a copy the Environmental Covenant agreement and any required engineering and institutional controls.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. The zoning district and Lot size and/or density requirements of the applicable zoning regulations.
3. The approximate layout of Lots, with approximate dimensions.
4. The total number of Lots, units of occupancy, density and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
5. The approximate layout of Streets, including Cartway and Right-of-Way widths (Appendix G for reference).
6. The approximate location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, and general Storm Water facility locations.
7. Building Setback Lines.
8. A note on the Plan indicating the types of sewer or water facilities to be provided.
9. Identification of any Modifications intended to be requested.
10. A copy of any applicable zoning decisions.
11. Identification and disposition of existing Buildings and Historic Features.

5.2 PRELIMINARY PLAN

5.2.1 Drafting Standards.

A. Scale.

The Plan shall be clearly and legibly drawn at a standard scale of 20 to 100 feet to the inch.

B. Dimensions and Bearings.

The Subject Tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.

C. Survey Closure.

The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

D. Sheets.

If the Plan is prepared in two (2) or more sheets, a key map showing the location of the Phases shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).

E. Presentation.

Plans shall be presented in a clear, legible, coherent and organized manner.

5.2.2 Plan Information.

A. Location and Identification.

1. The proposed project name.
2. The name and address of the owner(s) of the Tract (or an authorized agent), the Developer or subdivider and the firm that prepared the Plan.
3. The file or project number assigned by the firm that prepared the Plan, the Plan date, and the date(s) of all Plan revisions.
4. A north arrow, a graphic scale and a written scale.
5. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the Subdivision to at least two (2) intersections of road centerlines. The approximate distance to the intersection of the centerlines of the nearest improved Street intersection shall be identified.
6. If the Tract of land is located within 200 feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
7. The entire existing Tract boundary with bearings and distances. (If a Landowner is to retain a single Lot with a Lot Area in excess of ten (10) acres, the boundary of that Lot may be identified as a Deed plotting and may be drawn at any legible scale; if the remaining Lot has a Lot Area of ten (10) or less acres, it must be described to the accuracy requirements of this Ordinance.)
8. The source of title (including the Deed, Lot and Plan of record number) to the Subject Tract.
9. The (tax) Parcel identification number(s) for the Subject Tract.

10. In the case of a Plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following Plan note:

“NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended,

and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner’s responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”

11. In the case of a Plan for which the Subject Tract has an Environmental Covenant, the plan shall include a plan note indicating the recording information of the Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA).

B. Existing Features.

1. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
2. The location of the benchmark and a notation indicating the datum used.
3. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography will not be accepted in areas where Improvements are proposed but should be used beginning 50 feet outside the Improvement boundary.
4. The following items when located within the Subject Tract:
 - (a) The location, name, descriptions and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.

- (b) The location and size of the following features and related Rights-of-Way or Easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities.
- (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
- (d) The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows within and from the Subject Tract.
- (e) The Preliminary Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
- (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

5. The following items when located within two hundred (200) feet of the Subject Tract:

- (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
- (b) As available, the location of Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities including the location and size of related Easements.
- (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
- (d) As available, the size, capacity, and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
- (e) The location of woodlands, habitats for endangered and threatened species, and highly erosive soils.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. Identification and disposition of existing Buildings and Historic Features.
3. The location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, Landscaping and all other significant facilities (Appendix G).
4. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.
5. Existing and proposed Easements described with metes and bounds.
6. A typical Street cross-section for each proposed Street and typical cross-section for any existing Street that will be improved as part of the application. Each cross-section shall include the entire Right-of-Way width.
7. A note on the Plan indicating the types of sewer or water facilities to be provided.
8. Identification of any Modifications granted by the Borough, if applicable.
9. The zoning district and Lot size and/or density requirements of the applicable zoning regulations.
10. The Street centerline profile for each proposed Street or Access Drive shown on the Preliminary Plan.
11. The location and material of existing and proposed Lot Line Markers along the perimeter of the entire existing Tract.
12. The layout of Lots, with approximate dimensions.
13. The total number of Lots, units of occupancy, Net Density, Gross Density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
14. The layout of Streets, including Cartway and Right-of-Way widths, and the proposed Street names.
15. Storm Water management Plans and data designed in accordance with the municipal Storm Water ordinance.
16. In the case of a Plan which requires access to a highway under the jurisdiction of PennDOT (Pennsylvania Department of Transportation), the inclusion of the following Plan note:

“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 only be as authorized by a Highway Occupancy Permit, and the Borough Council's approval of this Plan in no way implies that such permit can be acquired.”

17. In the case for the phased installation of Improvements:

- (a) A schedule shall be filed delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.
- (b) Each section in any Subdivision or Land Development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units unless the Borough Council specifically approves a lesser percentage for one or more of the sections.
- (c) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future Phases. Including, but not limited to Storm Water Management Facilities, Streets, and utilities.
- (d) Except for staged construction of Streets intended to be extended in subsequent Phases, all Improvements for each section shall be installed in their permanent configuration. The final wearing course shall be included and carried in an Improvement guarantee until it is finally installed and inspected.
- (e) It is not necessary for construction in one section to be completed for the next section to be submitted.
- (f) All subsequent phased Final Plans shall be submitted within five years of the date of Borough Council action on the Preliminary Plan unless otherwise agreed upon by the Applicant and Municipality. The Developer shall take the responsibility to provide the Borough Council with reasonable notice of delays in the filing of Final Plans.
- (g) The Applicant shall annually update the Borough Council regarding the schedule on or before the anniversary date of the Preliminary Plan approval.

D. Certificates, Notifications and Reports.

- 1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate. (see Appendix A)
- 2. Provide a note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.

3. Any Improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the Tract, the application shall be accompanied by a letter from the owner or lease of such Right-of-Way stating any conditions on the use of the land and the minimum Building setback and/or Right-of-Way lines.
4. Where the Subdivision or Land Development proposal will generate fifty (50) or more additional Trips to or from the Site during the development's anticipated Peak Hour, or the Borough indicates a need for one, a traffic impact study as required by Article 7.1 shall be submitted with the Preliminary Plan.
5. Where the land included in the subject application has an agricultural, woodland, or other natural resource Easement located within the Tract, the application shall be accompanied by a letter from the party holding the Easement stating any conditions on the use of the land.
6. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.

5.2.3 Construction from Preliminary Plan.

- A. An appropriately executed Memorandum of Understanding. (see Appendix D)
- B. Posting of all appropriately executed Financial Securities.
- C. Written notices of approval by outside agencies, if applicable:
 1. Notification from the Pennsylvania Department of Transportation (PennDOT) that approval of the Highway Occupancy Permit (HOP) has been granted.
 2. Notification from LCCD (Lancaster County Conservation District) that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency:
 3. Notification from DEP (Department of Environmental Protection) that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.

5.3 FINAL PLAN and PRELIMINARY/FINAL PLAN

5.3.1 Drafting Standards.

The same drafting standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 5.2.1.

5.3.2 Plan Information.

A. Location and Identification.

The same location and identification standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 5.2.2.A.

B. Existing Features.

- 1.** The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
- 2.** The location of the benchmark and a notation indicating the datum used. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography will not be accepted in areas where Improvements are proposed but should be used beginning 50 feet outside the Improvement boundary.
- 3.** The following items when located within the Subject Tract:
 - (a)** The location, name, description and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b)** The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan.
 - (c)** The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d)** The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
 - (e)** The Final Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - (f)** In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA),

the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

4. The following items when located within two hundred (200) feet of the Subject Tract:
 - (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) As available, the location of Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities including the location and size of related Easements.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) As available, the size, capacity, and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
 - (e) As available, the location of woodlands, habitats for threatened and endangered species, and highly erosive soils.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. Identification and disposition of existing Buildings and Historic Features.
3. The location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, Landscaping, and all other significant facilities (Appendix G for reference).
4. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.
5. Existing and proposed Easements.
6. A typical Street cross-section for each proposed Street and a typical cross-section for any existing Street that will be improved as part of the application. Each cross-section shall include the entire Right-of-Way width.
7. A note on the Plan indicating the types of sewer or water facilities to be provided.
8. Identification of any Modifications granted by the Borough, if applicable.

9. The zoning district, applicable zoning regulations, Net and Gross Density, the total number of Lots, units of occupancy, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
10. A complete description of the centerline and the Right-of-Way line for all new Streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
11. The location and material of all proposed and existing permanent Monuments and Lot Line Markers, including a note that all proposed Monuments and Lot Line Markers are set or indicating when and by whom they will be set.
12. Lot Lines, with accurate bearings and distances, and Lot Areas for all Parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing Street Rights-of-Way, the description may utilize the existing Deed lines or road centerlines; along all proposed Street Rights-of-Way, the description shall be prepared to the Right-of-Way lines.
13. The final vertical and horizontal alignment for each proposed Street and Access Drive. All profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
14. A grading Plan, which shall include finished land contours and grades, directions of water movement, type of soils, location of water bars or silt fences and ground Floor Elevations. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
15. Identification of any lands to be dedicated or reserved for public, semi-public or community use.
16. The final Street names as approved by Lancaster County-Wide Communications.
17. In the case for the phased installation of Improvements:
 - (a) A schedule shall be filed delineating all proposed sections as well as dates within which applications for Final Plan approval of each section are intended to be filed.
 - (b) Each section in any Subdivision or Land Development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of units unless the Borough Council specifically approves a lesser percentage for one or more of the sections.
 - (c) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future Phases. For example, but not limited to, Storm Water Management Facilities.

- (d) Except for staged construction of Streets intended to be extended in subsequent Phases, all Improvements for each section shall be installed to the extent where they provide their intended services. The final wearing course shall be carried in an Improvement guarantee until it is finally installed and inspected.
- (e) It is not necessary for construction in one section to be completed before the next section to be submitted or constructed.
- (f) In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on, or before, the anniversary of the preliminary plat approval until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.

D. Certificates, Notifications and Reports.

1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate. (see Appendix A)
2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the Landowner, to the effect that the Subdivision or Land Development shown on the Plan is the act and the Deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (see Appendix A)
3. Certificate for approval by the Borough of Marietta. (see Appendix A)
4. Certificate of notification to be signed by the Lancaster County Planning Commission. (see Appendix A)
5. Certificate to accommodate the Lancaster County Recorder of Deeds information. (see Appendix A)
6. A note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
7. Written notice from Lancaster County-Wide Communications stating that the proposed Street names are acceptable (See Appendix E).

8. Certificate of Dedication of Streets and other public property, if applicable. (see Appendix A)
9. A note to be placed on the Plan indicating any area that is not to be offered for Dedication, if applicable.
10. In the case of a Plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following Plan note:

“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 only be as authorized by a Highway Occupancy Permit, and the Borough Council's approval of this Plan in no way implies that such permit can be acquired.”
11. Any Improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the Tract, the application shall be accompanied by a letter from the owner or lessee of such Right-of-Way stating any conditions on the use of the land, the minimum building setback and/or Right-of-Way lines, and the centerline of such line.
12. Where the land included in the subject application has agricultural, woodland, or other natural resource Easement located within the Tract, the application shall be accompanied by a copy of the agreement from the party holding the Easement stating any conditions on the use of the land.
13. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.
14. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority standards).

5.3.3 As Condition of Recording a Final Plan:

- A. An appropriately executed Memorandum of Understanding. (Appendix D and D-1)
- B. Posting of all appropriately executed Financial Securities. (Section 6.3)
- C. Written notices of approval by outside agencies, if applicable:
 1. When applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.

2. When required, notification from the Lancaster County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency.
 3. When applicable, notification from the Pennsylvania Department of Transportation (PennDOT) that approval of the Highway Occupancy Permit (HOP) has been granted.
 4. When applicable, notification from any water or sewer supplier that agreements have been reached concerning all legal matters applicable to the provision of potable water and sanitary sewage for the project.
- D. A controlling agreement when an application proposes to establish a Street which is not offered for Dedication to the public use.

5.4 CENTERLINE SEPARATION PLANS & LOT ADD-ON PLANS & LOT CONSOLIDATION PLANS & REVISED SUBDIVISION PLANS

5.4.1 General.

Plans shall be prepared by a registered Surveyor and shall be subject to the requirements of this Section.

5.4.2 Drafting Standards.

A. Scale and Sheet Size.

The Plan shall be clearly and legibly drawn at a standard scale of 20 to 100 feet to the inch.

B. Dimensions.

Dimensions shall be in degrees, minutes and seconds with an error of closure no greater than one (1) foot in ten thousand (10,000) feet.

5.4.3 Plan Information.

The following information shall be provided on the sheet to be recorded:

A. Location and Identification.

1. The project name.
2. The names and address of the owner(s) of the Tracts and all adjacent Landowners affected by the proposed conveyance.

3. The name and address of the firm that prepared the Plan, the file or project number assigned by the firm, the Plan date, and the date(s) of all Plan revisions.
4. A north arrow, a graphic scale and a written scale.
5. A location map, at a scale not less than one inch equals two thousand feet (1"=2,000'), with sufficient information to locate the specific property involved. All existing roads in the vicinity of the Subject Tract shall be identified.
6. If the Tract of land is located in the vicinity of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled.
7. The source of title (including the Deed, Lot and Plan of record number) to both the receiving and conveying Tracts.
8. In the case of a Plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following Plan note:

“NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner’s responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”

9. Tie Bars indicating Parcels to be joined-in-common.
10. In the case of a Plan for which the Subject Tract has an Environmental Covenant, the plan shall include a plan note indicating the recording information of the Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA).

B. Existing Features.

1. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for projects adjacent to either the receiving or conveying Tract.

2. The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets on or adjacent to both the receiving and conveying Tracts.
3. The location of the following features and any related Rights-of-Way on both the receiving and conveying Tracts: Buildings, utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, Storm Water Management Facilities, telecommunications, electric, gas and oil transmission lines, and railroads.
4. In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

C. Additional Information.

1. The total acreage, total number of Lots, density of development, present zoning classification and minimum Lot Area requirements.
2. An accurate description of the Parcel to be conveyed. If the remainder of the conveying Tract has a Lot Area of ten (10) acres or less, it must also be described to the accuracy requirements of this Ordinance. If the remaining acreage is in excess of ten (10) acres, its boundary and the boundary of the receiving Tract shall be described by Deed plottings drawn at a legible scale.
3. Location and material of all permanent Monuments and Lot Line Markers, including a note indicating when they will be set.
4. Identification of any Modifications granted by the Borough, if applicable.
5. The location of sight triangle easements and safe stopping distance at all Street and Driveway intersections in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual.

D. Certificates and Notifications.

1. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the owner of the receiving Tract, to the effect that the conveyance as shown on the Plan is in accordance with the intent of the Landowner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (see Appendix A)
2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the owner of the conveying Tract, to the

effect that the conveyance as shown on the Plan is in accordance with the intent of the Landowner, that all those signing are all of the owners of the property shown on the Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (see Appendix A)

3. Certificate, signature and seal of the Surveyor to the effect that the survey is correct and that all Plan information is accurate. (see Appendix A)
4. Certificate for approval by the Borough of Marietta. (see Appendix A)
5. Certificate of notification to be signed by the Lancaster County Planning Commission. (see Appendix A)
6. Certificate to accommodate the Lancaster County Recorder of Deeds information. (see Appendix A)

5.5 MINOR PLANS

5.5.1 Drafting Standards.

The same drafting standards shall be required for a Minor Plan as specified for a Preliminary Plan in Section 5.2.1.

5.5.2 Plan Information.

A. Location and Identification.

The same location and identification standards shall be required for a Minor Plan as specified for a Preliminary Plan in Section 5.2.2.A.

B. Existing Features.

1. A Deed plotting of the Subject Tract at a scale not less than 1" = 400 feet which accurately identifies the configuration and acreage, as well as the location of all Structures, Floodplain, Drainage Easements, points of ingress and egress, Easements, and sewer and water facilities.
2. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
3. The location of the benchmark and a notation indicating the datum used. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography will not be accepted in areas where

Improvements are proposed but should be used beginning 50 feet outside the Improvement boundary.

4. The following items when located within the Subject Tract:
 - (a) The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
 - (e) The Minor Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include, if applicable, the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

5. The following items when located within two hundred (200) feet of the Subject Tract:
 - (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) As available, the location of Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities including the location and size of related Easements.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.

- (d) As available, the size, capacity, and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
- (e) As available, the location of woodlands, habitats for threatened and endangered species, and highly erosive soils.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. Identification and disposition of existing Buildings and Historic Features.
3. The location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, Landscaping, and all other significant facilities.
4. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.
5. Existing and proposed Easements, with accurate legal descriptions.
6. A note on the Plan indicating the types of sewer or water facilities to be provided.
7. Identification of any Modifications granted by the Borough Council, if applicable.
8. The zoning district, applicable zoning regulations, Net and Gross Density, the total number of Lots, units of occupancy, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
9. The location and material of all proposed and existing permanent Monuments and Lot Line Markers, including a note that all proposed Monuments and Lot Line Markers are set or indicating when and by whom they will be set.
10. Lot Lines, with accurate bearings and distances, and Lot Areas for all Parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing Street Rights-of-Way, the description may utilize the existing Deed lines or road centerlines; along all proposed Street Rights-of-Way, the description shall be prepared to the Right-of-Way lines.
11. On and within 200 feet of the Lots proposed for development, identify the location of all proposed Structures, existing Floodplain, Drainage Easements, points of ingress and egress, Easements, and sewer and water facilities.
12. The capacity and condition of all Storm Water Management Facilities located on, and within, two hundred (200') feet of the Lots proposed to be developed must be identified. Any adverse impact to such facilities resulting from increased flows from the Site must be addressed in conformance with the provisions of Municipal Storm Water management regulations.

13. Identification of any lands to be dedicated or reserved for public, semi-public or community use.

D. Certificates, Notifications and Reports.

1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate. (see Appendix A)
2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the Landowner, to the effect that the Subdivision or Land Development shown on the Plan is the act and the Deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (see Appendix A)
3. Certificate for approval by the Borough of Marietta. (see Appendix A)
4. Certificate of notification to be signed by the Lancaster County Planning Commission. (see Appendix A)
5. A note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
6. Written notice from Lancaster County-Wide Communications stating that the proposed Street names are acceptable. (see Appendix E)
7. Certificate of Dedication of Streets and other public property, if applicable. (see Appendix A)
8. A note to be placed on the Plan indicating any area that is not to be offered for Dedication, if applicable.
9. In the case of a Plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following Plan note:

“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 only be as authorized by a Highway Occupancy Permit, and the Borough Council's approval of this Plan in no way implies that such permit can be acquired.”
10. Any Improvement that encroach upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the Tract, the application shall be accompanied by a letter from the owner or lessee

of such Right-of-Way stating any conditions on the use of the land, the minimum Building setback and/or Right-of-Way lines, and the centerline of such line.

11. Where the land included in the subject application has agricultural woodland or other natural resource Easement located within the Tract, the application shall be accompanied by a copy of the agreement from the party holding the Easement stating any conditions on the use of the land.
12. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.
13. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority standards).

5.5.3 Condition of Recording a Minor Subdivision Plan:

- A. An appropriately executed Memorandum of Understanding (Appendix D) and, if applicable, financial security (Appendix D-1) in accordance with Section 6.3.
- B. Written notices of approval by outside agencies, if applicable:
 1. When applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.
 2. When required, notification from the Lancaster County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency.

**ARTICLE 6
ASSURANCE FOR COMPLETION
AND MAINTENANCE OF IMPROVEMENTS**

6.1 IMPROVEMENTS REQUIRED

Equivalent MPC, 18th addition, Sections 509(a) and 509(1)

No Plat shall be finally approved unless the streets shown on such Plat have been improved to a mud free or otherwise permanently passable condition, or improved as may be required by the Subdivision and Land Development 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 the Subdivision and Land Development Ordinance have been installed in accordance with such 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 Act 247 Section 509(i), the deposit or establishment of financial security with the Borough 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 Applicant 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 420 of the act of June 1, 1945 (p.L.1242, No. 428) known as the “State Highway Law.”

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

6.2 PLAN IMPROVEMENTS

6.2.1 Recorded Plan Approval.

Equivalent MPC, 18th addition, Sections 509(b)

When requested by the Developer, in order to facilitate financing, the Borough Council or the planning agency, if designated, 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 days unless a written extension is granted by the Borough of Marietta; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Developer.

6.2.2 Review Fees.

Equivalent MPC, 18th addition, Sections 503(1)

Review fees may include reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the Borough for services which are not reimbursed or otherwise imposed on Applicants. Fees charged to the Borough relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an Applicant.

6.2.3 Protection of Final Phases.

Equivalent MPC, 18th addition, Section 509(i)

In the case where development is projected over a period of years, the Borough of Marietta or the planning agency 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.

6.3 IMPROVEMENT CONSTRUCTION GUARANTEE

6.3.1 Form of Financial Security.

Equivalent MPC, 18th addition, Sections 509(c), 509(d), and 509(e)

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.

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.

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.

6.3.2 Amount of Guarantee.

A. Amount of Financial Security Required.

Equivalent MPC, 18th addition, Section 509(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 Municipality 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 as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality 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.

B. Estimate of the Cost of Completion.

Equivalent MPC, 18th addition, Section 509(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 Municipal 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 recertified by another Professional Engineer licensed as such in this 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.

C. Additional Time for Completion.

Equivalent MPC, 18th addition, Section 509(h)

If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required Improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required Improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

6.4 INSPECTION OF IMPROVEMENTS

6.4.1 Inspection Schedule

The Developer shall contact the inspecting Municipal Engineer to coordinate the construction observation schedule, notification procedures, and other related Improvement Guarantee administration topics and to determine the need for an on-site, pre-construction meeting. The

Developer shall contact the inspecting Municipal Engineer prior to the construction of Site Improvements.

A. The Borough shall inspect the improvements during construction. The Developer shall pay the cost of any such inspection in accordance with the provisions of Article V of the Municipalities Planning Code. The Developer shall provide at least 48 hours' notice prior to the start of construction of any site improvements that are subject to inspection. All inspections of completed items shall be requested, in writing, at least 48 hours in advance of the inspection time and date.

B. Inspections shall be required during the following phases of site construction. This general list of phases may be amended by the Borough when the site requires special construction procedures. The inspection schedule must be submitted with the final plan or shown on the approved improvement construction plan.

1. General site construction.

(a) Upon completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary erosion and sedimentation control devices.

(b) Upon completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.

(c) During the construction of permanent stormwater management facilities and underground facilities.

(d) Upon the final completion of permanent stormwater management facilities, including the establishment of ground covers and plantings.

(e) After review of the as-built drawings, but prior to final release of the financial guarantee for completion of final grading, vegetative controls or other site restoration work.

2. Street construction.

(a) Preparation of road subgrade. At the time of this observation, the subgrade should be proof rolled and the proposed crown and grade should be checked. A representative of the Developer or contractor shall accompany and assist the observer when the crown and grade are checked. Proof rolling should be performed with a fully loaded, single-axle dump truck. This observation must occur prior to any stone subbase being placed.

(b) Placement and compaction of road subbase. At the time of this observation, the depth of subbase should be checked after compaction, the subbase should be proof rolled in the same manner as the subgrade, and the crown and grade should be checked again. This observation must occur prior to any binder or base course being placed.

(c) Placement and compaction of the binder/base course. At the time of this observation, the depth of the binder/base course should be checked, ambient

temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits), the temperature of the bituminous material should be checked (if possible), and it is recommended that copies of the weight slips for each truckload be obtained. The crown and grade should also be checked again. This observation must occur prior to the wearing course being placed.

(d) Placement and compaction of the wearing course. At the time of this observation, the guidelines for the placement and compaction of the binder/base course should be followed.

(3) In addition to the above outlined observations, additional observations will be made at the request of the Developer for reduction of financial securities. Random observations should be made at the frequency desired by the Borough. At the time of any of the above listed observations, all ongoing construction (e.g., storm drainage, sanitary sewer, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, it is recommended that requests for reduction of financial guarantee be submitted to coincide with the above inspections.

6.4.2. Timing of Completion of the Wearing Course on Streets

The wearing course of streets shall not be completed prior to such time that 75% of the lots in the subdivision or land development have been improved by the construction of a primary residential, commercial, industrial or institutional structure, if approved for such uses. At such time as 75% of the lots in the subdivision have been improved as set forth above, the Borough may notify the Developer to complete the surface course within 60 days from the date of such notice. In computing the sixty-day requirement, the period from October 1 to April 1 shall not be counted.

6.4.3. Final Inspection of Improvements.

Equivalent MPC, 18th addition, Sections 510(a) and 510(g)(1)

When the Developer has completed all of the necessary and appropriate Improvements, the Developer shall notify the Borough of Marietta, in writing, by certified or registered mail, of the completion of the aforesaid Improvements and shall send a copy thereof to the Municipal Engineer. The Borough shall, within ten days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid Improvements. The Municipal 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 Municipal Engineer of the aforesaid authorization from the Borough, 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 Municipal Engineer, said report shall contain a statement of reasons for such non approval or rejection.

The Borough Council shall submit to the Applicant an itemized bill showing the work performed in connection with the inspection of Improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of Improvements, the applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the Borough and the Borough's professional consultant that such inspection expenses are disputed as

unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Borough shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 30 days shall be a waiver of the applicant's right to arbitration of that bill under this section.

6.4.4. Acceptance of Improvements.

Equivalent MPC, 18th addition, Sections 510(b) and 510(c)

The Borough Council shall notify the Developer, within 15 days of receipt of the Municipal Engineer's report, in writing by certified or registered mail of the action of the Borough Council with relation thereto.

If the Borough Council or the Municipal 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.

6.4.5. Municipality Does Not Accept Improvements.

Equivalent MPC, 18th addition, Section 510(d)

If any portion of the said Improvements shall not be approved or shall be rejected by the Marietta Borough Council, the Developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

6.4.6. Duplication of Inspections.

Equivalent MPC, 18th addition, Section 510(g)

The Borough may prescribe that the Applicant shall reimburse the Borough for the reasonable and necessary expense incurred in connection with the inspection of Improvements. The Applicant shall not be required to reimburse the Borough for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting Applicant. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough's professional 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 professional consultant to the Borough for comparable services when fees are not reimbursed or otherwise imposed on Applicants.

6.4.7. Inspection Expenses Disputed.

A. Disputed Engineer Expenses.

Equivalent MPC, 18th addition, Section 510(1)

In the event the Applicant disputes the amount of any such expense in connection with the inspection of Improvements, the Applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the Borough and the Borough's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Borough shall not delay or disapprove a request for release of financial security, a Subdivision or Land Development application or any approval or permit related to development due to the Applicant's dispute of inspection expenses. Failure of the Applicant to dispute a bill within 30 days shall be a waiver of the Applicant's right to arbitration of that bill under this section.

B. Appointment of Third-Party Professional Engineer by Mutual Agreement.

Equivalent MPC, 18th addition, Section 510(g)(2)

If, the professional consultant and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the Applicant, to request the appointment of another professional consultant to serve as an arbitrator. The Applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant to review any bills the Applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

C. Determination of Third-Party Professional Engineer.

Equivalent MPC, 18th addition, Section 510(g)(3)

The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the Applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Borough has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment

D. Appointment of Third-Party Professional Engineer by Court.

Equivalent MPC, 18th addition, Section 510(g)(4)

In the event that the Borough's professional consultant and Applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, 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 arbitrator, who, in that case, shall be neither the Borough's professional consultant nor any professional consultant who has been retained by, or performed services for, the Borough or the Applicant within the preceding five years.

E. Payment of Fee for Third-Party Professional Engineer.

Equivalent MPC, 18th addition, Section 510(g)(5)

The fee of the arbitrator shall be paid by the Applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the Applicant or the professional consultant. The Borough and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

6.5 RELEASE OF FUNDS

6.5.1 Partial Release of Funds.

Equivalent MPC, 18th addition, Section 509(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 requests 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 Municipal 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 Borough Council 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 Borough Council fails to act within said 45-day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council 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.

6.5.2. Final Release.

Equivalent MPC, 18th addition, Section 510(g)(1.1)

Subsequent to the final release of financial security for completion of Improvements for a Subdivision or Land Development, or any phase thereof, the professional consultant shall submit to the Borough Council a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

6.5.3 Remedies to Effect Completion of Improvements.

Equivalent MPC, 18th addition, Section 511)

In the event that any Improvements which may be required have not been installed as provided in the Subdivision and Land Development ordinance or in accord with the approved final Plat the Borough of Marietta 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 of Marietta Council may, at its option, install part of such Improvements 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 Borough purpose.

6.6 MUNICIPAL PERMITS

Equivalent MPC, 18th addition, Section 509(m)

If financial security has been provided in lieu of the completion of Improvements required as a condition for 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. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

6.7 MAINTENANCE GUARANTEE

Equivalent MPC, 18th addition, Section 509(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 of 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.

6.8 MAINTENANCE OF STREETS

The Developer shall maintain all streets in the subdivision or development in travelable condition, including the prompt removal of snow, until such time as the streets are accepted by the Borough as part of the Borough street system; or, if such streets are not to be dedicated, until a homeowners' association or other entity responsible for the maintenance of the streets has been formed and accepted such maintenance responsibility.

6.9 AS-CONSTRUCTED PLAN

6.9.1 As-Constructed Plan Requirements

Prior to the final release of the financial security by the Borough Council, the Developer shall provide the Borough with one Mylar and two prints of the as-constructed plan, at the same size and scale of the approved plans, showing the following:

- A.** Actual location of all concrete monuments and/or markers which were found or set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
- B.** Actual location of all iron pins or drill holes in curbs for all individual lot lines.
- C.** Actual cul-de-sac radius.
- D.** Actual horizontal location of cartway center line versus right-of-way center line should be indicated by dimension.
- E.** Actual horizontal location of floodplain by elevation and dimension from property line.
- F.** Actual horizontal location and cross section of swales and accompanying easements.
- G.** Actual horizontal and vertical location of stormwater management and Best Management Practice facilities including the type and size of drainage pipes.
- H.** Detention, Retention Basin or sub-surface Storm Water Management facilities.
 - (1) Actual contours of the detention or retention basin. Actual footprint, dimensions and volume of other storm water management facilities.
 - (2) Actual outlet structure details including type size and inverts of outlet pipes.
 - (3) Actual elevation of the embankment and emergency spillway.
 - (4) A table showing the stage/storage/discharge curve for the constructed conditions.
- I.** Actual locations, elevations and slopes of storm sewer facilities including inlets, manholes, pipe end-treatments and similar drainage structures; locations and relevant data for sanitary sewer facilities such as manholes, laterals, and related improvements; locations; information for water service facilities such as water valves, service lines, fire hydrants and all appurtenances; and as-built information for all other significant utilities not limited to poles, distribution equipment, ground mounted cabinets, line locations, etc.
- J.** Actual locations of required street trees, walking trails, planted buffers, landscaping plants, lighting facilities, retaining walls and other significant improvements.

6.10 DEDICATION OF STREETS

Upon the completion of all street construction to the satisfaction of the Borough and release of the financial security to ensure the completion of the streets, the Developer can request the Borough consider the acceptance of the street(s) and right(s)-of-way as part of the Borough's public street system. The Developer shall provide a written request along with the necessary fees and proper documentation, as further identified within the Street Dedication Checklist. (see Appendix P)

ARTICLE 7
SUPPLEMENTAL REQUIREMENTS, TESTS & STUDIES

7.1 TRAFFIC IMPACT STUDY

7.1.1 Study Required.

A. Abbreviated Traffic Impact Study.

Whenever a proposed project will generate fifty to ninety nine (50-99) new vehicle Trips in the peak direction (inbound or outbound) during the Site peak traffic hour, the Applicant shall perform an abbreviated traffic impact study. Based on this study, certain Improvements may be identified as necessary to provide safe and efficient access to the development. The abbreviated traffic impact study shall include:

1. A Capacity analysis report prepared under the supervision of a qualified and experienced transportation Engineer.
2. The study area for the Capacity analysis report shall only include all proposed intersections.

B. Comprehensive Traffic Impact Study.

Whenever a proposed project will generate one hundred (100) or more new vehicle Trips in the peak direction (inbound or outbound) during the Site peak traffic hour, the Applicant shall perform a comprehensive traffic impact study. Based on this study, certain Improvements may be identified as necessary to provide safe and efficient access to the development.

Transportation demand management measures such as staggered start and end work times, telecommuting, utilization of transit, greenway or trail linkages, park and ride Lots, etc. may be used to reduce Trip generation for the proposed development. If such measures will reduce the new vehicle Trips in the peak direction during the peak traffic hour to less than one hundred (100), than an abbreviated traffic impact study may be performed in lieu of a comprehensive study. When such Trip reduction measures are used to justify performance of an abbreviated study as permitted by this section, a Developer and successors shall be bound by a recorded agreement to implement such measures. The terms and form of agreement shall be as mutually agreed upon by the Municipality and the Developers.

C. In addition, a comprehensive traffic impact study shall be prepared at the discretion of the Municipality whenever either of the following conditions exists within the impact study area:

1. Current traffic problems exist in the local area, such as a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.

2. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.

7.1.2 Traffic Impact Study Requirements

A. Area of Traffic Impact Study.

The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the Site or have direct impact upon the access to the Site. The intersections shall be mutually agreed upon by the Borough and the transportation Engineer preparing the study. The Lancaster County Planning Commission shall be called upon to resolve any disputes between the Borough and the transportation Engineer.

B. Preparation by Transportation Engineer Required.

Traffic impact studies shall be prepared by or under the supervision of qualified and experienced transportation Engineers with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing traffic studies for existing or proposed developments.

C. Horizon Year.

The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build out and occupancy. This year shall be referred to as the "Horizon Year."

D. Non-Site Traffic Estimates.

Estimates of Non-Site Traffic shall be made, and will consist of through motorized and non-motorized traffic and motorized and non-motorized traffic generated by all other developments within the study area for which Preliminary or Final Plans have been approved. Non-Site Traffic may be estimated using any one of the following three methods: "Build-up" technique, area transportation Plan data or modeled volumes, and trends or growth rates.

E. Trip Generation Rates Required.

The traffic impact study shall include a table showing the land use categories and quantities, with the corresponding Trip generation rates or equations (with justification for selection of one or the other), and resulting number of Trips. The Trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

F. Consideration of Pass-By Trips.

If pass-by Trips or Shared Trips are a major consideration for the land use in question, studies should be referenced and interviews should be conducted and documented at similar land uses.

G. Rate Sums.

Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the study.

H. Explanations Required.

The reasoning and data used in developing a Trip generation rate for special/unusual generators must be justified and explained in the report.

I. Definition of Influence Area.

Prior to Trip distribution of Site-generated Trips, an Influence Area must be defined which contains eighty percent (80%) or more of the Trip ends that will be attracted to the development. A market study can be used to establish the limits of an Influence Area, if available. If no market study is available, an Influence Area should be estimated based on a reasonable documented estimate. The Influence Area can also be based on a reasonable maximum convenient travel time to the Site, or delineating area boundaries based on locations of competing developments.

Other methods, such as using Trip data from an existing development with similar characteristics or using an existing origin-destination survey of Trips within the area, can be used in place of the Influence Area to delineate the boundaries of the impact.

J. Estimates of Trip Distribution Required.

Trip distribution can be estimated using any one of the following three methods:

1. Analogy.
2. Trip distribution model.
3. Surrogate data.

Whichever method is used, Trip distribution must be estimated and analyzed for the Horizon Year. A mixed-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail Phases on the same Site). Consideration must also be given to whether inbound and outbound Trips will have similar distributions.

K. Trip Assignments.

Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the Trips to the route with the shortest travel time. The assignments must be carried through the external Site access points and in large projects (those producing five hundred (500) or more additional peak direction Trips to or from the Site during the development's Peak Hour) through the

internal roadways. When the Site has more than one (1) Access Driveway, logical routing and possible multiple paths should be used to obtain realistic Driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

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

1. Determine the percentage of pass-by Trips in the total Trips generated.
2. Estimate a Trip distribution for the pass-by Trips.
3. Perform two separate Trip assignments, based on the new and pass-by Trip distributions.
4. Combine the pass-by and new Trip assignment.

Upon completion of the initial Site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and Trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

L. Total Traffic Impacts.

Motorized and non-motorized traffic estimates for any Site with current traffic activity must reflect not only new traffic associated with the Site's Redevelopment, but also the Trips subtracted from the traffic stream because of the removal of a land use. The traffic impact study should clearly depict the total traffic estimate and its components.

M. Capacity Analysis.

Capacity analysis must be performed at each of the major Street and project Site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments deemed sensitive to Site traffic within the study area as determined by the Municipality. These may include such segments as weaving sections, ramps, internal Site roadways, parking facility access points, and reservoirs for vehicles queuing on- and Off-Site. Other locations may be deemed appropriate depending on the situation.

The recommended Level-of-Service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed.

The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

N. Required Levels-of-Service.

The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while

minimizing the impact to non-Site Trips. The current levels-of-service must be maintained if they are Levels C or D, not allowed to deteriorate to worse than Level C if they are currently Levels A or B, and improved to Level D if they are Levels E or F.

O. Documentation Required.

A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

1. The documentation for a traffic impact study shall include, at a minimum:
 - (a) Study purpose and objectives.
 - (b) Description of the Site and study area.
 - (c) Existing roadway conditions in the area of the development.
 - (d) Recorded or approved development(s) within the traffic impact study area.
 - (e) Trip generation, Trip distribution, and modal split.
 - (f) Projected future motorized and non-motorized traffic volumes.
 - (g) An assessment of the change in roadway operating conditions resulting from the development traffic.
 - (h) Recommendations for Site access and transportation Improvements needed to maintain and/or improve motorized and non-motorized traffic flow to, from, within, and past the Site at an acceptable and safe Level-of-Service.
 - (i) Transit location, availability of bike routes, connection to a park and/or trail system.
2. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
3. The recommendations shall specify the time period within which the Improvements should be made (particularly if the Improvements are associated with various Phases of the development construction), and any monitoring of operating conditions and Improvements that may be required. The recommendations shall also identify who will be responsible for making the Improvements.
4. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.

5. To facilitate examination by the Municipality, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
6. The study documentation outlined above provides a framework for Site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

7.1.3 Improvements.

A. Responsibility for Improvements.

The Applicant shall be responsible for the Improvements required to provide safe and convenient ingress and egress to the development Site.

B. Coordination with Municipal Requirements.

The Applicant shall be responsible for other Improvements related to the results of the traffic impact study as may be agreed to with the Municipality or which are required by the Municipal impact fee ordinance to be installed or paid for by the Applicant consistent with provisions of the Pennsylvania Municipalities Planning Code.

7.1.4 Contribution in lieu of Preparation of Studies and Improvements.

If a Developer believes that the preparation of traffic study and report required herein is not warranted, he/she may request the Borough Council to waive the preparation of such study and report and shall make a contribution of the estimated sum necessary to defray the costs of improvements which would be recommended by such studies. The Borough's acceptance of the Developer's contribution offer is at the discretion of the Borough Council and the Borough Council can reject the offer and require the submission of the studies and the undertaking of the improvements. The minimum contribution shall be \$350 per dwelling unit or residential lot in a residential subdivision or land development or \$1.50 per square foot of usable building floor area in a commercial, industrial or institutional subdivision or land development. The following requirements shall be satisfied by the Developer:

- A. The Developer of any commercial, industrial or institutional subdivision or land development shall provide the Borough with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.
- B. This contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by the Borough and shall be in addition to all other review, inspection and other fees or charges imposed by the Borough, and all sums otherwise agreed to be paid by the Developer.
- C. The Developer shall enter into an agreement with the Borough setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Borough. All such agreements shall be in a form satisfactory to the Borough Solicitor.
- D. All contributions in lieu of preparation of studies shall be paid prior to approval of the final plan by the Borough.

7.2 HISTORIC AND CULTURAL RESOURCES

7.2.1 Archaeological Investigations

Specific state and federal guidelines and procedures for review procedures as well as pertinent legislation may be obtained by contacting the Bureau for Historic Preservation (BHP) and Pennsylvania Historical and Museum Commission (PHMC). Specific state and federal guidelines and procedures are outlined in detail in A Summary of Major Relevant Federal and State Legislation and Regulations Appendix A, and Procedures for Compliance with Federal and Commonwealth Preservation Law Appendix H. PHMC administers both the state and federal regulations.

Projects affecting or potentially affecting historical and archaeological properties are subject to review by the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation under the provisions of both Section 106 of the National Historic Preservation Act of 1966 and Section 10 of the 1978 Pennsylvania Historic Preservation Act. No project shall be developed on a Site identified by the PHMC as containing or likely to contain features of archaeological or historic significance until procedures for compliance with Federal and State regulations have been realized and the review process has been completed.

All Subdivisions and/or Land Development Plans which meet the above mentioned requirements shall provide a letter of determination and/or report from PHMC, BHP addressing the following:

A. BHP Letter of Determination.

The BHP letter of determination.

B. Additional Required Action.

The BHP letter may recommend one or more of the following activities:

1. Phase I Survey
2. Phase II Survey
3. Phase III (Mitigation)

7.2.2 Preservation of Historic Features.

A. Subdivisions and Land Developments shall be designed to preserve, adaptively reuse, or otherwise provide for the Historic Features of the Borough of Marietta.

1. Historic Features that are retained within the project area shall be situated on a Lot of sufficient size to retain its integrity of setting.
2. After the Lot Area of the Historic Feature is determined, the remaining number of buildable Lots that would be allowed on the Subject Tract may each be

reduced in area, if necessary, to accommodate the same number of buildable Lots on the Subject Tract, not smaller than 5,000 square feet.

- B.** Modifications or exterior alterations to Historic Features or Sites, or new construction in the immediate vicinity of Historic Features shall be consistent with “The Secretary of the Interior's Standards for Rehabilitation of Historic Properties”, as published by the National Park Service. New construction should be visually compatible with the character of Historic Features in the vicinity in terms or size, scale, mass, shape, proportion, materials and textures, rhythm and patterns, orientation and location, cornice and floor to floor heights, arrangement and size of windows on the facade, etc. (see Appendix F)
- C.** A landscape Plan shall be provided that provides Buffering, using vegetative materials, walls or fencing as appropriate, between new construction and Historic Features to help mitigate adverse visual or auditory impacts and to help the Historic Feature retain its integrity of setting.

7.2.3 Demolition Restricted.

- A.** Prior to the demolition or removal of any building from its original foundation that is shown on a Subdivision or Land Development Plan (or subject to the requirements of the Zoning Ordinance) shall be reviewed and approved by Borough Council. The Applicant must provide the Borough Council with an evaluation by a qualified historic preservation professional of the historic and/or architectural significance of the Building. In addition, the Applicant must provide credible evidence in response to each of the following specific criteria:
 - 1.** That it is not feasible to continue the current use.
 - 2.** That other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the Building or Structure.
 - 3.** That adaptive use opportunities do not exist due to constraints related to the Building, Structure, or property.
 - 4.** That the Building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment.
 - 5.** That the Applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration, or similar physical action.
 - 6.** That the demolition will not adversely affect the character of the neighborhood or community.
 - 7.** That a proposed new Building(s), Structure(s), or use of the property will not adversely affect the character of the neighborhood or community.
 - 8.** That the Building is structurally unsound.

- B.** If the application for a permit for demolition, relocation, or removal is approved, said permit shall not be issued by the Borough until the following additional requirements have been satisfied.
1. The recording of an approved Subdivision or Land Development Plan for the Lot where the demolition, removal, or relocation is proposed;
 2. Issuance of any necessary zoning approvals; and
 3. Approval of the Land Development Plan by the Borough Council.
- C.** Applicants whose applications for demolition, removal, or relocation are approved may be subject to conditions that include but may not be limited to the following. (The Applicant will be informed at the conclusion of the review process regarding any conditions that must be satisfied. Refusal to comply with the conditions will be deemed a violation.)
1. A complete set of exterior and interior photographs of the Building for demolition, removal, or relocation which includes all exterior Elevations, interior spaces, and all significant architectural features.
 2. A historic Structure report which may include any or all of the following;
 - (a) Physical Description including a Site Plan with north arrow, showing all Buildings on the Parcel, nearby roads, landmarks, Streams, etc., a written description of the general area, a written description of the Lot or Parcel with relationships of Buildings one to another, and a written description of each Building with exterior and interior pictures.
 - (b) Historic Narrative telling the story of the property and including a bibliography.
 - (c) Chain of Title including documentation of the source of the information such as the Deed or will book, volume, page number, etc.
 - (d) Photo Documentation including general photos of property showing relationships of Buildings and detailed photos (interior and exterior) of all Buildings.
 - (e) Measured Drawings labeled and cross-referenced to photographs of the same detail.
 - (f) Appendices including copies of Deeds and wills, maps, and other supporting materials
 3. A Plan for the salvage of architectural features and/or Building materials.

7.2.4 Retention of Local Names.

Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area, in which a project is located, rather than proposing project names that are not consistent with the Borough of Marietta or Lancaster County traditions or culture.

7.3 PARKS AND OPEN SPACE

7.3.1 Dedication.

All Plans for residential Subdivision of land or residential Land Developments shall provide for the Dedication of land for park and open space uses, and/or, upon agreement by the Applicant, the construction of recreation facilities, the payment of fees in lieu thereof, the private reservation of land, or any combination thereof. All Dedications of land for park and open space purposes shall be consistent with standards contained within the officially adopted park and recreation Plan or parks and recreation chapter of the Municipal Comprehensive Plan, if such chapter meets the intent and criteria of the Pennsylvania Municipalities Planning Code, and is officially adopted by the Borough Council.

7.3.2 General Requirements.

The Borough of Marietta has an officially adopted Donegal Region Comprehensive Plan wherein Objective 5.4 identified the need to continue to provide sufficient parks and open space to meet demand for existing and future residents. Applicants shall designate areas of residential Subdivisions or residential Land Developments for parks, playgrounds, or other public open space and recreational uses in accordance with the provisions of such Plans. The Applicant shall make an irrevocable offer of Dedication for such land to the Borough, as required by the Borough Council. Title to such land shall be good and marketable, free of liens or other defects, and acceptable to the Borough Attorney. The Borough Council may, upon agreement of the Applicant, authorize the transfer of the land to a homeowner's association or to a non-profit corporation whose purpose is the conservation or preservation of land.

7.3.3 Amount of Land to be Dedicated.

- A.** The amount of park and open space land to be dedicated shall be equal to 0.027 acres per dwelling unit, in conformance with the officially adopted Donegal Region Comprehensive Plan (dated August 2011).
- B.** If the applicable Plan specifically designates a future park site within the acreage of the Tract proposed for development, all Subdivision Plans shall be designed in conformance with such designation in that all land required to be dedicated shall correspond to the location of the future park site.
 - 1.** Should the amount of land required to be dedicated exceeds the acreage of the future park site as designated within the applicable Plan, the development proposal shall provide for such additional area to be located in a manner that best serves future residents of the proposed development.

2. Should the amount of land required to be dedicated falls short of the acreage of the future park site as designated within the applicable Plan or if the proposed development involves only a portion of the development rights afforded to the Tract, the Applicant shall reserve that portion of the future park site which will best serve the immediate development. In addition, a Sketch Plan shall be prepared to depict how full build-out of the Site will be accomplished in a manner that respects the location of the future park site and ensures its accessibility to all future dwellings on the Tract. As an alternative to such piecemeal Dedication, the Borough may opt to purchase that portion of the future park site. In which case, the future Dedication of land associated with the development of the Tract would proceed in accordance with the provisions of Section 7.3.9.

7.3.4 Fee in Lieu of Dedication.

The Applicant may, with the consent and approval of the Borough Council, elect to pay a fee to the Borough in lieu of the park and open space Dedication, which should be so noted on the plans.

- A. The amount of any fee to be paid in lieu of Dedication of land shall be equal to the average fair market value of the land (based on the unimproved land value) otherwise required by this Section or shall be in accordance with any existing, Borough adopted flat fee-in-lieu schedule which establishes a fixed price per Lot, unit, or acre. If no formula is provided in any other Borough planning documents, the formula to be used in computing the fee based upon fair market value shall be:

$$N \times (\text{average FMV of one acre}) = \text{fee.}$$

Where: N = the number of acres required to be dedicated for park and open space purposed, calculated in accordance with Section 7.3.3, and FMV = fair market value based on the unimproved land value.

- B. The Applicant shall provide the Borough Council with all information necessary to determine the fair market value of the land, including, but not limited to, the following:
 1. If the Applicant is the equitable owner, or purchased the land in fee simple less than two (2) years prior to the Preliminary or Final Plan submission, a copy of the agreement of sale or real estate transfer tax affidavit of value.
 2. If the Applicant is the equitable owner, or purchased the land in fee simple more than two (2) years prior to the Preliminary or Final Plan submission, an opinion of value of the property by a state certified appraiser acceptable to the Borough Council.

Any Applicant aggrieved by the fee established shall have the right to secure a second opinion of value of the property by a state certified appraiser acceptable to the Borough Council. The two (2) estimated values shall be averaged, with the result being the amount upon which the fee will be based.

- C. Such fee shall be payable to the Borough of Marietta prior to the recording of each final phase of the Plan and shall be in an amount equal to the percentage of the total number of dwelling units in the phase.

7.3.5 Parkland Acquisition Fund.

All fees paid by the Developer in lieu of dedication of park and open space land shall be paid to the Borough and upon its receipt shall be deposited in a separate interest-bearing account. Fees deposited to this account shall be administered as required by the Pennsylvania Municipalities Planning Code.

7.3.6 General Design Criteria.

Except as provided in Section 7.3.7 and Section 7.3.8, the type of areas to be dedicated for park and open space land within a Subdivision or Land Development Plan shall principally involve neighborhood parks which are defined as "those parks providing primarily active outdoor recreational opportunities located within one-half (1/2) mile radius from a majority of the residences to be served thereby". Exceptions to this will be when Dedications are made to a community park which serves the Subdivision and is located within a two (2) mile radius of the majority of the residences to be served, or a County park which serves residences located within a ten (10) mile radius.

The land set aside for park and open space uses shall meet the following design criteria:

- A. The park and open space land shall be reasonably located so as to serve all of the residents of the Subdivision or Land Development.
- B. The park and open space land shall be accessible from a Street either directly or by pedestrian connection or shall adjoin and become a part of an already existing public park or open space area that is accessible from a Street. Where access to the park is by public road, the width of the Frontage shall be a minimum length deemed necessary by the Borough for access, visibility of the Site, and public safety.
- C. No more than twenty-five percent (25%) of the park and open space land shall contain Detention Basins or other Storm Water Management Facilities, or be located within a Floodplain or Wetland unless such area is part of a linear trail or green way along an existing Watercourse. In all cases, land containing Detention Basin or other Storm Water Management Facilities, Floodplains, or Wetlands, must be suitable for public recreation use without compromising the function of these areas.
- D. The park and open space land shall be compact and contiguous unless the land is located adjacent to and combined with existing park and open space land, or specific topographic features require a different configuration. An example of such topographic features would be the provision of linear public open space along a scenic creek.
- E. When public park and open space land exists adjacent to the Tract to be subdivided or developed, the park and open space land shall be located to adjoin and enlarge the presently existing park and open space land.

- F. The park and open space land shall be accessible to utilities such as sewer, water, and power that are provided within the Subdivision, and if so, the Developer shall extend such utilities to the park and open space land.
- G. If the Developer is planning to construct facilities for recreation on the dedicated property as an amenity for the development, such facilities shall be constructed in accordance with current standards established by the National Recreation and Park Association. Where applicable, facilities constructed shall also comply with the accessibility guidelines of the Americans with Disabilities Act of 1990. Playground equipment constructed or placed on parkland shall be in compliance with guidelines from the Consumer Products Safety Commission.

7.3.7 Existing Trails.

When a Subdivision or Land Development is traversed by or abuts an existing public trail, customarily used by pedestrians and/or equestrians, the Applicant shall make provision for the continued recreational use of the trail, subject to alterations of the course of the trail within the boundaries of the development under the following conditions:

- A. The points at which the trail enters and exits the Tract shall remain unchanged.
- B. The proposed alteration exhibits quality trail design according to the generally accepted principles of landscape architecture.
- C. The proposed alteration does not run coincidentally with the paved road intended for use by motorized vehicles.

The land set aside for the continuation of such existing trail shall be counted towards the amount of park and open space land.

7.3.8 Trails and Linear Parks.

The trail or linear park shall conform to any applicable Borough master park and open space plan, any County-wide trail and recreation master plan, and appropriate Borough/regional and County Comprehensive Plans. The Borough Council may require, as a condition of Final Plan approval, the Dedication and Improvement of trails and linear parks, which may be credited toward the park and open space land requirement. Trails and linear parks developed and dedicated for public use may be credited toward the park and open space land requirement.

7.3.9 Borough Fund Reimbursement.

The Borough may from time-to-time decide to purchase land for parks in or near the area of actual or potential development. If the Borough does purchase park and open space land within a distance of one-half (1/2) mile, subsequent park and open space land Dedications within that area may, upon agreement with the Applicant, be in cash only and shall be calculated on a percentage basis to reimburse the Borough's actual cost of acquisition and/or cost of development of such land for park and open space purposes. The cash amount shall be equal to the sum of the average price per acre of such land plus the actual costs of adjacent Streets and on-Site utilities (or an estimate of such actual costs provided by the Municipal Engineer) divided by the number of Lots or dwelling units in the development.

7.3.10 Additional Recreation Reservations.

The provisions of this Section are minimum standards and shall not be construed as prohibiting a Developer, with the approval of the Borough Council, from dedicating or reserving other land for recreation purposes in addition to the requirements of this Ordinance.

7.3.11 Private Reservation of Land.

Notwithstanding anything contained in the above Sections, the Applicant may, with the consent and approval of the Borough Council, elect to fulfill the open space requirements through the private reservation of a recreation area.

- A.** Any project that proposes the private reservation of land shall be accompanied by an agreement, which is acceptable to the Municipal Attorney, and which shall be recorded prior to or concurrent with the Preliminary Plan approval. Such agreement shall stipulate:
 - 1.** That maintenance of the designated open space is the responsibility of the Applicant, a homeowners' association, a Condominium unit owners' association, or other recognized conservation organization.
 - 2.** The availability of such private open space to non-residents of the development.
 - 3.** The method by which the private reservation may be offered for public Dedication.
 - 4.** That the land cannot be developed for anything other than open space purposes.
 - 5.** That the land cannot be sold or disposed of by the association except to another organization formed to own and maintain said open space and without first offering to dedicate the land and Improvements to the Municipality.
- B.** If such lands are to become common elements of a homeowners' or Condominium unit owners' association of any type, then such association's organizational by-laws must conform to the requirements of applicable state law.

7.3.12 Construction of Recreation Facilities.

Notwithstanding anything contained in the above Sections, the Applicant may, with the consent and approval of the Borough Council, elect to fulfill the open space requirements through the construction of recreational facilities. All approved recreation facilities constructed in lieu of land Dedication shall be included within the cost estimate for the Improvement guarantee.

7.4 HYDROGEOLOGIC REPORT

When there is a reasonable probability that a project will affect or be affected by carbonate geologic hazards the Borough Council shall require submission of a hydrogeologic report. In reaching a determination of whether a project will affect or be affected by carbonate geologic hazards, the Borough Council shall consider the presence or absence of carbonate features in the

vicinity of the project, the testimony of qualified expert witnesses, and such other reasonable information as may be available.

When a hydrogeologic report is required, an aquifer study (see Section 7.5) shall also be required.

All hydrogeologic reports shall be prepared at the Applicant's expense by a licensed Geologist qualified in such matters. Each hydrogeologic report shall contain:

- A.** A map showing all sinkholes, depressions, lineaments, faults, outcrops, springs, drainage entering the ground, water table, soil mottling and ghost lakes, and all features that may relate to the quality and availability of groundwater within two hundred (200) feet in all directions from the Subject Tract.
- B.** A map outlining all private wells within a radius of two hundred (200) feet of the Subject Tract and all public water supplies, associated pipes, hydrants, and future service areas within two hundred (200) feet in all directions of the Subject Tract provided such information is available from public sources or documents.
- C.** A listing of all referenced data, published and otherwise.
- D.** A topographic Site map with the Site clearly outlined.
- E.** A map indicating the location and design of all on-Site wastewater disposal systems and secondary systems.
- F.** A description of anticipated water quality impacts to areas located downgradient and areas located along the geologic strike.
- G.** A description of on Site mitigation measures that could be applied to minimize impacts of the project or to correct existing problems.

ARTICLE 8

VISION STATEMENT AND DESIGN STANDARDS

The standards and requirements contained in this Article shall establish and maintain compact, mixed use communities that serve as activity centers for the surrounding area. The Borough of Marietta is entirely within a designated Urban Growth Area. Therefore the standards and requirements of this Article address both new development and infill/redevelopment projects within the Borough. Furthermore, the intent is: to provide minimum design standards to focus and accommodate future development; to ensure the provision of a full range of public facilities, services, and infrastructure (water service, sewer service, transportation, and communications) and allow the coordinated expansion of such facilities within the Borough. The goal is to strengthen the role of the Borough as the focal point of the region.

In addition, it is intended to provide design standards: to attract new manufacturing, commercial, and professional businesses that provide quality jobs. To support community-based business development in Urban neighborhoods and to create a sustainable economy that connects people with job opportunities. Furthermore the purpose of the design standards is to also accommodate Infill and Redevelopment within current Urban neighborhoods to promote revitalization, direct reinvestment, and sustain the economic vitality while being sensitive to design context and individual neighborhood character. Therefore, the design standards incorporate flexibility into traditionally regulated areas and promote a unified Streetscape to strengthen the visual and physical character of existing neighborhoods. The intent is to retain and promote the existing businesses and to facilitate New Development that contributes to, and upgrades, older, established communities. As increased development interest in older Urban areas begins, it is essential that both new projects and Redevelopment contribute, be respectful, and be sensitive to the distinctive neighborhood character.

The intent of Article 8 is to provide clear, quantitative review standards that are easy to administer and offer certainty to Developers and citizens alike while maintaining a degree of design flexibility to allow and encourage creative Site and Building designs and encourage alternative design solutions that result in a better, distinctive product.

To improve the transportation system to service employers and employees. Provide adequate, affordable, and accessible mass and specialized transit services. To develop aesthetically pleasing, interconnected transportation systems that encourage walking, biking, and public transit, and discourage high-speed traffic which will protect and improve the quality of our air.

To encourage the preservation, adaptation, re-use, and protection of the integrity of historic Buildings and Structures, archaeological sites, and other cultural resources. To design new Buildings to complement the architectural character of the surrounding neighborhood.

To allow for a range of housing types at a range of densities on land sufficient to accommodate current and projected regional fair share housing needs. To increase housing choice, affordability, diversity in housing types and tenure (rental and ownership options).

To improve the character and form of New Development in order to enhance the quality of life for current and new residents. To establish cohesive, safe neighborhoods, and a clean, healthy physical environment. To design new communities to accommodate citizens from a wide range of economic levels, occupations, age groups, backgrounds, and interests. To increase the proportion, density, and intensity of development within Urban Growth Areas.

To preserve, protect, enhance, and restore the Native Plant and animal diversity and functioning natural systems. To develop a permanently preserved open space system that provides a diversity of publicly accessible open space resources in the form of town squares, greenways, and parks. To protect, conserve, and improve surface and groundwater resources.

8.1 GENERAL

8.1.1 Minimum Standards and Requirements.

The use of the Sketch Plan option per Article 4.1 is strongly encouraged to obtain feedback and direction from the Borough in conjunction with the standards and requirements contained herein. The standards and requirements contained in this Article shall apply as minimum design standards for Subdivisions and/or Land Developments within the Borough.

If Land Development information indicates that existing improvements on the Subject Tract do not meet the requirements of this Section, then existing improvements on the Subject Tract must be designed and proposed to meet the requirements of this Ordinance. When the Land Development will utilize or be integrated into existing infrastructure, the existing infrastructure on the Subject Tract shall be improved to the standards of this Ordinance.

8.1.2 Compliance with Borough Ordinances Required.

All plans shall be designed in compliance with the Borough's *Zoning Ordinance*, *Stormwater Management Ordinance* and all other applicable ordinances, regulations, plans, studies, and local requirements.

8.1.3 Zoning Approvals Required Prior to Plan Submission.

When a plan proposal requires the grant of a special exception, conditional use or variance from the Borough zoning ordinance, the applicant shall obtain such special exception, conditional use or variance approval from the Borough Council and/or zoning hearing board, as applicable, prior to the submission of the applicable plan. The plan shall be designed and developed in accordance with any conditions that have been imposed upon the grant of such special exception, conditional use or variance by the Borough Council and/or zoning hearing board, as applicable.

8.2 SITE LAYOUT/DEVELOPMENT PATTERN

8.2.1 Intent.

Building design for development projects shall be compatible with adjacent development where appropriate. The layout of Principal Buildings, Accessory Structures, and parking areas along a street is an example of a repeated site pattern that creates a cohesive visual identity and attractive pedestrian street scene for an area. Creating a strongly defined street edge will improve the pattern of development. A sense of visual unity is created within a neighborhood when similar building features are repeated.

Building orientation strongly influences a development Site's focus of activity. A building oriented at least in part to an adjoining public Street can create a strong presence in the public realm, and can contribute significantly to a pedestrian-friendly built environment. Building design that creates or adds to the visual interest of a streetscape and a pedestrian scale is an essential element of infill and redevelopment projects. Building height, scale, and massing can be used to emphasize important corners, designate points of entry, and promote compatibility with surrounding uses. Planting shall be sited, massed, and scaled to maintain visibility of doors and first floor windows from the Street and from within the development.

8.2.2 General Arrangement.

- A.** Buildings and open space shall be compatible with, or complement the established proportion and building mass of adjacent developments. Maintain a pedestrian scale and character when appropriate.
- B.** In order to maintain or create a sense of place and "arrival", all developments at the intersection of two arterial and/or collector streets shall comply with the following site layout and building orientation standards:
 - 1.** Parking areas and drive-through facilities shall not be located within a 150 foot radius measured from the intersection of the centerline of the two Streets.
 - 2.** Development located within a 150 foot radius from the intersection of the centerline of the two streets shall include one or more of the following focal point features which shall be visible from the intersecting streets;
 - (a)** A distinctive architectural or building design that does not represent standard franchise architecture;
 - (b)** Fountains or other water feature;
 - (c)** Public plazas or other open space; or
 - (d)** Significant landscape feature.
- C.** Entry facades shall orient towards the primary street or active pedestrian zone within the site to create an inviting image, consistent front, and street edge definition.
- D.** To the maximum extent practicable, the orientation of new lots created shall repeat the predominant relationship of buildings to buildings and buildings to street along the same and facing block faces.

8.3 STREETS, ACCESS DRIVES AND DRIVEWAYS

8.3.1 General Arrangement.

The following criteria shall be considered in the design of Streets in all Subdivisions and/or Land Developments.

- A. The alignment and design of Streets shall conform to the circulation plan of the municipal Comprehensive Plan, Official Maps, complete streets policy, and to such municipal, County and State road and highway plans as have been duly adopted. The proposed street pattern shall be properly related to existing streets and all proposed streets shall be designed and constructed in accordance with the Borough's requirements.
- B. For Streets not shown on the circulation plan of Official Map, the arrangement shall take into account existing topography and other site constraints when providing for the extension of existing streets.
- C. Local Streets shall be arranged and designed so as to discourage excessive speeds when their function is to remain local.
- D. The design standards for Arterial streets shall be as specified by the PADOT and based upon the projected average daily traffic and speed limit.
- E. Curvilinear Streets and Cul-de-sacs should be utilized only where topography and natural features dictate them on the Site, and where their use will be consistent with adjoining development patterns. Curvilinear Streets shall not be used immediately adjacent to an existing grid Street system without providing a transition that continues and protects the grid. Cul-de-sacs shall not be used where it is possible to provide grid pattern Streets that provide better access for emergency vehicles, fewer restrictions for snow removal and improved pedestrian access. New project Street systems, platted adjacent to an existing Street system, shall not be merely looped back on Local Streets, but shall connect with or be designed to connect with, in the future, Streets of a higher class. Consideration shall be given to the dispersal of traffic from commercial and employment centers, and to the ultimate functioning of the Street system and regional transportation network.
- F. Streets shall be laid out to provide convenient and safe access to the property. Where appropriate, the Borough Council may require additional Cartway improvements and/or Right-of-Way width along existing Street Frontages to accommodate the anticipated traffic increases and to facilitate vehicular turning movements to and from individual Lots.
- G. The development shall be designed to insure coordination between the proposed street system and all existing streets and intersections studied in the traffic impact study, all planned streets and intersections included on other subdivision or land development plans and all streets included in the Comprehensive Plan or any official map adopted by the Borough.
 - 1. All proposed streets within the development shall be laid out to provide convenient and safe access to each lot and/or structure and/or parking compound proposed as part of the development of the tract. Rigid rectangular street patterns are not required

and curvilinear streets may be provided only when their use will result in a more desirable layout.

2. The proposed street system shall be connected to the existing street system at a location which will minimize adverse effects and not place any burdens upon the functioning of the existing street system or access to other properties along the existing street system. The applicant shall install all necessary traffic control devices and shall make all necessary improvements to provide for such access which may include, but shall not be limited to, the installation of traffic signals and roadway improvements at affected intersections to regulate traffic flowing past or to and from the proposed point or points of access to the development.
3. Where a development abuts either an existing/proposed Arterial or Collector Street, the Developer shall use access management techniques such as; the use of marginal access streets, reverse frontage lots or other means to provide protection for abutting properties, reduce the number of intersections with the Arterial/Collector Street, and separate the local and through traffic.

H. Half streets. Half or partial streets (less than the required right-of-way or cartway width) will not be permitted. All plans shall be designed to provide for the entire required right-of-way and cartway.

I. Street lengths shall be minimized as to promote the most efficient Street layout while still protecting the natural, cultural, and historical environment.

K. The use of permeable pavement is encouraged on sidewalks, plazas, driveways, parking lots, and private low-traffic roads or access drives. Permeable pavement shall not be located on industrial Sites, fueling stations, Sites with expansive soils or high depth to bedrock, areas draining to the permeable pavement greater than 5 acres, areas with the water table less than two feet below the bottom of the pavement base, and less than 100 feet from drinking wells.

L. Streets shall be designed with drainage grates that are safe for crossing by bicycles or horse-drawn vehicles.

8.3.2 Street Hierarchy.

A. All proposed Streets shall be classified according to the Street hierarchy of the existing transportation network with design tailored to function and Average Daily Traffic (ADT).

B. The Street hierarchy system shall be defined by the municipal or regional Comprehensive Plan, Official Map, complete streets policy, or other municipal planning documents.

C. The Applicant shall demonstrate to the Borough Council's satisfaction that the distribution of traffic to the proposed Street system will not exceed the ADT thresholds for any proposed Street type for a design period of ten (10) years from the proposed date of completion of the road.

D. Private Streets may be used provided the Borough Council determines that no public benefit will be served by Dedication. Private streets are prohibited unless they meet the design standards of these regulations. Applications that propose a Private Street shall be accompanied by a recorded declaration or an agreement which shall be recorded with the Lancaster County Recorder of Deeds as part of the Final Plan. This agreement shall establish the conditions under which the Street will be constructed and maintained in accordance with the design approved on the Final Plan, as well as conditions controlling an offer of dedication, and shall stipulate:

1. That the street shall be constructed and maintained to conform to the specifications of this chapter.
2. Ownership interest in the Private Street.
3. No limitations on users unless identified in the private agreement.
4. A statement indicating that civil court, not the Borough Council, is responsible for mitigating differences relating to the agreement.
5. The method of assessing maintenance and repair cost.
6. Private Streets shall not be offered for Dedication as a public Street unless they are restored to Borough design standards for Streets. The offer for Dedication of the Street shall be made only for the Street as a whole.
7. That an agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
8. That the owners of the abutting lots will include, with any future offer for dedication, sufficient monies, as estimated by the Borough, to restore the street in order conform to the Borough standards.

8.3.3 Determination of Required Street Design Standards.

A. Right-of-Way and Cartway Widths.

Newly created Right-of-Way and Cartway widths for each street classification shall be based on the intensity of development permitted and existing along each Street. The minimum street rights-of-way and cartway widths for new streets shall be as follows:

Street Classification	Function	Right-of-Way	Cartway (feet)
Arterial Street	Provides for intercommunity travel, connecting population centers and carrying large volumes of traffic at speeds higher than desirable on local or special purpose streets.	Design standards shall be as specified by the PADOT and based upon the projected average daily traffic and speed limit.	PADOT Standard
Collector Street	Provides access to residential land uses with a density in excess of four dwelling units per acre, industrial land uses and/or commercial land uses and/or serves as the main entrance or circulation street in any development. Accommodates on street parking	60 feet	36
Local Street	Provides access to residential land uses with a density of four or fewer dwelling units per acre and/or institutional land uses with restricted parking on one side of the street.	50 feet	28 to 36
Turn-Around of Cul-De-Sac	Permanent	100 feet diameter	80
	Temporary	50 feet diameter	50

Note: Also reference Appendices J and J-1

1. Extension of existing streets.

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

2. Improvement of existing streets and intersections.

Where a subdivision or land development abuts an existing Borough and/or state street or will have a traffic impact on an existing Borough and/or state street or intersection as indicated by the traffic impact study performed under Article 7.1, the Developer shall make the following improvements:

(a) Where the subdivision or land development abuts an existing Borough or state street, the Developer shall dedicate additional right-of-way to the Borough or state, as applicable, to the extent necessary to increase the right-of-way width of the existing street to create a right-of-way width which is equivalent to the right-of-way width for new streets of the same classification established by §8.3.3.A. The Developer shall improve the existing street to the cartway width and horizontal/vertical alignment requirements established for new streets of the same classification set forth in §8.3.3.A. A Developer shall install curbs in conformance with §8.3.3.C, sidewalks in conformance with §8.3.4.B, pavement widening in accordance with §8.3.3.J, stormwater management facilities in conformance with the *Stormwater Management Ordinance*, and all other necessary or appropriate improvements. Notwithstanding the foregoing, the Developer shall also improve state streets in accordance with the requirements of the PADOT and any conditions which the PADOT may impose upon its granting of a highway occupancy permit.

(b) Where the subdivision or land development is situated only on one side of an existing street, the Developer shall improve the side of the street abutting the

subdivision or land development and, if the traffic impact study demonstrates that improvement of the entire cartway width is necessary for adequate, safe and convenient access to the proposed subdivision or land development, shall improve both sides of the street. If the Borough requires the Developer to improve only the side of the street abutting the subdivision or land development, the Developer shall, in addition to all other required improvements, install a 1-1/2 inch thick pavement overlay from the center line of the existing cartway to the limits of the improved cartway width.

- (c) Where the traffic impact study indicates that improvements are necessary or advisable to existing Borough and/or state streets and/or intersections within the traffic impact study area in order: (a) to assure adequate, safe and convenient access to each lot and/or structure and/or parking compound proposed as part of the development of the tract; (b) to accommodate the traffic due to the proposed development; (c) to provide for a level of service and delay for the design year, or years for phased projects, with the development which is at least equivalent to the projected level of service and delay for the design year(s) without the proposed subdivision or development; and/or (d) to preserve the existing convenience of access to or ability to exit from abutting properties which gain access from the existing street, the Developer shall install all such indicated improvements. The Developer shall install additional traffic lanes, traffic dividers, traffic control devices, traffic signals and other measures as appropriate to ensure that the development of the tract does not adversely impact the existing street system and/or access to or the ability to exit from properties gaining access from an affected street. If the traffic impact study indicates that improvements must be made to a state street, the Developer shall also take all action necessary to obtain any PADOT permits and/or approvals to install the necessary street widening and/or traffic signals or traffic control devices. If the traffic impact study recommends installation of traffic signals or traffic signal modifications, the Developer shall prepare all studies and submit all necessary applications to enable the installation of the traffic signal or modifications and shall install the traffic signal or modifications at their cost and expense. If the traffic impact study indicates that traffic control devices or regulations including, but not limited to, stop intersections, speed limit reductions or parking prohibitions, are required, the Developer shall prepare all studies necessary to justify imposition of such regulations in accordance with PADOT regulations and shall pay all costs associated with the preparation and enactment of an ordinance to establish such regulations.
- (d) The Developer shall bear all costs and expenses in connection with the improvements required by this Section 8.3.3.A.2. If the Developer requires the Borough to submit any permit applications or requests for approvals in the name of the Borough, the Developer shall reimburse the Borough for all costs and expenses incurred by the Borough in connection with its review of the application and submission of the application to the PADOT or any other governmental agency.
- (e) When the Borough determines that the required improvements are not feasible at the present time, the Developer shall deposit funds with the Borough in the amount of 110% of the cost of the improvements computed in

accordance with the provisions of § 509 of the Municipalities Planning Code. Such funds shall be maintained by the Borough in a general account to be used for traffic improvements. The Developer may request a modification to reduce the amount of funds to be deposited with the Borough under this provision. In order to warrant the granting of such modification, the Developer shall make application to the Borough in accordance with §3.1, Modifications. The Developer shall establish the particular circumstances which are applicable to the development and shall demonstrate good cause for such modification. The Municipal Engineer shall make a recommendation to the Borough Planning Commission and Borough Council whether or not and to what extent such requested modification should be granted.

3. Specific traffic control and access requirements.

The following specific traffic control and access requirements shall be met for developments which produce 100 peak-hour directional trips:

- (a) If any traffic signals are to be installed, the distance between any new and/or existing signals shall be at least 1,000 feet unless it can be demonstrated that adjacent traffic signals can operate sufficiently at lesser distances.
- (b) Design of proposed development access points shall take into consideration the horizontal and vertical grades of the existing road network in the traffic impact study area to permit safe and convenient access to the site as defined in the latest PADOT standards and regulations. All modifications required to meet these regulations will be the responsibility of the Developer.
- (c) The Developer shall demonstrate by using the latest PADOT standards and regulations that the proposed use will not create traffic patterns and movements which will jeopardize the traveling public.
 - [1] Stacking of sufficient length shall be provided in all traffic lanes on the site and off the site on adjacent roadways to insure that there shall be no blockage of through traffic. The design and length of the stacking lanes shall be justified and supported by the queuing analysis required as part of the traffic impact study.
 - [2] Street and/or access drives to and within the site shall be designed in a manner that blockage of through traffic by vehicles attempting to enter or exit on these streets or access drives will not occur.
 - [3] Acceleration, deceleration and turning lanes shall be of sufficient lengths to accomplish their intended use.
- (d) If reduction of the speed limit, installation of traffic control devices, limitation of parking or turning movements or similar measures are required to mitigate traffic impacts upon Borough or state highways, the applicant shall present traffic studies performed in accordance with PADOT regulations and Publication No. 201, Engineering and Traffic Study Regulations. The erection or the installation of such traffic control devices

shall be in accordance with Title 67, Chapter 211, Official Traffic Control Devices, of PADOT regulations. If the enactment of an ordinance is necessary to effectuate the traffic regulations or the installation of the traffic control device, the applicant shall reimburse the Borough for all expenses in the preparation and enactment of the necessary ordinance.

- (e) No street shall be located in a manner which would limit access to or exiting from abutting properties gaining access from the existing street with which a proposed street will intersect unless the Developer provides such lots with alternate access from the proposed street system in a manner acceptable to each affected lot owner. It shall be the burden of the applicant to demonstrate that such access is acceptable to all owners of an affected lot. For the purpose of this provision, limitation of access shall include the limitation of turning movements into or exiting the abutting property or properties gaining access from the existing street, whether by traffic regulations, installation of barriers to prevent turning movements, installation of additional traffic lanes in front of a property, or difficulties or delays resulting from increased traffic flows.
- (f) Where new intersections are being established to serve as access to the proposed development, these intersections must be designed to at least operate at Level of Service C or better.
- (g) For access points to the proposed development and any major intersections where traffic signal control may be required or is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of PADOT's Publication 201. A left turn lane shall be provided and an analysis shall be completed to determine the type of signal phasing required.
- (h) Emergency traffic signal preemption shall be addressed and provided as required.
- (i) Additional left and right turning lanes shall be provided to address the existing roadway site conditions and access to the proposed development.
- (j) An agreement between the Borough and Developer shall be provided with regard to operating expenses and maintenance of proposed traffic signals.
- (k) Additional through lanes and lane transitions of sufficient length shall be provided to allow smooth traffic flow to existing traffic lanes thus minimizing congestion, delays and or blockage of through traffic within the proposed improvement area. The design and length should be justified and supported by the queuing analysis required as part of the traffic impact study.
- (l) Sidewalks shall be provided along the property frontage and within the development.

4. Street construction specifications.

- (a) Streets must be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the Developer and approved by the

Borough. Before paving the street surface, the Developer must install required utilities and provide subsurface drainage for the streets in accordance with the *Stormwater Management Ordinance*.

- (b) The construction of all streets shall comply with current Borough standards and specifications as provided in Appendices J and J-1 of this chapter and based on the construction standards in PADOT, Form 408.
- (c) The Borough shall decide if a collector or arterial street is required as direct result of the construction of the development, in which case the Developer is responsible for paving the additional width required for such streets.

B. Non-Motorized Multimodal Travel Lanes.

- 1. Non-motorized travel lanes shall be provided for all Streets when identified by the municipal long range plan and/or complete streets policy. The Borough shall provide the final determination if non-motorized travel lanes are required along any street.
- 2. Non-motorized travel lane requirements shall vary according to the speed of the Streets.
 - (a) For a posted speed limit of twenty-six to thirty-five (26 – 35) miles per hour, four (4) foot Multimodal lanes shall be provided.
 - (b) For a posted speed limit of thirty-six to forty-five (36 – 45) miles per hour, six (6) foot Multimodal lanes shall be provided.
 - (c) For a posted speed limit of greater than forty-five (45) miles per hour, eight (8) foot Multimodal lanes shall be provided.
- 3. Drainage grates shall be bicycle and horse drawn buggy safe.

C. Curbs, Gutters and Swales

- 1. Curbing shall be required along all new and any existing frontage street. The requirement for Curb is to specifically address the following:
 - (a) Storm Water Management.
 - (b) Road stabilization.
 - (c) Ten (10) feet on each side of drainage inlets.
 - (d) At intersections.
 - (e) At corners.
 - (f) At tight radii.
 - (g) Within Parking areas.

- (h) Along all Access Drives.
2. Drainage Swales in place of curbing may be used when all of the following can be shown:
 - (a) Soil and/or Topography make the use of drainage Swales preferable.
 - (b) It is in the best interest of the community to preserve its existing character by using drainage Swales instead of curbs.
 - (c) Curbing would negatively impact a cohesive Storm Water Management best management design (BMP).
 - (d) Adequate paved shoulders shall be provided in conjunction with drainage Swales where Curbs are not required.
 3. Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed. Vertical concrete curb shall be provided along all streets unless the Borough Council authorizes the use of Slant concrete curb in high density developments with numerous driveways in close proximity to one another.
 4. Curbing shall be designed to provide a ramp cut at each intersection, at the principal entrances to Buildings which front on parking lots, and at all crosswalks.
 5. Curbing shall be constructed according to the specifications set forth in Appendices H and H-1.

D. Buffer Area.

Buffer Areas (a.k.a. grass strip, beauty strip, tree lawn, etc.) shall be provided between Cartways and sidewalks. Signage and Street trees shall generally be located within the Buffer area of the Right-of-Way. Buffer areas shall be planted with grass, ground cover, or treated with other suitable Pervious Material. See Section 8.10.2 for Street tree standards. When Buffer Areas are provided, they shall be a minimum of 2 feet wide with 8 feet preferred when planted with trees. Buffer areas may be eliminated when a wider Pedestrian Way is provided.

E. Rights-of-way Limits.

1. Centerline of the Right-of-Way shall coincide with the centerline of the travel lanes.
2. Where the Right-of-Way width of the new Street is different than the existing Street, a transition area shall be provided, the design of which is subject to approval by the Borough Council.

3. The lines depicting the Right-of-Way shall be described with metes and bounds. Right-of-Way widths may change for each Street, based on the anticipated future development.

F. Vertical Street Alignments.

Vertical street alignments shall be measured along the center line. The minimum grade of all streets shall be 0.75% and the maximum grade shall be 10%, except for collector streets which shall be a maximum 8% grade.

1. Vertical curves shall be used in changes in grade exceeding 1%. The minimum lengths (in feet) of crest vertical curves shall be 20 times the algebraic difference in grade and the minimum length (in feet) of sag curves shall be 30 times the algebraic difference in grade. For example, if a 3% upgrade is followed by a 4% downgrade, the algebraic difference in grade is 7 [$+3-(-4) = 7$]; the minimum length of the vertical curve would then be 140 feet [$20 \times 7 = 140$]. All cut and fill banks shall be a maximum of three-to-one slope.
2. Where the approaching grade exceeds 7% on any or all streets at a four-way street intersection, or the terminating street at a three-way intersection, a leveling area shall be provided on the street(s) with such excessive grade. Such leveling area(s) shall have a maximum grade of 4% for a minimum length of 75 feet measured from the intersection of the center lines.
3. The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall not exceed 5%.
4. All new streets shall be graded and stabilized to the right-of-way line.

G. Horizontal Street Alignments.

Horizontal street alignments shall be measured along the center line. Horizontal curves shall be used at all changes in excess of 2°. Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments. The minimum horizontal curve radius for streets shall be as follows:

Street Classification	Minimum Center Line Radius (feet)	Minimum Tangent Length Between Reverse Curves (feet)
- Privately owned streets; marginal access streets; service streets; and cul-de-sac streets serving only residential units with a maximum length of 300 feet and maximum of 8 units of occupancy	100	50
- Local street	150	50
- Collector street and special collector street	300	150

1. Plans with street locations along the perimeter of a property shall be required to show building setback lines and clear sight triangles within the adjacent properties; permission shall be obtained from the adjacent landowner.
2. Cartway alignment and construction. The center line of the street cartway shall correspond with the center line of the street right-of-way. The street cartway shall be constructed to the end of the frontage of the last lot.
3. The design of horizontal curves shall be based on an appropriate relationship between design speed and curvature and on their joint relationships with Superelevation (roadway banking) if necessary. The longer the radius of a curve, the higher the speed through that curve.
4. Superelevation in certain conditions may be amended when using AASHTO Exhibit 3-16 as updated.

H. Street Intersections.

1. Cul-de-sac/Minor Local/Major Local Streets: A minimum separation of no less than 150 feet between centerlines shall be provided.
2. Collector Streets: A minimum separation distance of 300 feet between centerlines shall be provided.
3. Arterial Streets: A minimum separation distance of 600 feet between centerlines shall be provided.
4. Right angle intersections shall be used. No Modification or Waiver of this requirement shall be granted for new Street intersections at an angle of less than seventy five (75) degrees.
5. The Cartway edge at Street intersections shall be rounded by a tangential arc with a minimum radius of five (5) feet and a maximum radius of twenty five (25) feet depending on anticipated traffic. The Right-of-Way radii at intersections shall be substantially concentric with the edge of the Cartway. Curb return radii of 10 -15 feet shall be used where high pedestrian volumes are present or the volume of turning vehicles is low or to match existing conditions. Larger radii should be used when parking or non-motorized lanes are not provided.
6. Where warranted by a traffic impact study, the Borough Council may require additional traffic lanes or additional Right-of-Way to facilitate vehicular turning movements at existing or proposed Street intersections within Subdivision or Land Development Plans.

I. Sight Distance at Intersections.

1. Proper Sight Distance shall be provided at all new Streets, Access Drives, and all Driveway intersections in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual - Part 2, Highway Design (Publication 13). Sufficient design and plan information shall be submitted with the plan application proving that this minimum standard will be achieved. Such

design information shall be sealed by a professional registered in Pennsylvania to perform such design work.

- (a) Access Drive Sight Distance based on 10 foot off of edge of Cartway, an eye height of 4 feet to an object at 4 foot height.
 - (b) Street Sight Distance based on 15 foot off of edge of Cartway, an eye height of 4 feet to an object at 4 foot height.
 - (c) See Appendix K for required sight distances.
2. Safe Stopping Sight Distance Easements shall be established beyond the Right-of-Way limits at Street intersections with other Streets and Access Drives in order to protect and preserve the available sight distances. (see Appendix L)
3. All intersections shall be provided with appropriate stop control devices on the lesser classification Street or Access Drive. The creation of permanent Clear Sight Triangle Easements are not required when stop control devices are provided and maintained.

J. Cross Sectional Specifications.

All new Street paving must conform to the following cross sectional specifications (all courses are compacted thicknesses) unless superseded by a road ordinance or *Zoning Ordinance*:

1. Street Pavement Materials.
- (a) All street paving must conform to the following specifications, unless another more stringent standard or specification is applicable. Where another standard applies, the plan shall note that the street will be paved to such standard.
 - (b) The base for all local, arterial and collector streets shall consist of crushed 2A aggregate of a type specified in the latest edition of the PADOT Manual Form 408 rolled to a minimum thickness of **6-inches**. No base shall be covered until it is inspected and given final written approval by the Borough Council or its designated representative.
 - (c) The bituminous material for local streets which serve only local, residential traffic shall consist of hot-mixed, hot-laid materials in two courses;
 - The lower course (binder) shall be a bituminous material (Superpave Asphalt Mixture Design, HMA Base Course, PG64-22, 0 to < 0.3 M ESALS, 25.0 mm Mix) rolled down to **4-inches** in thickness,
 - The upper course (wearing) shall be a bituminous material (Superpave Asphalt Mixture Design, HMA Wearing Course, RPS, PG 64-22, 0 to < 0.3 M ESALS, 9.5 mm Mix, SRL-H) rolled down to **1-1/2 inch** in thickness.

- (d) The bituminous material for all other streets including, but not limited to, arterial streets and collector streets, shall consist of hot-mixed, hot-laid materials in three courses;
- The lower course (base) shall be a bituminous material (Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0 to < 0.3 M ESALS, 25.0 mm Mix) rolled down to **4-inches** in thickness,
 - The intermediate course (binder) shall be a bituminous material (Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0 to < 0.3 M ESALS, 19.0 mm Mix)) rolled down to **2-inches** in thickness,
 - The upper course (wearing) shall be a bituminous material (Superpave Asphalt Mixture Design, HMA Wearing Course, RPS, PG 64-22, 0 to < 0.3 M ESALS, 9.5 mm Mix, SRL-H) rolled down to **1-1/2 inch** in thickness.
2. All finished streets must maintain a 1/4 inch per foot crown for each lane of travel except on superelevations and shall conform to the horizontal and vertical alignment of the plan as approved.
 3. All construction procedures for the paving of streets shall conform to the requirements of the latest edition of the PADOT Manual Form 408.
 4. Wherever street improvements occur along or adjacent to a project site and result in a widened cartway width, a paved transition area shall be provided. The minimum length (in feet) of the transition area shall be calculated based on PADOT or AASHTO criteria; but, in no case shall be less than the offset distance from the edge of the existing cartway to the edge of the widened cartway times 15. For example, if the existing lane width is 10 feet and the proposed lane width is 14 feet, the paved transition would be 60 feet $((14-10) \times 15 = 60)$. The pavement section for all transition areas shall be the same as that required for any street widening.

8.3.4 Pedestrian Way.

A. Trails.

1. Trail width shall be a minimum of six (6) feet. Trails shall be constructed with bituminous pavement and stone base materials, subject to review and approval by the Borough.
2. Minimum ten (10) feet wide Easements are required for trails. Provide a plan note indicating such Easement must be five (5) foot on either side of the centerline of the trail as constructed.
3. Encroachments into the trail shall not result in less than a 4 foot wide minimum clearance width from any obstacles.
4. Marked crosswalks with adequate warning signs (if not located at a street intersection) shall be provided within the vehicular travel ways intersecting with trails.

B. Sidewalks.

1. Concrete sidewalks shall be provided on both sides of a new street and along any existing street(s) directly abutting any property or development site. A combination of sidewalks or trails shall be provided to accommodate anticipated pedestrian traffic to any community destinations as deemed necessary by Borough Council.
2. Sidewalk widths shall be a minimum of four (4) feet, except where physical obstructions cannot be avoided the width shall not result in less than the minimum required clearance in accordance with applicable ADA standards. If new sidewalk is located adjacent to, and will connect with existing sidewalk that is wider than four (4) feet, the sidewalk shall be constructed to the current width of the adjacent sidewalk unless a reduced width with adequate transitions is approved by Borough Council.
3. Where practical, sidewalks should be sloped towards adjacent pervious surfaces, not adjacent Impervious Surfaces.
4. Encroachments into the sidewalk shall not result in less than a 4 foot wide minimum clearance width from any obstacles.
5. Sidewalks shall not exceed a cross slope of two percent (2%).
6. Handicapped accessible ramps meeting the current ADA standards shall be located at all sidewalks intersecting with vehicular travel ways or a pedestrian path or trail.
7. Marked crosswalks shall be provided within the vehicular travel ways intersecting with sidewalks. The design and materials used to demarcate crosswalks shall be subject to Borough approval or other adopted policy regarding the same.
8. Concrete sidewalks shall have a minimum thickness of 4" (6" thick at driveways with 6X6 by 10 gauge welded wire fabric) using concrete that shall develop compressive strength of 3,500 pounds per square inch (PSI) in twenty-eight (28) days and shall be placed on compacted AASHTO No. 57 crushed stone at a depth not less than four inches (4").
9. Reference Borough Resolution No. 10-2007 and Appendix I for additional information and construction requirements for concrete sidewalks.

8.3.5 Lot Access.

- A. The Borough may require an Applicant to provide Reverse Frontage Lots on any street and reduce the number of access points through access management for the development.
- B. The Borough may require the Applicant to provide ingress and egress to a particular Lot or Tract through the remainder of a property or other properties over which the Applicant has control by the following;

1. A temporary Cul-de-sac designed for access to any adjoining property or for phased development.
 2. Provision of access to existing nonconforming Lots which have no Frontage on a public or private Street.
- C.** A Highway Occupancy Permit is required for each access point onto a State road or highway.
- D.** Prior to the use and occupancy of a Lot, each Lot or dwelling unit shall be provided with a street number assigned by the Borough Council and approved by the Lancaster County-Wide Communications. The street number shall be visible from the street. Where a Lot contains multiple Building or dwelling units, each Building and dwelling unit shall be identified so that emergency services can easily identify the location of every Building and dwelling unit in a time of emergency.
- E.** Connections to compatible adjacent land uses should be provided to the maximum extent feasible.
1. Common or shared service and delivery access to compatible land uses should be provided between adjacent Parcels and/or Buildings.
 2. Projects should not become an isolated island in the surrounding community. Instead, to reduce vehicle congestion and offer greater connectivity between adjacent land uses, the following standards shall apply except where prohibited for overriding public safety or other traffic related considerations:
 - (a) The internal Street system shall connect to the perimeter public Street system to provide multiple direct connections to, and between local destinations.
 - (b) The internal Street system shall connect to the perimeter public Street system to provide community connections to connect separate development together rather than forming barriers between them.
- G.** In order to maximize the efficiency of the Street network, major traffic generators should be located so that their primary access is from a thoroughfare or commercial access road.
1. If a land use is proposed at a location or density that will have a significant effect on current traffic patterns, a traffic impact study shall be required to ensure that the Street network can accommodate the anticipated traffic demands and to define required Street improvements.
 2. The number of entrances should be minimized to the extent possible in order to reduce conflicting points and facilitate traffic flow. The specific location of primary vehicle entrances is dependent on the following factors:
 - (a) The location of existing or planned median breaks;

- (b) Separation distances between the entrance and major intersections, minor intersections, and adjacent entrances;
 - (c) The need to provide shared access to adjacent Parcels of land;
 - (d) The need to align with previously approved or constructed access points on the opposite side of the Street;
 - (e) The minimum number of entrances needed to move traffic onto and off the Site safely and efficiently; and
 - (f) The need to provide multiple direct connections to, and between, local destinations such as parks, schools, and shopping.
- H.** Specific design or geometrics of development Streets and Access Drives shall meet the intent of the circulation plan of the municipal Comprehensive Plan, Official Maps, complete streets policy, and these design guidelines.
- 1. Configuration and design shall be appropriate given the size of the development and the Capacity of the Street.
 - 2. Geometrics shall be dependent on a variety of factors including traffic volume, speed, and distribution. The resulting design should provide an efficient ingress and egress to the development and the following design issues should be addressed in each case:
 - (a) The number of in-bound and out-bound lanes;
 - (b) Lane width;
 - (c) Throat length (i.e. the distance between the Street and the first point at which cross traffic, left turns or parking are permitted);
 - (d) Curb radii;
 - (e) The need or desirability of a raised median;
 - (f) The need for a deceleration lane; and
 - (g) Accommodation for pedestrian and non-motorized crossings.
- I.** A clear system of Driveways / Access Drives / Streets shall be established to carry the highest volumes of traffic within the Site. (See Section 7.1)
- 1. Internal Driveways / Access Drives / Streets shall contain no perpendicular parking spaces that directly access them.
 - 2. Truck loading and circulation facilities shall be appropriately designed and provided for. To the greatest extent possible, these areas should be separate from customer parking and pedestrian areas.

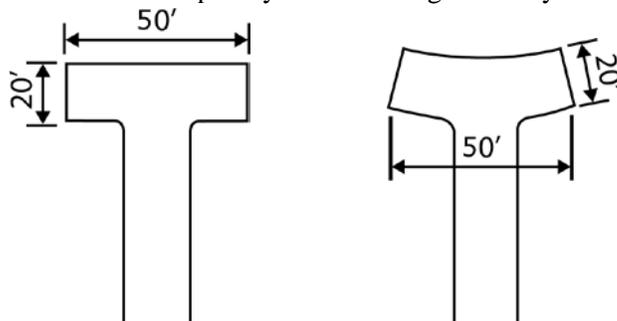
3. As the size of the development and the volume of the trucks increase, internal circulation patterns should reflect an increased separation between non-truck and truck traffic.

8.3.6 Street Provisions for Future Developments.

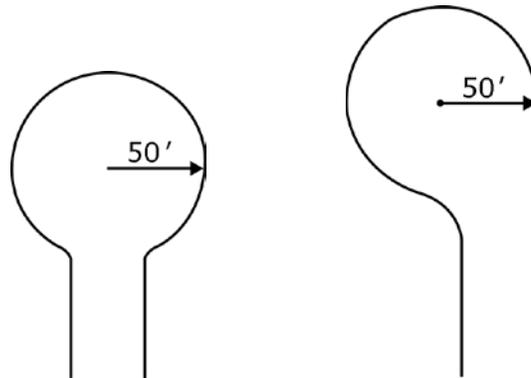
- A. Where appropriate, Right-of-Way areas shall be reserved for Future Access Strip usage in conjunction with the zoning classification of adjacent Tracts to allow for future development. Areas reserved for future street and access usage may not be required to be improved; however, these areas shall be reserved for street improvements to be provided by the Developer of the adjacent Tract. Wherever there exists a dedicated or platted area reserved for future street and access usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project by the Developer, provided this use is not adverse to the man-made or natural features of the site. Appropriate plan notes shall be included to identify the future street and access area.
 1. Future Access Strips. The rights-of-way for future streets shall be designed in conformance with the street design requirements of this chapter and the contiguous parcels must contain proper setbacks and sight distances.
 - (a) The area within the future right-of-way shall be included within the deeds to the abutting lots with an easement in favor of the Borough and landowners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed.
 - (b) The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the final plan and in all deeds to such lots.
 - (c) The landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
- B. Wherever there exists a dedicated or platted area reserved for Future Access Strip usage along the boundary of a Tract being developed, the proposed Street must be extended over the area dedicated or platted for Future Access Strip usage. The Street shall be designed and constructed in conformance with the design requirements of the proposed Street subject to the existing Right-of-Way.
- C. The extension of existing Streets that are presently constructed with a Cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Borough Council approval.

8.3.7 Single Access/Cul-de-sac Streets.

- A.** To the greatest extent possible, through Streets shall be provided. The feasibility of a through Street will be based on the physical features of the Tract proposed for development and/or adjoining properties, the potential for extension of the Street to adjoining lands based on existing development patterns, restrictions imposed by other government regulations and other recorded documentation, and the ability of the design to meet all other requirements of this Ordinance. When Single Access/Cul-de-sac Streets are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through Street would not be desirable.
- B.** The length of a Cul-de-sac Street shall be measured from the centerline intersection with the through Street to the center point of the turnaround.
- C.** All Cul-de-sac Streets shall have a minimum length of two hundred and fifty (250) feet. Temporary Cul-de-sac Streets shall not have a minimum length. When permitted, the maximum length of any Temporary Cul-de-sac Street shall not exceed eight hundred (800) feet and all permanent Cul-de-sac Streets shall not exceed six hundred (600) feet.
- D.** Permanent Cul-de-sac Streets shall be designed to serve a maximum of two hundred and fifty (250) ADT for residential development and a maximum of five hundred (500) ADT for non-residential development.
 - 1.** Permanent Cul-de-sac's may be extended beyond above referenced ADT for the following justification provided; 1) the Cul-de-sac is a boulevard construction or 2) the adjacent land is 100% developed.
- E.** Any temporary Cul-de-sac Street designed for access to an adjoining property or for authorized phased development and which is greater than one Lot deep shall be provided with a temporary all-weather turnaround. The use of such turnaround shall be guaranteed to the public until such time as the Street is extended. Sidewalks along temporary Cul-de-sacs must be continued at the same time that the Street is continued.
- F.** Temporary cul-de-sacs shall have a circular, "T" or "hammerhead" shaped turnaround.
 - 1.** "T" or "hammerhead" shaped turnarounds may be temporarily used if the cul-de-sac serves less than 5 dwelling units. Dimensions of a "T" shaped or hammerhead are fifty (50) feet by twenty (20) feet. The temporary cul-de-sac shall be constructed completely within the right-of-way.



- 2. Temporary circular cul-de-sacs shall have a minimum paved diameter of fifty (feet).
- G. Restoration to the temporary cul-de-sac paved areas and sidewalk system within the Right-of-Way shall be the responsibility of the Developer. When providing a permanent connection to an existing temporary cul-de-sac, the removal of Cul-de-sac paved areas and restoration of the sidewalk system within the Right-of-Way shall be the responsibility of the connecting Developer.
- H. Permanent cul-de-sacs with a circular turnaround shall be paved and have a minimum radius of fifty (50) feet. The right-of-way for the cul-de-sac shall maintain the same distance between the cartway edge and the right-of-way line as is maintained for the straight sections of the street.



8.3.8 Street Names.

- A. Continuations of existing Streets shall be known by the same name.
- B. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names shall conform, where applicable, to local Borough plan for street names.
- C. Any new street names are subject to Lancaster County-Wide Communications granting its approval with all final plan applications. Written notice that the proposed new Street names are acceptable from the Lancaster County-Wide Communications (fax number: 717 664-1126 as amended) shall be submitted to the Borough. (see Appendix E)
- D. At least two (2) Street name signs shall be placed at each four-way Street intersection and one (1) at each "T" intersection.
- E. Signs shall be free of visual obstruction. The design of Street name signs should be consistent, of a style appropriate to the Borough, of a uniform size and color, and erected in accordance with Borough standards. The plan shall note that it is the responsibility of the Developer to pay for all required signs and the installation of proposed signs along any new public or private streets.
- F. Private Streets shall be provided with Street name signs in conformance with this section.

8.3.9 Traffic Signs.

- A.** The design and placement of traffic control and street signs shall be in accordance with current PennDOT standards and subject to approval by the Borough.
- B.** Signs shall be located and maintained free of visual obstruction.
- C.** All traffic control signs and street name signs shall be indicated on the plans and installed by the Developer where identified along all new streets and intersections.

8.3.10 Driveways.

All Driveways shall, at a minimum, be designed in accordance with the following:

- A.** Driveways must be designed in conformance with the Sight Distance specified in this Ordinance.
- B.** Driveway access to a Street shall not be located less than twenty five (25) feet from the edge of the Cartway of the intersecting Street.
- C.** Driveway access to Lots shall be provided to the Street of lesser classification.
- D.** To maintain good access management in the Street network, when a Driveway intersects with a Collector or Arterial Street, joint, shared use, or Reverse Frontage Driveways should be encouraged when such design would increase traffic safety by decreasing the potential for vehicular conflicts.
- E.** Driveways shall be paved within the limits of the intersecting Street Right-of-Way.
- F.** Driveways shall be designed and constructed in accordance with the criteria provided within Appendix M.
- G.** Shared or joint Driveways must meet the follow standards:
 - 1.** Shared Driveways shall be used only for a maximum two (2) dwelling units.
 - 2.** To decrease the potential for vehicular conflicts, Driveways shall be located centered on the common property line, or entirely on one property.
 - 3.** An Easement agreement shall be provided and recorded that indicates the rights of ownership, access, and maintenance. The Borough is not responsible to settle conflict issues with joint or shared Driveways.

8.3.11 Access Drives.

Access Drives shall be privately owned and designed to meet the following requirements:

- A.** Any property that utilizes an Access Drive shall have Frontage along a public or private street Right-of-Way.

- B.** The plan shall note that the Access Drive does not qualify for Dedication to the Municipality and that the Landowner assumes all responsibility for its maintenance.
- C.** Access Drives shall be designed for their intended function. All travel lanes shall be a minimum of twelve (12) feet wide for two-way traffic and ten (10) feet wide for one-way traffic; however, sufficient design information must be submitted to indicate that the number of travel lanes and width proposed have been designed to accommodate the anticipated traffic within the development.
- D.** Parking along Access Drives within the paved cartway shall be permitted when sufficient cartway width is proposed (see Section 8.3, Parking Facilities).
- E.** Access Drives shall maintain a centerline separation distance of one hundred and twenty-five (125) feet from all other Access Drives and Street intersections. Access Drive intersections with other Access Drives within the Site shall not be subject to such restrictions.
- F.** Proper Sight Distance shall be provided at Access Drive intersections with existing public and Private Streets according to this Ordinance (see Section 8.2.3.I). Clear Sight Triangle Easements shall be provided to protect and preserve the available sight distances (reference *Zoning Ordinance*, Section 310.3).
- G.** The intersections for Access Drives shall be designed to Local Street horizontal alignment standards.
- H.** Vertical Alignment:
 1. Vertical alignment for Access Drives shall be measured along the centerline.
 2. Vertical curves shall be used in changes in grade exceeding one percent (1%).
 3. Depending on anticipated vehicle speed, the Minimum Rate of Vertical Curvature K shall be as specified below:

Initial Speed (mph)	Curvature, K¹ (ft/%) Crest	Curvature, K¹ (ft/%) Sag
15	3	10
20	7	17
25	12	26
30	19	37

¹ Rate of vertical curvature, K = length of curve (L) per percent algebraic difference (A) in the intersection grades (K=L/A)

4. Grade:
 - (a) The centerline of an Access Drives shall not exceed a slope of four percent (4%) within seventy-five (75) feet of intersecting with a Street.
 - (b) Access Drives that intersect with another Access Drive shall be provided with a leveling area(s) at a maximum grade of four percent (4%) for a

minimum length of forty (40) feet measured from the intersection of the centerlines.

- (c) The grade within the diameter of turnaround at the terminus of a permanent turn around or cul-de-sac at the end of an Access Drive shall not exceed seven percent 7%.

I. Access Drive pavement shall be designed to structurally accommodate the anticipated vehicular traffic within the development site. The typical cross section of any parking compound shall meet the following minimum standards:

1. Non Permeable

Crushed aggregate based course with a minimum thickness of six (6) inches, as specified in the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent. Pavement shall consist of a minimum of two (2) inches of binder course and one and one-half (1-1/2) inch wearing surface. Material shall be equal or superior to Pennsylvania Department of Transportation Specifications for Bituminous Surface Course ID-2 and shall be applied in accordance with the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent.

2. Permeable Pavement

Permeable pavement is encouraged to address storm water runoff, but not required, and is dependent on the site design and soil conditions. Permeable pavement shall not be located on heavy industrial sites, fueling stations, sites with expansive soils or shallow depth to bedrock, areas draining to the permeable pavement greater than 5 acres, areas with the water table less than two feet below the bottom of the pavement base, and less than 100 feet from drinking wells. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and uncompacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base.

8.3.12 Dwelling Unit Identification

Street numbers for all dwelling units and occupied structures shall be visible from the approved Street Frontage. Occupancy Permits shall not be issued until the street numbers are installed.

8.3.13 Underground Utilities

- A. All utilities such as electric, telephone, television, and other communication facilities distribution lines servicing new Developments should be provided by underground wiring within Easements or dedicated public rights-of-way, installed in accordance with the

prevailing standards and practices of the utility or other companies providing such services.

- B. Lots which abut existing Easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.
- C. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments.

8.4 PARKING FACILITIES

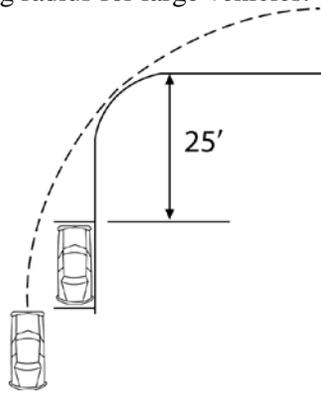
Off-Street motorized vehicular parking facilities shall be provided in accordance with the regulations set forth in Section 311 of the Marietta Borough *Zoning Ordinance* (as amended). Vehicular parking facilities for land uses other than detached single-family residences shall be designed in accordance with the following provisions:

8.4.1 Motorized Vehicle Parking Facilities.

- A. Motorized vehicle parking facilities shall be designed to meet the following requirements:
 - 1. Parallel parking shall be a minimum width of 8 feet and a minimum length of 22 feet.
 - 2. Perpendicular parking shall be a minimum width of 9 feet, a minimum length of 20 feet, and have a minimum aisle width of 20 feet.
 - 3. Parking space length and width can be increased from minimum sizes where appropriate in accordance with location, use, and turn-over rate.
 - 4. Encroachments such as columns and light poles may encroach into a module by 1 foot and affect up to 30% of the parking spaces.
 - 5. Parking lots shall be designed to meet the requirements provided within the *Zoning Ordinance*.
- B. **General Parking Standards.**
 - 1. Parking areas and lots shall be configured in general conformance with Appendix N.
 - 2. Angled parking may be pull-in or reverse (back-in).
 - 3. Parking spaces for the physically handicapped shall meet the Americans with

Disabilities Act (ADA). Handicapped parking shall be provided for all non-residential developments and multi-family structures and shall be located closest to the accessible Building entrance(s). Accessible parking shall be located to avoid the need for users to cross drive aisles.

4. The size of individual handicapped accessible parking spaces shall be as follows:
 - (a) Parallel parking shall be a minimum width of 12 feet with a minimum length of 22 feet.
 - (b) Perpendicular parking shall be a minimum width of 12 feet with a minimum length of 20 feet.
5. On-Street parking may be provided along one side of all Access Drives and proposed Streets with speeds equal to or less than 30 mph.
6. Where provided, On-Street parking shall not be located within twenty five (25) feet of a Cartway intersection in order to provide safe Sight Distance and adequate turning radius for large vehicles.

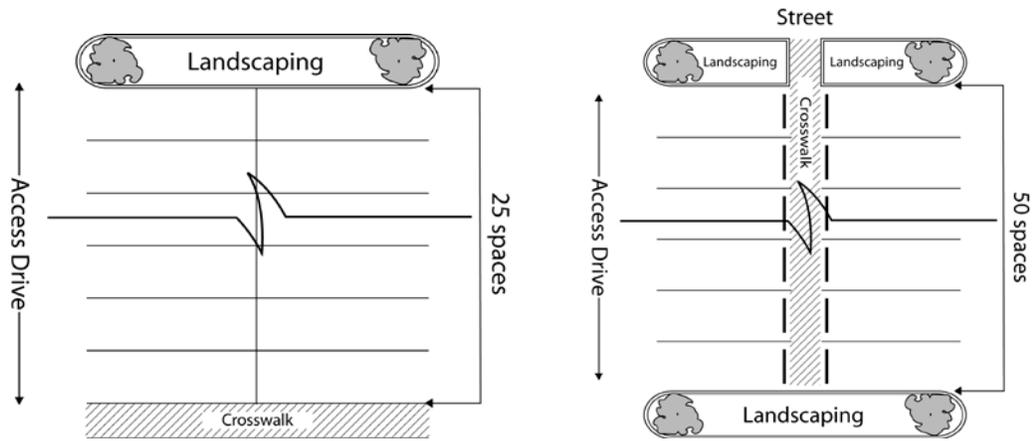


7. Off-Street parking areas shall be oriented to, and within a reasonable walking distance of, the Buildings they are designed for and consistent with adjacent neighborhoods.
8. Parked vehicles adjacent to sidewalks shall not overhang or extend over the sidewalk in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a four (4) foot minimum clearance width from any obstacles.
9. Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.
10. All dead end parking lots shall be designed to provide sufficient back-up area for all end stalls.
11. Painted lines, arrows, and dividers shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.

12. The typical cross section of any parking compound shall be designed for the anticipated traffic and meeting the following minimum standards:
- (a) Non Permeable
Crushed aggregate based course with a minimum thickness of six (6) inches, as specified in the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent. Pavement shall consist of a minimum of two (2) inches of binder courses and one and one-half (1-1/2) inch wearing surface. Material shall be equal or superior to Pennsylvania Department of Transportation Specifications for Bituminous Surface Course ID-2 and shall be applied in accordance with the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent.
 - (b) Permeable Pavement
Permeable pavement is encouraged to address storm water runoff, but not required. Permeable pavement shall not be located on heavy industrial sites, fueling stations, sites with expansive soils or shallow depth to bedrock, areas draining to the permeable pavement greater than 5 acres, areas with the water table less than two feet below the bottom of the pavement base, and less than 100 feet from drinking wells. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and uncompacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base.
13. Shared or joint parking is encouraged. The number of parking spaces may be reduced if shown that the uses are compatible with regard to parking needs. (See Zoning Ordinance, Section 311.17, as may be amended)

C. Parking Standards within General Building Areas.

- 1. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the Site and surrounding area. Parking garages and roof parking shall be exempt from this requirement.
- 2. Parking lots containing more than fifty (50) spaces shall be broken down into sections, not to exceed fifty (50) spaces, separated from other sections by landscaped dividing strips, berms and similar elements. Parking garages and roof parking shall be exempt from this requirement.



3. Pedestrian scale lighting shall be provided.

D. Parking Standards within Concentrated Building Areas.

1. A minimum of seventy-five (75%) percent of the off-street parking provided must be located within the side and/or rear of the Structure(s) to be served. Where appropriate, no more than twenty-five (25%) percent of the required parking may be located in front of the Structure(s). On-street parking on any side of the Structure may be counted toward the percentage of parking required to be located within the Side or Rear Yard.
2. Sidewalks/Pedestrian Easements shall be provided for pedestrian circulation. All development shall incorporate a sidewalk between the Building and the Street.
3. Lighting per Section 8.12 shall be provided.
4. Landscaping shall be required and located in unusable parking or circulation areas with proper clearance from parked vehicles and sidewalks. Planter areas and tree wells should be installed in accordance with the parking lot dimension to avoid adverse impacts on parking functions due to improper location and/or design.

E. Parking Lot Landscaping.

Perimeter Landscaping standards shall apply to perimeters of a parking area adjacent to either public rights-of-way and/or adjacent properties. Parking garages and roof parking shall be exempt from this requirement. Perimeter parking lot Landscaping requirements may be satisfied by required Street edging Landscaping and required landscaped Buffers where the locational requirements for the Buffer or Street edge Landscaping overlap with these perimeter Landscaping requirements. Perimeter of all parking areas shall be screened by any of the following methods except as set forth above:

1. A berm three (3) feet high with a maximum slope of 3:1; or
2. A variety of Landscaping planted so as to not obstruct sight lines; or
3. A low, decorative wall or fence three (3) feet high. Height limitations shall not preclude the construction of a higher structural retaining wall necessitated by grade or Topography of a Site; or
4. A combination of these methods.

F. Parking Structures.

1. Lighting and reflective materials/flat paint should be used inside the parking Structure and within all pedestrian areas to increase the feeling of safety. Glossy or semi-gloss paint is discouraged.

	Minimum-Maximum Horizontal² (Footcandles)	Minimum/Maximum Horizontal Uniformity³	Minimum-Maximum Vertical⁴ (Footcandles)
Basic ¹	1-5	10:1 – 5:1	0.5-5
Ramps ⁵			
Day	2-5	10:1 – 5:1	1-5
Night	1-5	10:1 – 5:1	0.5-5
Entrance/Exit Areas ⁶			
Day ⁷	50		25
Night	1-5	10:1 – 5:1	0.5-5
Stairways	2-5		1-5

Table based on the Illuminating Engineering Society (IET)

¹For typical conditions.

² Minimum “maintained” Footcandles measured on the parking surface, without any shadowing effect from parked vehicles or columns. This may require 3-5 Footcandle average

³ The highest horizontal Illuminance area, divided by the lowest horizontal Illuminance point or area should not be greater than the ratio shown.

⁴Measured facing the drive aisle at 5 feet above the parking surface at the point of the lowest horizontal Illuminance.⁵ Applies only to clearway ramps (with no adjacent parking) but not sloping floor designs.

⁶ A high Illuminance level for the first 65 feet inside the Structure is needed to effect a transition from bright daylight to a lower interior level.

⁷ Daylight may be considered in the design calculations.

2. Parking lot lighting shall address glare control, light pollution (unnecessary light), Light Trespass (bright visible sources or light spilling into neighboring properties), and reduction of shadows.
 - (a) Provision for energy conservation to mitigate over-lighting is encouraged. A maximum lighting power density of 0.3 watts per square foot is encouraged.
3. Provision of signage at exits of the parking Structures shall be required.

4. Open-Structure wall areas for natural ventilation or mechanical ventilation shall be encouraged.
5. Interaction between vehicles and pedestrians should be provided in a safe manner.
6. Traffic flow by vehicles entering the parking garage shall be mitigated by either on Site or external deceleration lanes based on the traffic impact study if required.

8.4.2 Non-Motorized Vehicle Parking Facilities.

Non-motorized vehicle parking facilities shall be provided in accordance with the following regulations when non-motorized vehicle use could occur:

A. Scooter/Bicycle Parking Facilities.

Scooter/Bicycle parking facilities for non-residential land uses shall be provided in accordance with the following regulations:

1. Each scooter/bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow scooter/bicycles to be attached or removed without moving other scooter/bicycles. The devices shall also be suitable for use by scooter/bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby Urban design features.
2. Scooter/Bicycle parking spaces shall be convenient to the Structure for which they are provided. They shall be visible from at least one (1) entrance to the Structure.
3. It is recommended that for every 50 vehicular spaces required, 1 scooter/ bicycle parking spaces shall be provided, not to exceed a total of 6 required scooter / bicycle parking spaces.

B. Horse and Buggy Parking.

If warranted or desired based on the intended use of a property, horse and buggy parking facilities for non-residential land uses shall be provided in accordance with the following regulations:

1. Each horse and buggy parking area shall be equipped with a device to which the horse can be hitched. A hitching rail is acceptable.
2. Adequate signage shall be provided to direct horse and buggy circulation.
3. At least one horse and buggy parking facility should include a covered shelter/shed protected from the north and west (winter) winds.

4. Adequate provisions shall be provided to enable the collection, storage and ultimately the appropriate disposal of accumulated manure.
5. Horse and buggy parking areas shall be located as to minimize conflicts with motorized vehicles and be positioned completely outside of any street right-of-way.

8.5 BLOCKS AND LOTS

8.5.1 Blocks.

- A. All Blocks that include residential dwellings shall have a maximum length of 1/4 mile or one thousand three hundred and twenty (1,320) feet.
- B. The design of any Block longer than one thousand three hundred and twenty (1,320) feet shall give special consideration to the requirements of fire protection, pedestrian circulation, and utility service. The Borough Council may require Easements as necessary for these purposes.

8.5.2 Lot Configuration.

The configuration of Blocks and Lots shall be based upon the minimum and maximum Lot Area requirements, salient natural features, existing improvements, proposed improvements, and the adjacent development pattern. Lot configurations should provide for flexibility in Building locations, while providing safe vehicular and pedestrian circulation. When possible, Lots with areas that are two (2) or more times the minimum requirements should be designed with configurations that allow for additional Subdivision.

8.5.3 Specific Lot Configuration Requirements.

- A. **Relationship to Municipal Boundaries.**
In order to avoid jurisdictional problems, Lot Lines shall, wherever feasible, follow municipal boundaries rather than cross them.
- B. **Frontage.**

All Lots must front on a public or Private Street.

- C. **Provisions for Future Subdivision.**

Lots resulting from a proposed Subdivision that will be large enough to be further subdivided should be configured to facilitate such future Subdivision. Adequate Street Right-of-Way shall be provided as necessary. The Borough Council may require a Sketch Plan of such large Lots that indicates the potential future Subdivision is generally in conformance with the design standards of this Ordinance and the applicable zoning provisions.

- D. **Lot Access.**

Lots shall not result in unsafe Driveway locations on public Streets.

E. Flag Lots.

Flag Lots represent a viable design alternative under the following standards. In such cases, evidence shall be submitted to the Borough Council body that documents the circumstances and demonstrates that the platting of Flag Lots shall not restrict the development potential and pattern of development of the Tract and adjacent lands.

1. Adjacent Flagpoles shall be encouraged to share Driveway access points. No more than two (2) adjacent Flag Lots shall be oriented to a common public or Private Street Right-of-Way, and shall utilize a shared Driveway.
2. Flag Lots are encouraged when Infill situations exist to achieve maximum densities.
3. Flag Lots shall not be proposed in order to avoid construction of Streets. Flag Lots proposed to create Lots for home Sites where there is no potential for the construction of a public or Private Street must demonstrate that there is no potential to construct a Street due to: (a) severe topographic or other environmental constraints that limit the design of a Street; or (b) other factors inherent in the Site which make the construction of a public or Private Street impractical.
4. The width of a Flagpole should be determined by the function of the Driveway, number of Lots served, setbacks, grading, and utility requirements.

F. Double / Reverse Frontage Lots.

1. Residential Double Frontage Lots are only permitted when a reduction of Driveway intersections along a Street with a high volume of vehicular movements is desired or the maintenance of the integrity of a corridor is desired.
2. Reverse Frontage Lots may be permitted when rear Alleys are proposed to provide vehicular access to Lots.
3. All double and Reverse Frontage Lots shall include an identification of the Frontage for use as a Street access.
4. All Reverse Frontage Lots shall have within the Yard(s) that is/are adjacent to any Street Right-of-Way, other than the Street of vehicular access, an Easement running the entire width of the proposed Lot, across which there shall be no vehicular access. The Easement shall be twenty (20) feet wide and shall be planted with Buffer type landscaping to create a visual barrier.

8.6 EASEMENTS

8.6.1 General.

All Easements including by way of example and not limitation; sanitary sewer facilities, storm water drainage and management facilities, public or private utilities, access and/or pedestrian access shall meet the standards found in this Section.

8.6.2 Design Requirements.

- A.** To the fullest extent possible, Easements shall be centered on, or offset from, property lines.
- B.** Nothing shall be placed, planted, set, or put within the area of an Easement that would adversely affect the function of the Easement.
- C.** Indicate on the plans all proposed and existing Easements of record and indicate their location and width. All structures located within the Easement shall be indicated. Note the recording information on the plan of record. Provide legal descriptions for all easements with metes and bounds or dimensions related to described property lines.
- D.** To the fullest extent possible, utilities and pedestrian paths should be centered within an Easement. However, due to unexpected on-Lot conditions, utility and pedestrian locations may be flexible within the Easement.
- E.** All utility companies are encouraged to use common Easements. Utility Easements shall be based on the width required by the utility authorities but shall have a minimum width of ten (10) feet. Utility Easements shall be located within the Street Right-of-Way or within the Building Setback Line.
- F.** Where pedestrian access is provided outside of a Street Right-of-Way, pedestrian Easements shall have a minimum width of ten (10) feet.
- G.** The Applicant shall reserve Easements where Storm Water or surface water management facilities exist or are proposed when located within the boundaries of the Subject Tract. The Applicant proposing to alter existing Storm Water Management facilities on adjacent and/or downstream properties shall obtain a temporary construction Easement and/or a permanent Easement and maintenance responsibilities shall be established, to the extent feasible.
- H.** When the proposed storm water management system will utilize or be integrated into an existing storm water collection or conveyance system, the existing facilities shall be improved to the standards of this Ordinance. The applicant shall determine the impacts of any proposed improvements of the existing system to downstream properties. If the improvements will cause adverse impacts on downstream properties, the applicant shall mitigate such impacts.

8.7 SURVEY MONUMENTS AND MARKERS

8.7.1 Monuments Shown on Final Plan.

The location of all existing and proposed Monuments, Lot Line Markers, property corners, and drill holes shall be shown on the Final Plan. Those that are proposed shall be labeled as such. Drilled holes in curbing shall be referenced mathematically to a point on the Right-of-Way line.

8.7.2 New Monuments.

Three Monuments shall be spaced around the proposed project with precise bearings and distances labeled which reference those Monuments to known property corners.

- A.** Two such Monuments shall be consecutive corners along Street rights-of-way and the third may be placed either on the boundary or internal to the Site.
- B.** Longitude and latitude coordinates of the Monuments shall be shown on the recorded plan.
- C.** If GPS technology is used, it shall be rectified and calibrated to the State Plane Coordinate System, North American Datum (NAD) 1983.
 - 1.** Monuments must be readily accessible and clear of overhead obstructions.
- D.** A computer readable point file including property lines, corners, rights-of-way, and Easements for the Site shall be submitted to the Municipality prior to plan recordation.

8.7.3 Monument Materials.

Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete Monuments shall be marked with a three-quarter (3/4) inch copper, brass dowel, or drill hole; stone or precast Monuments shall be marked on the top with a drill hole.

8.7.4 Existing and Proposed Property Line and Right-of-Way Markers.

Markers shall be set at all points where Lot Lines intersect curves, at all angles in property lines, at the intersection of all other property lines, and at the Street Right-of-Way.

8.7.5 Marker (Pin) Materials.

- A.** Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than five-eighth (5/8) of an inch in diameter.
- B.** Drill holes shall be drilled in concrete curbs (with or without PK nails or discs) having a minimum diameter of one-quarter (1/4) inch. The depth of the holes shall be such that a PK nail or disc, if used, can be set in as close to the surface of the curb as possible. Minimum depth without the use of PK nail or disc shall be one-half (1/2) inch. In the absence of PK nails or discs, chisel or saw marks shall be used to facilitate and identify the drill hole locations.

8.7.6 Certification of Monuments and Markers.

- A.** All Monuments, markers, and drilled holes shall be placed by a registered professional land Surveyor so that the scored marked point, or center of the drilled hole shall coincide with the point of intersection of the lines being Monumented or marked.
- B.** Provide a note on the plan indicating when the Monuments and markers are to be set.

8.8 SANITARY WASTEWATER DISPOSAL

8.8.1 Sanitary Wastewater Disposal.

The Applicant shall provide the type of Sewage Facility consistent with current plans, including but not limited to the municipal Comprehensive Plan and Act 537 plan as well as existing physical, geographical and geological conditions. Public sanitary sewer conveyance service is provided by the Borough and treatment is provided by the Marietta-Donnegal Joint Authority.

- A.** Each improved property within the Borough shall have its own individual sanitary sewer service line and shall be connected to the Public Sewage System operated by the Marietta-Donnegal Joint Authority.
- B.** The Borough Council may require installation of a capped system within the road Right-of-Way. If required, the Borough or Authority shall inspect the capped system and may accept Dedication.
- C.** The applicant shall provide evidence of approval from the Pennsylvania Department of Environmental Protection prior to Plan recording.
- D.** When connection to an existing Public Sewage System is proposed, the application shall include a statement from the Authority providing such service that sufficient capacity to service the proposed development is available. Such notice shall be dated within twelve (12) months of the plan application. Extender agreements shall be provided prior to Dedication.
- F.** Approval by the Authority of the Sewage Facilities shall be received and submitted to the Borough prior to Final Plan recording.
- G.** All installations must be completed in accordance with the current “Rules and Regulations Concerning Connections to and use of Sanitary Sewer System of the Borough of Marietta”.

8.9 WATER SUPPLY

8.9.1 Intent.

The Applicant shall provide the type of community water supply system consistent with current plans, including but not limited to the municipal Comprehensive Plan as well as existing physical, geographical and geological conditions. Public water service is provided within the Borough by the Columbia Water Company.

8.9.2 Design Guidelines.

- A.** Each improved property within the Borough shall have its own individual water service line and shall be connected to the Public Water System operated by the Columbia Water Company.
- B.** Applicants shall submit to the Borough Council documentation in the form of a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission and/or private water utility authority that the project is located in an area served by a public utility and a statement that the utility has the capacity to serve the project at this time; or a cooperative agreement or an agreement to serve the project from a bonafide cooperative association of Lot owners or from a municipal corporation, authority, or utility.
- C.** Fire hydrants shall be provided whenever the water supply system contains sufficient capability or is planned to have such capability within two (2) years from the date of Final Plan approval.
 - 1.** The location and kind of fire hydrant shall meet the specifications of the local municipal regulation.
 - 2.** Fire hydrant location(s) shall be submitted prior to Final Plan approval.

8.10 HAZARDS ASSOCIATED WITH CARBONATE ROCKS

A. Hydrogeologic Report Required.

When, in the opinion of the Borough, there is a probable likelihood that a project will affect or be affected by carbonate geologic hazards the Borough Council shall require submission of a hydrogeologic report pursuant to Section 7.4.

B. Specifications for Sanitary Sewer Systems.

All Subdivisions and Land Developments with individual subsurface disposal systems (on-Lot systems) proposed shall provide an aquifer test. Development that in the opinion of the Borough poses significant risks in stimulating the formation of sinkholes or in causing hydrologic connection of contaminated surface water with subsurface aquifers shall provide an aquifer test.

C. Specifications for Storm Water Management Basins.

1. The design of all Storm Water Management facilities over the following features shall include an evaluation of measures to minimize adverse effects and shall be constructed to minimize those effects.
 - (a) Sinkholes.
 - (b) Closed depressions.
 - (c) Lineaments in carbonate areas.
 - (d) Fracture traces.
 - (e) Caverns.
 - (f) Ghost lakes.
 - (g) Disappearing Streams.

8.11 LANDSCAPING

8.11.1 Native and Invasive Planting.

- A. Native Plant materials should be incorporated in all designs. The use of Native Plant material can help improve water quality, provide additional and improved wildlife habitat, and typically adapt to local conditions which then require less maintenance. Native Plants *must* be used near greenways, suburban forested areas, Wetlands, and riparian areas.
- B. Except as noted above, Non-Native Plants may be included in place of a Native Plant if it is not considered invasive and the plant does not introduce pests or diseases. A Non-Native Plant may be incorporated into designs when they prove to be better suited for the Urban soil, environment, or spatial constraints, Urban stress mitigation, and integration into the surrounding ecosystem.
- C. The following is a list of invasive plants which may not be used in any Urban planting schedule:
 1. **Trees.**
Tree-of-heaven (*Ailanthus altissima*), Norway maple (**Acer platanoides*), Sycamore maple (*Acer pseudoplatanus*), Empress tree (*Paulownia tomentosa*), Callery pear (**Pyrus calleryana*), Siberian elm (*Ulmus pumila*)
 2. **Shrubs.**
Japanese barberry (**Berberis thunbergii*), European barberry (*Berberis vulgaris*), Russian Olive (*Elaeagnus angustifolia*), Autumn olive (*Elaeagnus umbellata*), Winged Euonymus (**Euonymus alatus*), Border privet (*Ligustrum obtusifolium*), Common Privet (*Ligustrum vulgare*), Tartarian honeysuckle (*Lonicera tartarica*), Standish honeysuckle (*Lonicera standishii*), Morrow's honeysuckle (*Lonicera morrowii*), Amur honeysuckle (*Lonicera maackii*), Bell's honeysuckle (*Lonicera morrowii* x *tatarica*), Common buckthorn (*Rhamnus catharticus*), Glossy buckthorn (*Rhamnus frangula*), Wineberry (*Rubus phoenicolasius*), Multiflora

rose (*Rosa multiflora*), Japanese spiraea (**Spiraea japonica*), Guelder rose (**Viburnum opulus* var. *opulus*)

3. Grasses.

Cheatgrass (*Bromus tectorum*), Japanese stilt grass (*Microstegium vimineum*), Maiden grass (**Miscanthus sinensis*), Common reed (*Phragmites australis*), Reed canary grass (*Phalaris arundinacea*), Johnson grass (*Sorghum halepense*), and Shattercane (*Sorghum bicolor* ssp. *drummondii*)

4. Flowers.

Garlic mustard (*Alliaria petiolata*), Goutweed (*Aegopodium podagraria*), Bull thistle (*Cirsium vulgare*), Canada thistle (*Cirsium arvense*), Musk thistle (*Carduus nutans*), Jimsonweed (*Datura stramonium*), Goatsrue (*Galega officinalis*), Giant hogweed (*Heracleum mantegazzianum*, Dame's rocket (*Hesperis matronalis*), Purple Loosestrife (*Lythrum salicaria*, *L. virgatum*), Eurasian water-milfoil (*Myriophyllum spicatum*), Star-of-Bethlehem (*Ornithogallum nutans*, *umbellatum*), Japanese knotweed (*Polygonum (Falopia) cuspidatum/ Polygonum sachalinense*), Wild parsnip (*Pastinaca sativa*), Beefsteak plant (*Perilla frutescens*), Lesser celandine (*Ranunculus ficaria*), Water chestnut (*Trapa natans*)

5. Vines.

Fiveleaf akebia (*Akebia quinata*), Porcelain-berry (*Ampelopsis brevipedunculata*), Oriental bittersweet (*Celastrus orbiculatus*), Japanese honeysuckle (*Lonicera japonica*), Kudzu (*Pueraria lobata*), Mile-a-minute vine (*Polygonum perfoliatum*)

*Species with cultivars that are known to be non-invasive may be acceptable within a planting plan.

8.11.2 Street Trees / Screening / Vegetative Buffering.

- A.** Any existing vegetation that is in appropriate locations, of an acceptable species and quality may be used to fulfill Landscaping or Buffering requirements.
- B.** In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first floor windows from the Street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths.
- C.** Off Street parking and storage of vehicles in Front Yards of commercial, industrial, and institutional Lots shall be screened at least 50% from the public Right-of-Way by vegetative Screening or fencing between 3 and 4 foot in height.
- D.** Trash disposal areas, such as dumpster or compactor sites, shall be effectively screened so as not to be visible from off Site adjacent parking areas, roadways, or adjacent residential properties. Such areas shall be screened with a combination of architectural masonry (or fencing) and/or Landscaping with a height of at least six (6) feet.
- E.** Urban open space areas should also include but not be limited to at least three (3) of the following:

1. Seasonal planting areas
2. Large deciduous trees
3. Seating
4. Pedestrian scale lighting
5. Gazebos or other decorative shelters
6. Play Structures for children
7. Natural environment areas
8. Recreational amenities
9. Trails

F. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANZIZ60, current edition, as amended.

1. Provide a landscape plan note indicating that the top of the main order root (first large set of roots that divide from the trunk) shall be planted no lower than one or two inches into the soil.
2. Planting designs are encouraged to share planting space for optimal root growth whenever possible. Continuous planting areas vs. isolated planting boxes are encouraged.
3. No staking and wiring of trees shall be allowed without a maintenance note for the staking and wiring to be removed within one year of planting.
4. All Street trees shall be provided by the Applicant in accordance with the following standards:
 - (a) The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees within the Right-of-Way shall be subject to the approval of the authority that accepts ownership of the Street.
 - (b) All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - (c) The trunk caliper, measured at a height of six (6) inches above finish grade shall be a minimum of two (2) inches.
 - (d) Tree planting depth shall bear the same relationship to the finished grade as the top of the root ball or original grade of origin.

G. All required landscape plants shall be maintained and guaranteed for a length of eighteen (18) months from the date of planting. No more than one-third (1/3) of the tree or shrub shall be damaged or dead without replacement. Replacement plants shall conform to all requirements of this section and shall be maintained after replanting for an additional eighteen (18) months.

- H.** The plant's growth shall not interfere with the Street Cartway, sidewalk, signage, Easements, Clear Sight Triangles, or utility line. Within the Clear Sight Triangle, typical branching shall not be within ten (10) feet of ground level after ten (10) years of growth.
- I.** No one species shall comprise more than thirty-three percent (33%) of the entire number of Street trees in a particular development.
- J.** Existing Significant Trees and natural features, such as drainage corridors, shall be preserved to the maximum extent practicable and incorporated into Site plans and Site design as major amenities.
 - 1.** If a Significant Tree is designated to be preserved but is removed or substantially damaged during the clearing, grading, or construction, the Applicant or Developer may be required by the Municipality to replace the removed or damaged tree.
 - 2.** Existing Significant Trees and vegetation located in areas of Steep Slopes shall be preserved to the fullest extent possible.
- K.** Street trees shall be provided in all Land Developments which include new Streets.
 - 1.** Street trees shall not be located farther than forty (40) feet away from the new Street Right-of-Way.
 - 2.** The number of Street trees shall be based on 2 Street trees required for every 100 linear foot of new Street measured from the centerline.
 - 3.** The spacing of trees shall be based on the size of the tree canopy at maturity with trees spaced no closer than 30 feet on center if the tree canopy is less than 30 foot spread at maturity, spaced 30-60 feet on center if the tree canopy is 30 to 50 feet spread at maturity, and Street trees spaced 50-100 feet on center if the tree canopy is over 50 feet spread at maturity. When a less formal arrangement is desired, where more massing is appropriate, or improvements such as benches are located grouping of Street trees is encouraged.
 - 4.** Other tree species may be used provided acceptable information is submitted to indicate that the species are hardy trees or fits the sites ecosystem. Street trees shall be one of the following species:

Common Name	Botanical Name	Height/Spread	Drought Tolerances	Soil Type	Soil Acidity/Aerosol Salt Tolerance	Soil Saturation Preference	Root Pattern	Canopy Structure/Growth Rate
Sugar Maple	Acer saccharum	70/40	Sensitive to reflected heat and drought	Sand; loam. Not compacted	Acidic; alkaline/ Not tolerant	Well drained	Often shallow	Dense Oval/ Mod-slow growing
River birch	Betula nigra	40-50/ 25-35	Moderate	Clay; loam	Acidic	Extended flooding to well drained	Not a problem	Narrow-pyramidal crown/ Fast growing when moist
Common Hackberry	Celtis occidentalis	45-80/ 40-50	Highly tolerant	Clay; loam	Tolerant of highly alkaline to moderate acidic	Extended flooding to well drained	Large surface roots	Round/Prune to prevent weak branch crotches
American Yellowwood	Cladrastis kentuckea	30-50/ 40-50	Moderate	Clay; sand; loam	Alkaline; acidic	Occasional wet to well-drained	Surface roots when wet	Round/ Moderate/ Prune structure
American beech	Fagus grandifolia	50-75/ 40-60	Moderate to low	Sand; loam	Acidic/Low Tolerance	Needs well-drained	Surface roots/ Needs space	Very dense oval/ Moderate
Thornless Honeylocust	Gleditsia triacanthos inermis	50-70/ 35-50	Highly tolerant	Clay; sand; loam	Alkaline; acidic/ highly tolerant	Occasional wet to well-drained	Can grow surface roots	Open oblong
Sweetgum	Liquidambar styraciflua	60-75/ 35-50	Moderate to little	Clay; sand; loam	Acidic / Moderately tolerant	Extended flooding to well-drained	Surface roots when moist	Pyramidal/ Extreme sensitivity to construction
Tuliptree	Liriodendron tulipifera	80-100 /30-50	Moderate	Sand; loam	Acidic / No tolerance	Well-drained to occasional wet	Not a problem; Needs space	Oval / Moderate growth
Blackgum/ Sourgum	Nyssa sylvatica	65-75/ 25-35	Highly tolerant	Clay; loam	Acidic/ Moderately tolerant	Extended flooding to well-drained	Not a problem; deep roots	Pyramidal/ Slow growth
American Hophornbeam	Ostrya virginiana	25-50/ 25	Tolerant once established	Sand; loam	Poor salt tolerance pH adaptable	Prefers moist when young	Not a problem	Rounded
Sycamore	Platanus occidentalis	75-90/ 50-70	Highly tolerant	Clay; loam; should not dry out	Alkaline; acidic /Moderately tolerant	Extended flooding to well-drained	Can grow surface roots	Dense pyramidal/ Fast growing
White Oak	Quercus alba	60-100 /60-80	Moderate to low	Sand; loam; should not dry out	Acidic / Highly tolerant	Occasional wet to well-drained	Not a problem	Pyramidal/ Slow growing
Shingle Oak	Quercus imbricaria	40-60/40-60	Tolerant intermittent drought	Rich; deep; well drained	Alkaline soils up to 7.5 pH	Moist	Not a problem	Rounded/ Transplants well
Chestnut Oak	Quercus montana	50-60/ 40-60	Highly tolerant	Sand; loam	Acidic/ unknown salt tolerance	Well-drained	Root flare when older	Round/ Moderate growth
Swamp White Oak	Quercus bicolor	50-70/ 50-70	Moderate	Clay; sand; loam	Acidic/ Moderate tolerance	Extended flooding to well-drained	Not a problem	Round/ Moderate growth; long lived
Basswood/ American Linden	Tilia Americana	50-80/ 35-50	Moderate	Sand; loam	Acidic; alkaline/ Low tolerance	Well-drained	Not a problem; Needs space	Dense; Pyramidal / Moderate

8.11.4 Ground Cover.

Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, or other solid material shall be protected with a suitable ground cover, consisting of spreading plants including sods and grasses less than eighteen (18) inches in height.

8.11.5 Existing Wooded Areas.

No more than twenty percent (20%) of existing woodlands located on a development site shall be destroyed or altered. If the Applicant can prove that Invasive Species are within the existing woodlands, then the percent of woodlands to be removed may be increased to eradicate Invasive Species (See Section 8.10.1.C).

8.11.6 Tree Protection Zone.

- A.** Prior to construction the Tree Protection Zone shall be delineated at the Dripline of the tree canopy. All trees scheduled to remain shall be marked; however, where groups of trees exist, only the trees on the edge need to be marked. A forty-eight (48) inch high snow fence or forty-eight (48) inch high construction fence mounted on steel posts located eight (8) feet on center shall be placed along the boundary of the Tree Protection Zone.
- B.** No construction, storage of material, temporary parking, pollution of soil, or regrading shall occur within the Tree Protection Zone. When there is a group of trees, the Tree Protection Zone shall be based on the location of the outer trees.

8.12 LIGHTING

8.12.1 Purpose.

The standards established in this section set forth criteria for:

- A.** Providing lighting in outdoor public places where public health, safety, and welfare are potential concerns.
- B.** Controlling Glare from non-vehicular light sources that impair safe travel.
- C.** Protecting neighbors and the night sky from nuisance Glare and stray light from poorly aimed, placed, applied, maintained, or shielded light sources.

8.12.2 Applicability.

Outdoor lighting shall be required for safety and in areas of public assembly and travel, including, but not limited to: Streets, multi-family dwelling units, commercial, industrial, recreation areas, and institutional uses. The Municipality may require lighting to be incorporated for other uses or locations, as they deem necessary. The Glare control requirements herein contained apply to

lighting in all above mentioned uses as well as sign, architectural, Landscaping, and residential lighting.

8.12.3 Illumination Levels.

Lighting shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Municipality. The intensities for typical outdoor applications and illumination/light levels for streets, parking areas and pedestrian ways shall be as specified within Appendix O.

8.12.4 Lighting Fixture Design.

- A.** Dedicated fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Municipality.
- B.** For lighting horizontal tasks such as roadways, sidewalks, entrances, and parking areas, fixtures shall meet IESNA Fully Shielded criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture). Individual fixtures whose aggregate lamp output does not exceed one thousand eight hundred (1,800) lumens (typical household outdoor lighting) are exempt from this requirement.
- C.** The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres, and other fixtures not meeting IESNA full-cutoff criteria shall be permitted only with the approval of the Municipality, based upon applicability in retaining the Urban character of the Municipality and achieving acceptable Glare control.
- D.** Fixtures shall be equipped with, or be modified to, incorporate light directing and/or shielding devices such as shields, visors, skirts, or hoods to redirect offending light distribution and/or reduce direct or reflected Glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- E.** The use of energy efficient lighting, such as LED's, are recommended and encouraged by the Borough.

8.12.5 Control of Nuisance and Disabling Glare.

- A.** All outdoor lighting shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel.
- B.** Unless for safety, security, or all-night operations, lighting shall be controlled by automatic switching devices to permit extinguishing between eleven (11) p.m. and dawn.
- C.** Lighting proposed for use after eleven (11) p.m., or after the normal hours of operation, shall be reduced by an average of seventy-five percent (75%) from that time until dawn, unless supporting a specific purpose.

- D. Vegetation screens shall not be utilized to serve as the primary means for controlling Glare.
- E. The intensity of illumination projected onto an existing residential use from an existing property boundary shall not exceed the following vertical Footcandle, measured at the existing property line at a height of 5 feet;
 - 1. 0.1 Footcandle in General Building Areas.
 - 2. 0.2 Footcandles in Concentrated Building Areas.
 - 3. 0.6 Footcandles in Core Reinvestment Areas.

8.12.6 Installation.

- A. Electrical feeds to lighting standards shall be run underground, not overhead.
- B. Pole mounted fixtures shall not be mounted in excess of 25 feet high.
- C. Lighting standards in parking areas shall be placed outside paved areas or on concrete pedestals at least thirty (30) inches high above the pavement, or by other approved protective means.

8.12.7 Post-Installation Inspection.

The Municipality reserves the right to conduct a post installation nighttime inspection to verify compliance with the requirements of this Ordinance and, if appropriate, to require remedial action at no expense to the Municipality.

8.12.8 Street Lighting Dedication.

- A. The Borough must accept Dedication of Street lighting facilities located within the Right-of-Way of a Street dedicated to the Borough of Marietta.
- B. Until such time as the Street lighting is dedicated, the Developer of the Tract (who has escrowed the Street lighting) will be responsible for any and all costs associated with each Streetlight. Such costs shall include, but not be limited to: administration, placement, maintenance and operation.
- C. Streetlights not dedicated to the Borough will remain the responsibility of the Developer or appropriate private entity including all costs and responsibilities for the lighting in perpetuity.

8.13 PRESERVATION OF NATURAL, HISTORIC, AND CULTURAL FEATURES

8.13.1 Intent.

Mature trees, topography, natural drainage ways, and historic sites are a few of the elements that contribute to the distinct character of Marietta Borough. To protect these features and resources that enhance the local character, development projects shall work with the context and integrity of

this environment by preserving natural, historical, and cultural features to the maximum extent possible.

8.13.2 Design Guidelines.

Development projects should integrate existing natural features, required open space, existing historic Structures and cultural resources located on the Site into the overall design and layout of the development.

- A.** A Site analysis shall be submitted using all applicable reports, plans, and maps to determine whether significant natural or other features exist on a Site that should be protected, with priority being given to the following areas (which are not listed in order of priority or significance):
 - 1.** Floodplains, surface drainage Swales, bodies of water;
 - 2.** Wetlands;
 - 3.** Existing Significant Trees;
 - 4.** Historical, cultural, or archeological sites or areas recognized by the Municipality, state, or federal governments as significant;
 - 5.** Prominent Topography; and
 - 6.** Steep Slopes

- B.** The proposed Building and impervious footprint(s) shall be clearly identified on each plan to identify potential impacts to existing trees, other natural features, historic Structures, and cultural resources.

**ARTICLE 9
RESERVED FOR FUTURE USE**

9.1 RESERVED FOR FUTURE USE

**ARTICLE 10
RESERVED FOR FUTURE USE**

10.1 RESERVED FOR FUTURE USE

**ARTICLE 11
RESERVED FOR FUTURE USE**

11.1 RESERVED FOR FUTURE USE

ARTICLE 12 MOBILE HOME PARKS

12.1 GENERAL STANDARDS

In accordance with the provision of the Pennsylvania Municipalities Planning Code, Act 247, Article V, Section 501, as amended, mobile home parks and sites for the placement of manufactured housing are governed as subdivisions or land developments, and are subject to the procedures and standards of this Ordinance.

Appendix A

Certifications

LANDOWNER

A statement duly acknowledged before an officer authorized to take acknowledgement of Deeds and signed by all Landowners. This statement shall be signed and dated on or after the last change or revision to said plan.

A. Individual - Certification of Ownership, Acknowledgement of the Plan, and Offer of Dedication.

Commonwealth of Pennsylvania
County of Lancaster

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, deposes and says that he is the _____ of the property shown on this plan, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all Streets and other property identified as proposed public property (excepting those areas labeled "not for dedication" are hereby dedicated to the public use.

Signature of Landowner

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

My Commission Expires _____, 20_____

SURVEYOR, ENGINEER AND/OR LANDSCAPE ARCHITECT STATEMENT OF ACCURACY

A. Survey Certification of Accuracy.

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Borough of Marietta Subdivision and Land Development Ordinance and/or Storm Water Management Ordinance.

_____, 20____

B. Storm Drainage Plan Certification.

I hereby certify that, to the best of my knowledge, the storm drainage facilities shown and described hereon are designed in conformance with the Borough of Marietta Subdivision and Land Development Ordinance and/or Storm Water Management Ordinance.

_____, 20____

C. General Plan/Report Data.

I hereby certify that, to the best of my knowledge, the _____(title of plan/report data) shown and described hereon is true and correct to the accuracy required by Pennsylvania State Law and the Borough of Marietta Subdivision and Land Development Ordinance and/or Storm Water Management Ordinance.

_____, 20____

MUNICIPAL APPROVAL

A. Borough of Marietta Preliminary Plan Approval Certification

At a meeting on _____, 20____, the Marietta Borough Council granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked Sheet(s) _____ through _____ which form a part of the application dated _____, last revised _____ . This plan may not be recorded in the office of the Lancaster County Recorder of Deeds, nor may any construction be initiated but when combined with the other necessary approvals and permits, grants of authority to install on the Public Improvements required as part of the plan.

Borough Council Signature

Borough Council Signature

B. Borough of Marietta Final Plan Approval Certification

At a meeting on _____, 20____, the Marietta Borough Council approved this project, and all conditions have been met. This approval includes the complete set of plans and information that are filed with the Municipality in File No. _____, based upon its conformity with the standards of the Borough of Marietta Subdivision and Land Development Ordinance and Storm Water Management Ordinance.

Borough Council Signature

Borough Council Signature

C. Borough of Marietta Planning Commission Review Certification

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

Planning Commission Signature

Planning Commission Signature

D. Borough of Marietta Engineer Review Certificate

Reviewed by the Borough of Marietta Engineer.

Borough Engineer

Date

LANCASTER COUNTY APPROVAL

A. Lancaster County Planning Commission Review Certificate

The Lancaster County Planning Commission, as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, reviewed this plan on _____, 20____, and copy of the review is on file at the office of the Planning Commission in LCPC File No. _____. This certification does not indicate approval or disapproval of the plan by the Lancaster County Planning Commission, and the Commission does not represent nor guarantee that this plan complies with the various ordinances, rules, regulations, or laws of the local Municipality, the Commonwealth, or the Federal Government.

Chairman Designee signature

Vice Chairman Designee signature

B. Lancaster County Planning Commission Waiver Certificate

For plans reviewed under Article V Section 502(b) and memorandum of Understanding between the municipality dated _____

This Plan, bearing LCPC File No. _____, accepted by the Lancaster County Planning Commission this _____ day of _____, 20_____.

Chairman Designee signature

Vice Chairman Designee signature

C. Recorder of Deeds Certificate

Recorded in the office of Recorder of Deeds, in and for Lancaster County, Pennsylvania, in Subdivision Plan Book _____, Volume _____, Page _____.

Witness my hand and seal of office this _____ day of _____, 20_____.

Appendix B

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

For Borough Use Only:

File No. _____
Date of Receipt / Filing: _____
Planning Commission Meeting Date: _____
Borough Council Body Meeting Date: _____

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

1. Application Classification:
_____ Sketch Plan _____ Preliminary Plan
_____ Final Plan _____ Preliminary/Final Plan
_____ Centerline Separation Plan _____ Consolidation Plan
_____ Lot Add-On Plan _____ Revised Subdivision Plan
_____ Waiver / Modification Process _____ Modified Final Plan
2. Plan Name: _____
Consultant Project No.: _____
Plan Date: _____
3. Project Location: _____

4. Name of Property Owners(s): _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

Second Property Owners(s): _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____
5. Land Use and Number of Lots and/or Units (indicate answer by number):
_____ Single Family Detached _____ Commercial
_____ Multi-Family Attached _____ Industrial
_____ Agricultural _____ Institutional
_____ Mixed Use _____ Other (please specify)
6. Name of Applicant (if other than owner): _____
Address: _____ Phone No.: _____
7. Firm which prepared the plan: _____
Address: _____ Phone No.: _____
Person Responsible for the Plan: _____

8. Zoning District: _____
 Is a Zoning Variance, Special Exception, and/or Conditional Use Approval Necessary? Y / N
 If yes, please specify: _____

9. Net Acreage of Parent Tract(s): _____
 Gross Acreage of Parent Tract(s): _____
 Square Feet of Ground Floor Area: _____
10. Type of Water Supply Proposed:
 _____ Public Owned Community _____ Privately Owned Community
 _____ Private On-Lot Well
11. Type of Sanitary Sewage Disposal Proposed:
 _____ Public _____ Private Community
 _____ Community On-Lot _____ Individual On-Lot
12. Sewage Facilities Plan Revision or Supplement Number _____
 Date Submitted _____ 20, _____
13. Lineal Feet of New Street: _____
 Identify all Street(s) Not Proposed for Dedication: _____

14. Acreage Proposed for Park or Other Public Use: _____

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

_____, 20_____
 Signature of Landowner or Applicant Date

_____, 20_____
 Signature of Landowner or Applicant Date

We do hereby request the Lancaster County Planning Commission review the enclosed Subdivision or Land Development Plan in accordance with the Pennsylvania Municipalities Planning Code, Act 247, of 1968, as amended, Article V, Section 502.

 Signature Title Date

For LCPC Use Only:

LCPC File No. _____
 Date of Receipt: _____, 20_____
 Lancaster County Planning Commission Meeting Date: _____

Appendix C

Application for Consideration of a Modification

For Borough Use Only:

File No. _____

Date of Receipt / Filing: _____

Planning Commission Meeting Date: _____

Borough of Marietta Meeting Date: _____

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

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

2. Project Location: _____

3. Name of Property Owners (s): _____

Address: _____ Phone No.: _____

Source of Title: _____ Account No.: _____

Second Property Owners (s): _____

Address: _____ Phone No.: _____

Source of Title: _____ Account No.: _____

4. Specific Section of the Subdivision and Land Development Ordinance for which a Modification is requested: _____

The Proposed Alternative to the Requirement: _____

Justification for the Modification / Waiver: _____

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

Signature

_____, 20____
Date

Appendix D

Memorandum of Understanding

<p style="text-align: center;">INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH PRELIMINARY PLAN APPROVAL</p>

This Memorandum of Understanding is entered into by and between the following parties: Borough of Marietta hereinafter called "Borough" and _____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the Borough a plan and application for Subdivision or Land Development Plan located in _____ which is known and designed as _____.

WHEREAS, Borough and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the Public Improvements and pay the costs involved in processing, inspecting, and reviewing Developer's Subdivision and Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, Borough and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete only those Public Improvements required by the Developer's Subdivision and Land Development Plan, subject to the approval of the plan and specifications by the Borough.
2. The Developer, prior to the commencement of work, shall provide in writing to the Borough a notice of intent to commence construction and to provide an anticipated construction commencement date.
3. The Borough, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all Public Improvements.
4. Upon completion of the Public Improvements, the Developer shall give notice to the Borough, in writing, to inspect the Public Improvements. The Borough shall inspect the Public Improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Borough disapproves, they shall notify the Developer promptly.
5. Developer agrees to reimburse the Borough for professional engineering consultant services, and Lancaster County Planning Commission services necessitated by the review and approval of the Developer's plans and necessitated by the review and inspection of all required Public Improvements (both at the plan and installation stages) at the prevailing rate, plus associated itemized expenses, where applicable. It is agreed that professional engineering consultant services, and Lancaster County Planning Commission services shall be payable by Developer within forty-five (45) days after the date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan.

6. Where applicable, Developer agrees to reimburse the Borough for solicitor services necessitated by the review and approval of the Developer's plan, and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within forty-five (45) days after the date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan.
7. Notwithstanding the foregoing, Developer reserves the right to contest the amount and/or reasonableness of the fees pursuant to the provisions of the MPC.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this _____ day of _____, 20____.

BOROUGH OF MARIETTA

(Notary Seal) DEVELOPER

Appendix D-1

Memorandum of Understanding and Financial Security

<p style="text-align: center;">INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH FINAL PLAN APPROVAL</p>

This Memorandum of Understanding is entered into by and between the following parties: Borough of Marietta hereinafter called "Borough" and _____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the Borough a plan and application for a Subdivision or Land Development Plan located on _____ which is known and designated as _____.

WHEREAS, Borough has required and Developer has agreed that Public Improvements shall be completed by the Developer, as provided in Article 6 of the _____ (Name of Municipality) Subdivision and Land Development Ordinance of 20____, as amended.

WHEREAS, Borough and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the Public Improvements and pay the costs involved in processing, inspecting, and reviewing Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, Borough and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete only those Public Improvements required by the Developer's Subdivision or Land Development Plan, subject to the approval of the plans and specifications by the Borough.
2. The Borough, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all Public Improvements.
3. Upon completion of the Public Improvements, the Developer shall give notice to the Borough, in writing, to inspect the Public Improvements. The Borough shall inspect the Public Improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Borough disapproves, they shall notify the Developer promptly.
4. Developer agrees to reimburse the Borough for professional engineering consultant services, and Lancaster County Planning Commission services necessitated by the review and approval of the Developer's plans and necessitated by the review and inspection of all required Public Improvements (both at the plan and installation stages) at the prevailing rate, plus associated itemized expenses, where applicable. Developer agrees to reimburse the Borough for engineering, professional consultant services, and Lancaster County Planning Commission services associated with the As-Built Plan review. It is agreed that professional engineering consultant services, and Lancaster County Planning Commission services shall be payable by Developer within forty-five (45) days after the date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan.

5. Where applicable, Developer agrees to reimburse the Borough for solicitor services necessitated by the review and approval of the Developer's plan and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within forty-five (45) days after the date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan.
6. Notwithstanding the foregoing, Developer reserves the right to contest the amount and/or reasonableness of the fees pursuant to the provisions of the MPC.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this _____ day of _____, 20____.

BOROUGH OF MARIETTA

(Notary Seal) DEVELOPER

FINANCIAL SECURITY

This Financial Security is entered into by and between the following parties: Borough of Marietta, hereinafter called "Borough" and _____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the Borough a Plan and application for a Subdivision and Land Development Plan located on _____ which is known and designated as _____.

WHEREAS, Borough and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the Public Improvements, provide a financial security, and pay the costs involved in inspecting and approving Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intended to be legally bound hereby, Borough and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete all Public Improvements required by the Developer's Subdivision or Land Developer Plan, subject to the approval of the Plans and specifications by the Borough.
2. To assure completion of the Public Improvements required as a condition for the final approval of the Developer's Subdivision and Land Development Plan, the Developer shall provide for deposit with the Borough, financial security (consistent with Article 6 of the Borough of Marietta Subdivision and Land Development Ordinance of 20____, as amended, in the amount sufficient to cover the costs of all Public Improvements, including, but not limited to, Streets, Street signs, sidewalks, curbs, Landscaping, storm drainage for Dedication or which affect adjacent properties or Streets, sanitary sewer facilities for Dedication, water supply facilities for Dedication, fire hydrants, Lot Line Markers, survey Monuments, and other related facilities. Such security shall provide for, and secure the completion of the Public Improvements within one (1) year of the date fixed in the Subdivision or development Plan. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of the required Public Improvements for which financial security is posted. The cost of the Public Improvements shall be established by submission to the Borough of an estimate prepared by the Developer's Engineer, subject to review, comment, and approval by the Borough or its designees.
3. The Borough, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all Public Improvements.
4. Upon completion of the Public Improvements, the Developer shall give notice to the Borough or its designee, in writing, to inspect the Public Improvements. The Borough or its designee shall inspect the Public Improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Borough or its designee disapproves, they shall notify the Developer promptly.
5. Developer agrees to reimburse the Borough for professional engineering consultant services, necessitated by the review and approval of the Developer's Plans and necessitated by the review and inspection of all required Public Improvements at the prevailing rate, plus

associated itemized expenses, where applicable. It is agreed that engineering, professional consultant services shall be payable by Developer within ten (10) days after the date of invoice and prior to final approval of Developer's Subdivision`

- 6. Where applicable, Developer agrees to reimburse the Borough for solicitor services necessitated by the review and approval of the Developer's Plan(s), and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within ten (10) days after the date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan.

IN WITNESS WHEREOF, the parties hence caused this Financial Security to be executed, dated this _____ day of _____, 20_____.

BOROUGH OF MARIETTA

(Notary Seal) DEVELOPER

Appendix E

Notice of Approval of New Street Name(s)

Municipality name: _____

Municipality address: _____

Date: _____

File No.: _____ (To be Completed by Applicant)

Plan Name: _____ (To be Completed by Applicant)

Lancaster County-Wide Communications has reviewed and approved the following new Street names:

(Applicant to provide on this form a list of all proposed new Street names prior to submitting this form for approval. This form must bear the authorized signature from Lancaster County-Wide Communications.)

Authorized Signature from Lancaster County-Wide Communications

Appendix F

General Design Guidelines with Historic Features

- A. Size, Scale and Proportion.**
New construction should reflect the dominant proportions, size and scale of Buildings comprising the Streetscape. The height and width of the front façade should relate to the average height and width of historic Buildings. New Buildings should be designed within ten percent of the average height of adjacent historic Buildings.
- B. Massing and Shape.**
Building shape, massing, and roof shape of new construction should reflect that found in surrounding Buildings.
- C. Materials and Textures.**
Building materials, textures and treatments should be compatible with surrounding Buildings. Where traditional materials, such as brick, stone, and wood area common in the immediate neighborhood, use of these materials on front facades and secondary facades for corner properties is required subject to Borough approval.
- D. Rhythm and Patterns.**
Design elements of principle facades should reflect the neighborhood patterns. Examples include prevalent vertical or horizontal orientation of elements. Large Buildings can be divided into bays to reflect neighborhood rhythms.
- E. Cornice and Floor-to-Floor Heights.**
Design elements of principal facades should reflect the cornice and floor-to-floor heights, spacing between windows and doors and between windows and cornices or rooflines, or should incorporate detailing to suggest the same. The design should also reflect the dimensions of the façade’s base and cornice.
- F. Windows and Doors.**
The use of window and door openings of size and design typical to the neighborhood is recommended.
- G. Streetscapes, Orientation and Location.**
New construction should reflect prevailing setbacks, orientation and physical elements, which define Streetscapes.

Appendix G

Checklist for Street & Access Drive Design

STREET NAME: _____ PROJECT NAME: _____
 STATION NUMBER: _____ DATE: _____ SHEET: _____ / _____

- | | | |
|--|--|---|
| 1. Classification: (circle one)
• Rural
• Urban | 3. Ownership: (circle one)
• Public / Dedicated
• Private | 5. Street Function: (circle one)
• Alley
• Local
• Collector
• Arterial |
| 2. Project Type: (circle one)
• Residential
• Mixed Use
• Commercial / Industrial | 4. Principal Design Vehicle: (circle one)
• Automotive
• Truck | |

6. Attached Design Criteria Matrix Verifies the Following:
- Volume of Average Daily Trips: _____
 - Design Speed: _____
 - Vertical Attributes:
 - Maximum Slope: _____ %
 - Minimum Slope: _____ %
 - "K" Value for Crest Curves: _____
 - "K" Value for Sag Curves: _____
 - Level of Service (LOS) at Intersections:
 - New Intersection: LOS C or better
 - New Intersection with Existing Street: LOS D or better
 - Horizontal Attributes: _____
 - Minimum Safe Stopping Sight Distance: _____
 - Minimum Sight Distance at Intersections: _____
 - Minimum Centerline Curve Radius: _____
 - Curb Radii
 - Local - Local: 10'-15'
 - Local - Collector: 15'-20'
 - Collector - Collector: 15'-25'

	<u>One Side/Both Sides</u>	<u>Width</u>	<u>Total Width</u>		
○ Thru Lanes: _____	x	_____	=	_____	
○ Turn lane: _____	x	_____	=	_____	
○ On-Street Parking: _____	x	_____	=	_____	
○ Multi-modal Lane: _____	x	_____	=	_____	
○ Gutter (Storm Water): _____	x	_____	=	_____	
○ Shoulder: _____	x	_____	=	_____	
○ Curb: _____	x	_____	=	_____	
○ Swale: _____	x	_____	=	_____	
○ Sidewalk: _____	x	_____	=	_____	
○ Grass / Tree Strip: _____	x	_____	=	_____	
○ Boulevard Island: _____	x	_____	=	_____	

Total Right-of-Way Width = _____

7. Special Considerations: (traffic signals, Streetscape and lighting requirements, crosswalk treatments, etc.)

8. Agreed by Developer meeting attendee(s): _____
9. Agreed by Municipality meeting attendee(s): _____

Appendix H

Curb Improvements

1. Introduction

All curbs must conform to the following specifications, with the exception that the specifications for a curb to be dedicated to the Borough will be superseded by any other borough ordinance, resolution or regulation adopted prior to the preliminary plan submission date and containing different specific standards. Where such other standard applies, the plan shall note that the curbs will be constructed to such standard.

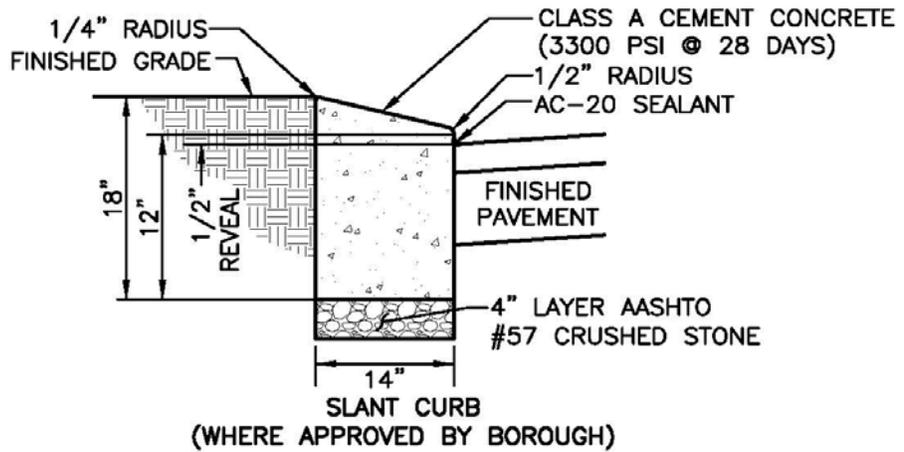
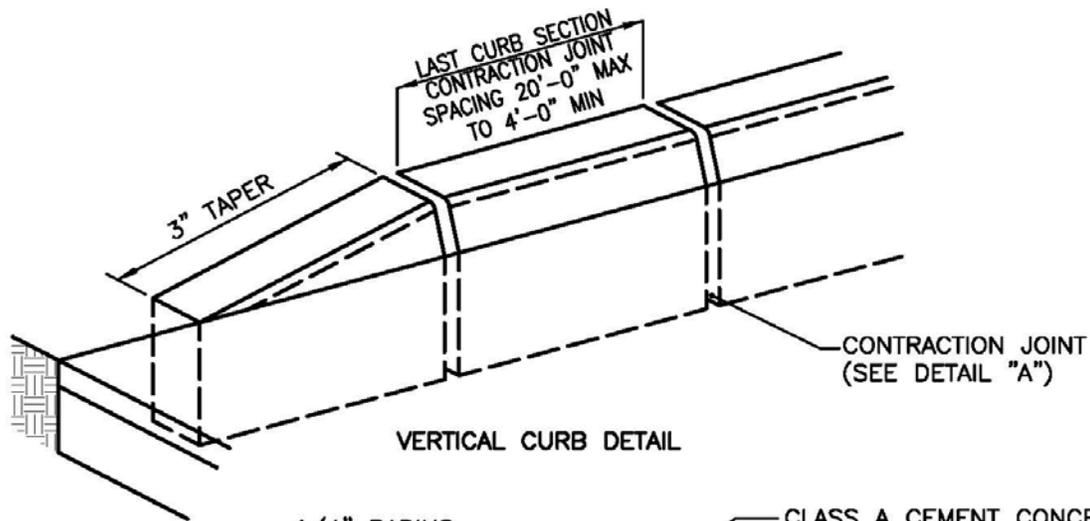
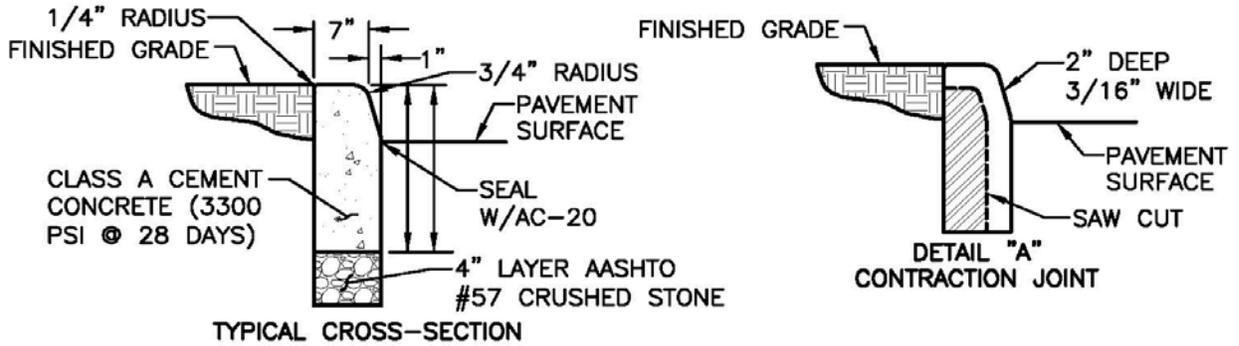
2. Construction

All curbs shall be provided in accordance with §8.3.3.C of this chapter.

3. Method.

- A. All curbs shall be of marble, granite or concrete construction. All concrete used in construction of curbs shall be certified to develop a compressive strength of at least 3,300 P.S.I. at 28 days. Certification of the mix shall be furnished, if requested by the authority accepting dedication.
- B. Concrete shall be placed in forms that are straight and securely braced, unless a curbing machine is used. Care shall be taken to control the water content to prevent separation of the aggregates. All concrete shall be thoroughly tamped into any forms, if used. After the concrete has set sufficiently, any forms, if used, shall be removed and the exposed surface shall be rubbed to provide an even finish.
- C. Vertical curbs shall be 18 inches deep, seven inches wide at the top and nine inches wide at the base. The distance from the top of the curb to flow line of the gutter shall be eight inches. All curb shall be constructed on a four-inch crushed stone or gravel base to insure proper drainage.
- D. Slant curb, where approved for use by the Borough, shall be 14 inches wide, 16 inches tall at the rear 12 inches tall at the front gutter line, and built in accordance with the detail shown in Appendix H-1.
- E. Curbs shall be built in ten-foot lengths; construction joints of asphalt impregnated paper or saw cuts of 1/16 inch shall be provided at ten-foot intervals, and expansion joints of 1/4 inch pre-molded filler shall be placed at intervals of 50 feet.
- F. To provide for driveways, depressions in vertical curb may be constructed and finished during the time of pouring. A 1-½ inch curb reveal shall be maintained at driveway depressions.
- G. Reference Appendix H-1 for actual construction details.

Appendix H-1 Standard Detail Curb Construction Details



NOT TO SCALE

Appendix I

Sidewalk Improvements

1. Introduction.

- A. All sidewalks must conform to the following specifications, with the exception that the specifications for a sidewalk to be dedicated to the Borough will be superseded by any other Borough ordinance, resolution or regulation adopted prior to the preliminary plan submission date and containing different specific standards.
- B. Where such other Borough standard applies, the plan shall note that the sidewalks will be constructed to such standard.

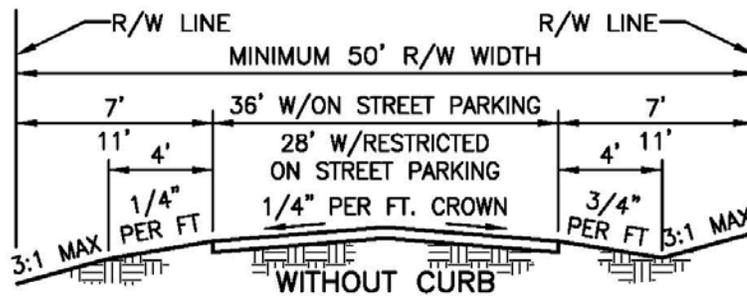
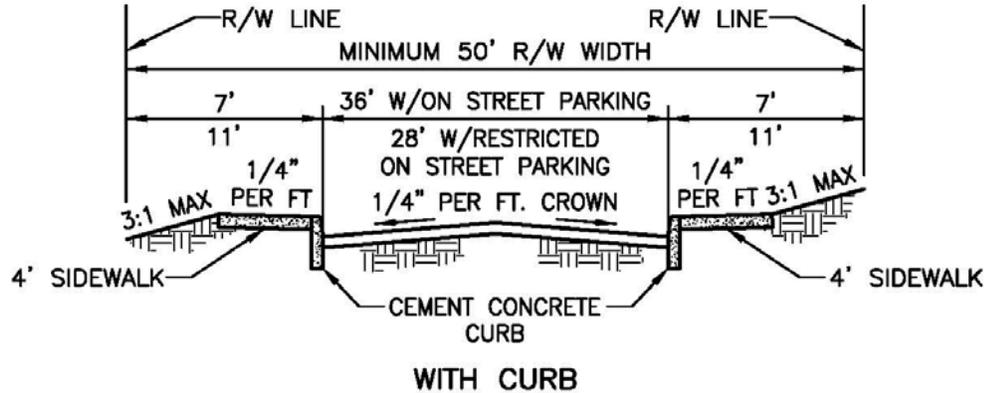
2. Construction method.

- A. The minimum sidewalk width shall be four (4) feet or as required to satisfy the applicable ADA standards for accessible design in effect at the time of construction. Encroachments into a sidewalk due to any obstacle shall not result in less than the minimum required clearance width in accordance with applicable ADA standards. Sidewalks shall be constructed so as to discharge drainage. Sidewalks shall be constructed of concrete. Concrete used in sidewalk work shall be certified to develop a compressive strength of at least 3,300 P.S.I. at 28 days. Certification of the mix shall be furnished, if requested by the authority accepting dedication. Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of the aggregates. The concrete shall have a broom finish and the edge shall be finished with an edging tool.
- B. All concrete sidewalks shall be constructed on a four-inch crushed stone or gravel base to insure proper drainage. The concrete shall be placed so that there is a separate joint every five feet. There shall be ½ inch pre-molded expansion joints between every fifth section and between all points where the concrete sidewalk abuts a concrete curb.
- C. All concrete sidewalks shall have a minimum thickness of four inches, except where driveways cross sidewalks and for driveway apron areas. These areas shall have a minimum thickness of six inches and shall contain one layer of No. 6 wire forming six- inch squares. The wire shall be installed so that it is not closer than one-inch from the top or bottom surface of the driveway.
- D. Sidewalks shall be sloped towards adjacent pervious surfaces or drainage facilities.

Appendix J

Standard Detail

Street Construction Details: Typical Local Street



BASE COURSE	PAVED SURFACE
4" SUPERPAVE ASPHALT MIXTURE DESIGN HMA BASE COURSE, PG 64-22, 0 TO <0.3 M ESALS, 25.0 MM MIX 6" SUBBASE NO. 2A	1-1/2" SUPERPAVE ASPHALT MIXTURE DESIGN HMA WEARING COURSE, RPS, PG 64-22, 0 TO <0.3 M ESALS, 9.5MM MIX, SRL-H

NOTES:

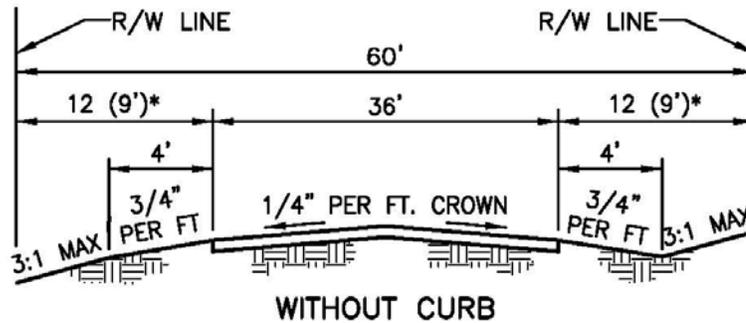
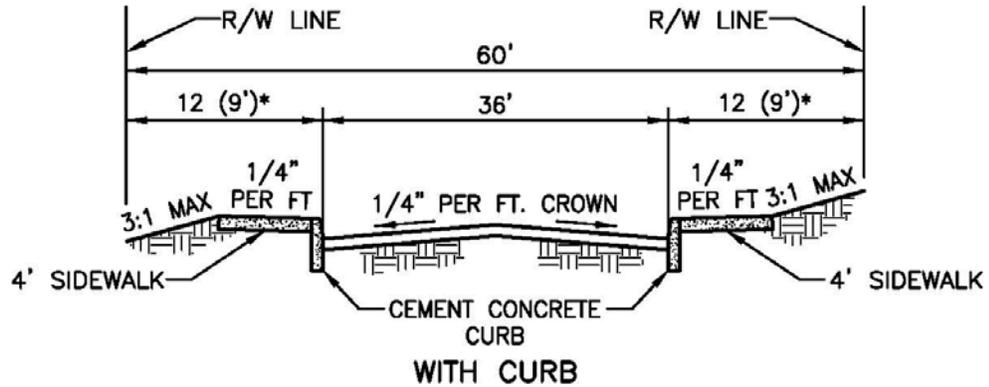
1. ALL WORK SHALL MEET THE REQUIREMENTS OF PADOT FORM 408, LATEST VERSION.
2. SLANT CURB MAY BE USED WHERE APPROVED BY MARIETTA BOROUGH.
3. AN ALLOWANCE FOR A GRASS STRIP BETWEEN THE CURB AND SIDEWALK MAY BE PERMITTED AS APPROVED BY MARIETTA BOROUGH.



Dwg. Name: 0582313-D01.DWG Plotted: 3/1/2016 8:38 AM

NOT TO SCALE

Appendix J-1 Standard Detail Street Construction Details: Typical Collector Street



BASE COURSE	PAVED SURFACE
4" SUPERPAVE ASPHALT MIXTURE DESIGN HMA BASE COURSE, PG 64-22, 0 TO <0.3 M ESALS, 25.0 MM MIX 6" SUBBASE NO. 2A	1-1/2" SUPERPAVE ASPHALT MIXTURE DESIGN HMA WEARING COURSE, RPS, PG 64-22, 0 TO <0.3 M ESALS, 9.5MM MIX, SRL-H

NOTES:

1. ALL WORK SHALL MEET THE REQUIREMENTS OF PADOT FORM 408, LATEST VERSION.
2. SLANT CURB MAY BE USED WHERE APPROVED BY MARIETTA BOROUGH.
3. AN ALLOWANCE FOR A GRASS STRIP BETWEEN THE CURB AND SIDEWALK MAY BE PERMITTED AS APPROVED BY MARIETTA BOROUGH.



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Appendix K Standard Detail Stopping Sight Distance

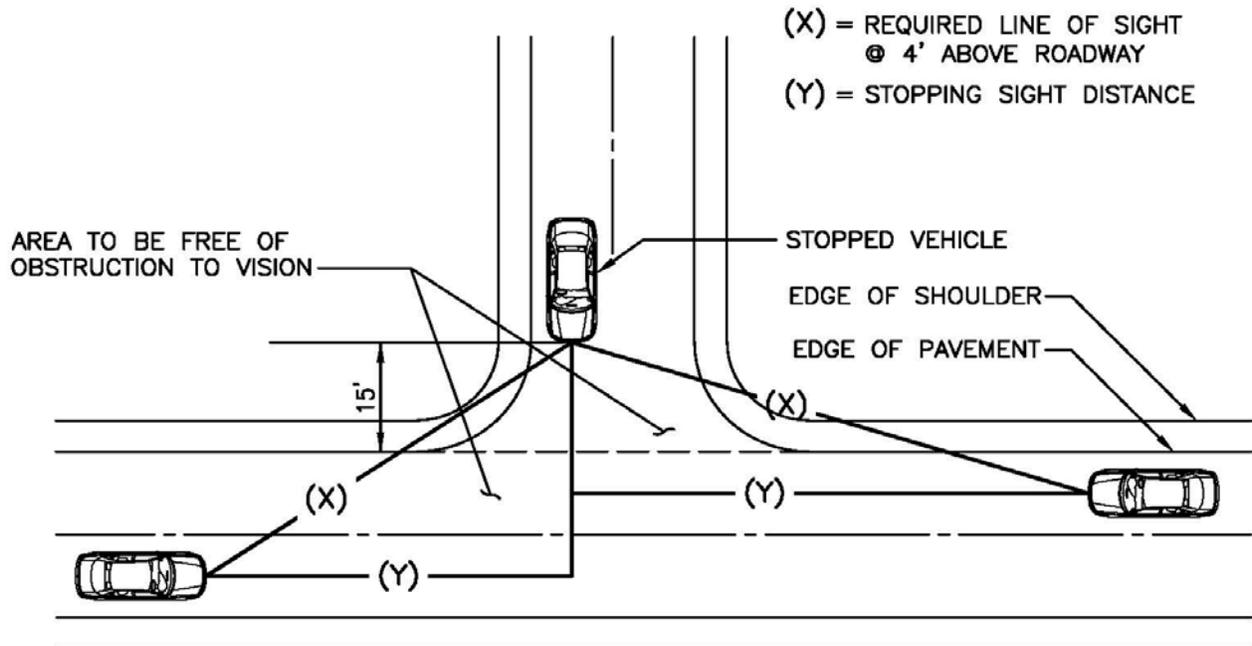
SPEED (MPH)	HIGHWAY GRADE IN %																												
	0	+1	+2	+3	+4	+5	+6	+7	+8	+9	+10	+11	+12	+13	-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13		
15	75' / 75'	74' / 75'	73' / 76'	73' / 77'	73' / 77'	73' / 78'	72' / 79'	72' / 79'	71' / 80'	71' / 81'	71' / 82'	70' / 83'	70' / 84'	70' / 85'															
20	109' / 109'	108' / 110'	107' / 111'	106' / 112'	105' / 113'	105' / 114'	104' / 115'	103' / 117'	102' / 118'	102' / 119'	101' / 121'	101' / 123'	100' / 125'	100' / 127'															
25	147' / 147'	145' / 148'	144' / 150'	143' / 151'	142' / 153'	140' / 155'	139' / 157'	138' / 159'	137' / 161'	136' / 164'	135' / 166'	134' / 169'	134' / 172'	133' / 175'															
30	196' / 196'	194' / 198'	191' / 201'	189' / 204'	187' / 207'	185' / 210'	183' / 214'	182' / 217'	180' / 221'	178' / 226'	177' / 230'	175' / 235'	174' / 241'	173' / 247'															
35	249' / 249'	245' / 252'	242' / 256'	238' / 260'	236' / 265'	233' / 269'	231' / 274'	228' / 280'	228' / 286'	224' / 292'	221' / 294'	219' / 306'	217' / 314'	215' / 323'															
40	314' / 314'	309' / 319'	304' / 325'	299' / 331'	295' / 337'	291' / 345'	287' / 352'	284' / 360'	280' / 369'	277' / 379'	274' / 389'	271' / 401'	268' / 414'	266' / 428'															
45	383' / 383'	376' / 390'	370' / 398'	364' / 406'	358' / 415'	353' / 425'	348' / 435'	343' / 447'	338' / 459'	334' / 472'	330' / 487'	325' / 503'	322' / 521'	319' / 560'															
50	462' / 462'	453' / 471'	444' / 481'	436' / 492'	429' / 504'	421' / 517'	415' / 531'	409' / 547'	403' / 563'	397' / 581'	392' / 600'	388' / 622'	382' / 647'	378' / 676'															
55	538' / 538'	527' / 550'	517' / 562'	508' / 576'	491' / 590'	490' / 605'	482' / 622'	475' / 641'	467' / 660'	461' / 682'	454' / 706'	443' / 733'	442' / 762'	437' / 795'															



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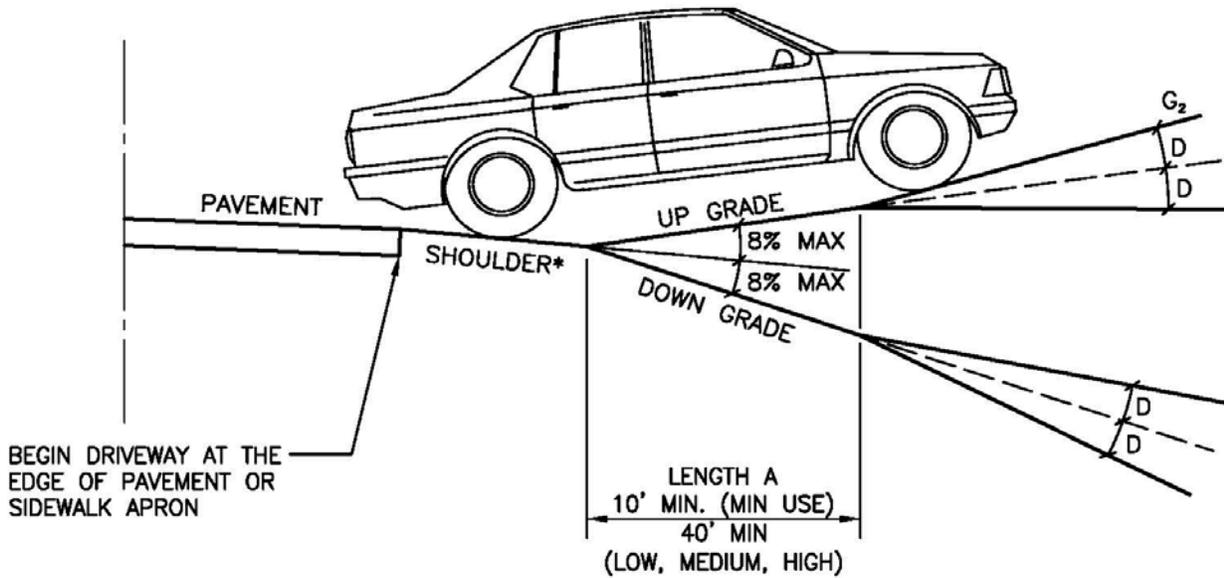
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Appendix L Standard Detail Safe Stopping Sight Distance Easement



NOT TO SCALE

Appendix M Standard Detail Driveway Slope Guidelines



*THE SHOULDER SLOPE USUALLY VARIES FROM 1/2" PER FOOT (4%) TO 3/4" PER FOOT (6%); HOWEVER, THE SHOULDER SLOPE SHOULD BE MAINTAINED WHEN CONSTRUCTING THE DRIVEWAY.

FOR GRADING CHANGES GREATER THAN THOSE SHOWN ABOVE, VERTICAL CURVES AT LEAST 10 FEET LONG SHALL BE CONSTRUCTED AND LENGTH "A" SHALL BE INCREASED.

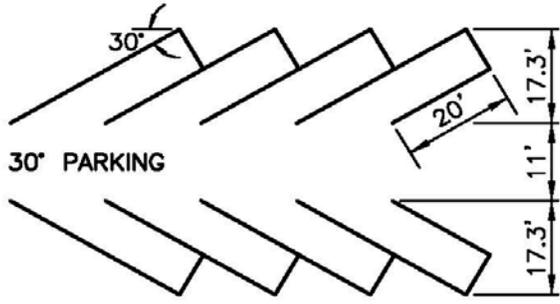
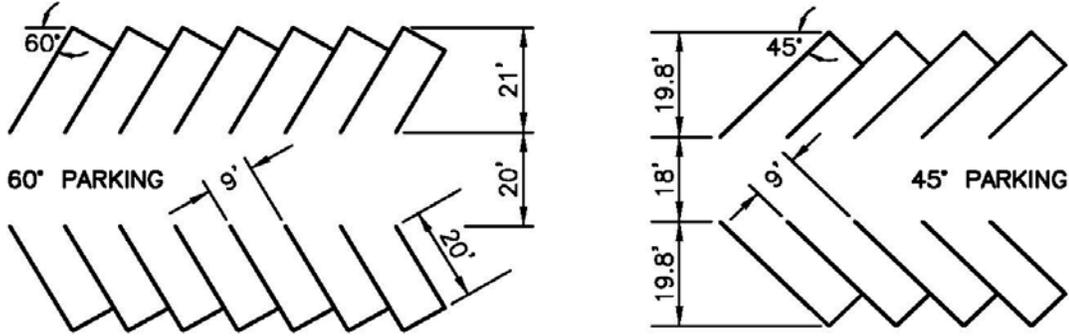
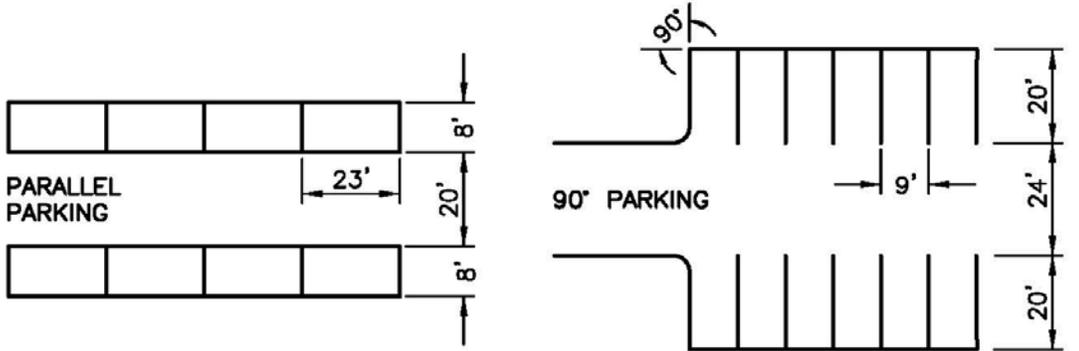
GRADES (G_2) SHALL BE LIMITED TO 15% FOR MINIMUM USE OF DRIVEWAYS AND FROM 5% TO 8% FOR LOW, MEDIUM, OR HIGH VOLUME DRIVEWAYS WITHIN THE RIGHT OF WAY.

	MAXIMUM GRADE CHANGE (D)	
	DESIRABLE	MAXIMUM
HIGH VOLUME DRIVEWAY	0%	±3%
MEDIUM VOLUME DRIVEWAY	±3%	±6%
LOW VOLUME DRIVEWAY	±6%	CONTROLLED BY VEHICLE CLEARANCE OR MAXIMUM 8%



NOT TO SCALE

Appendix N Standard Detail Parking Lot Configuration



NOT TO SCALE

Appendix O

Lighting Guidelines

Illumination Guidelines for Street, Parking and Pedestrian Areas

Illumination of streets, parking areas and pedestrian ways shall be provided as specified in the following tables:

A. Street Illumination

Street Hierarchy	Area Classification					
	Commercial (lux footcandles)		Intermediate (lux footcandles)		Residential (lux footcandles)	
	Collector	13	1.2	10	0.9	6
Minor-Residential Subcollector	10	0.9	6	0.6	4	0.4
Local	6	0.6	4	0.4	4	0.4

B. Parking Illumination (Open Parking Facilities)

Level of Activity	Illumination Objective					
	Vehicular Traffic (lux footcandles)		Pedestrian Safety (lux footcandles)		Pedestrian Security (lux footcandles)	
	Low activity	5	0.5	2	0.2	9
Medium Activity	11	1	6	0.6	22	2
High Activity	22	2	10	0.9	43	4

C. Pedestrian Way Illumination

Walkways and Bikeway Classification	Average Levels for Special Pedestrian Security					
	Minimum Average Level (lux footcandles)		Mounting Heights 3 to 5 meters (9 to 15 feet) (lux footcandles)		Mounting Heights 5 to 10 meters (15 to 30 feet) (lux footcandles)	
	Sidewalks (roadside) and Type A bikeways					
Commercial areas	10	0.9	22	2.0	43	4.0
Intermediate	6	0.6	11	1.0	22	2.0
Residential areas	2	0.2	4	0.4	9	0.8
Walkways distant from roadways and Type B bikeways						
Park walkways and bike ways	5	0.5	6	0.6	11	1.0
Pedestrian tunnels	43	4.0	54	5.0	—	—
Pedestrian overpasses	3	0.3	4	.04	—	—
Pedestrian stairways	6	0.6	9	0.8	—	—

Appendix O-1

IES Lighting Handbook Definitions:

1. Area classification.
 - A. Commercial. That portion of a municipality in a business development where ordinarily there are large numbers of pedestrians during business hours.
 - B. Intermediate. That portion of a municipality often characterized by a moderately heavy nighttime pedestrian activity such as in blocks having libraries, community recreation centers, large apartment buildings or neighborhood retail stores.
 - C. Residential. A residential development, or a mixture of residential and commercial establishments, characterized by a few pedestrians at night. This definition includes areas with single family homes, townhouses and/or small apartment buildings.
2. Activity level.
 - A. High activity. Major league athletic events, major cultural or civic events and major regional shopping centers.
 - B. Medium activity. Fast food facilities, area shopping centers, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events and residential complex parking.
 - C. Low activity. Local merchant parking, industrial employee parking, educational facility parking.
3. Bikeway classification.
 - A. Type A bikeway. A strip within or adjacent to a public roadway or shoulder, used for bicycle travel.
 - B. Type B bikeway. An improved strip identified for public bicycle travel and located away from a roadway or its adjacent sidewalk system.

Source: Illuminating Engineering Society of North America, IES Lighting Handbook (New York, NY:IES, 1981)

Additional Requirements for Lighting of Non-Residential Uses.

- A. All lighting shall be designed to control glare and retain the urban character of the Borough.
- B. All lighting of nonresidential uses shall be designed in accordance with the Model Lighting Ordinance prepared by the Illuminating Engineering Society and the International Dark Sky Association dated 6-15-2011, and available at:
http://www.darksky.org/assets/documents/MLO/MLO_FINAL_June2011.pdf

Appendix P

Street Dedication Checklist

	Item to be Done	Received	Forwarded	Completed
1	Delivery to Solicitor of draft of proposed deed with proposed legal description. A separate deed for each street separately described, and appropriate affidavit of value of accompany each deed (to be forwarded to Borough Engineer). Deed should reflect current owner, previous owner, date of deed and the recording reference.			
2	Four copies of an as-built plan, certified by a surveyor or engineer, together with all applicable recording data (to be forwarded to Borough Engineer)			
3	By separate letter, a statement providing the following information for each road to be dedicated: A. The roads name B. Description of its beginning point C. Description of its terminus D. Centerline length between the two points to the nearest one-hundredth of a mile and in lineal feet E. The right-of-way width in feet F. The cartway width in feet G. Name and address of legal owner(s) of the land to be dedicated. If applicable, the name and addresses of any equitable owner(s) of the land to be dedicated and a description of the equitable interest held by such person (e.g., purchaser under installment sale agreement).			
4	A check made payable to the Borough in the amount of \$_____representing the dedication fee. This fee is an estimate. If the expense to the Borough exceeds _____ the Developer shall be responsible for the payment of the balance prior to the acceptance of the streets.			
5	Borough must inspect the road, and the Solicitor must receive a letter from the engineer indicating that the road inspection is completed and that the road is satisfactory. Any problems discovered at the inspection shall be brought to the attention of the Developer and must be corrected prior to dedication.			
	Physical improvements to be inspected by the engineer: A. Cartway B. Stormwater facilities C. Applicable signage to be installed by Developer (cross reference Public Work's Department and Police Department D. Concrete inspection, if applicable E. Property pins			

	Item to be Done	Received	Forwarded	Completed
6	Applicant shall forward to the engineer, with a copy to the Solicitor, a letter setting forth the total amount of actual expenditure made to construct the improvements to be dedicated together with an indication as to whether the financial guarantee shall be made by cash or letter of credit. Borough Engineer shall review such information and advise Solicitor and applicant of the amount necessary for the maintenance guarantee agreement (15% of the cost for construction as accepted by the engineer).			
7	Solicitor shall mail to applicant a form maintenance guarantee agreement			
8	Upon receipt of the approved amount for financial security from the engineer, the applicant shall complete the maintenance guarantee agreement (without signature) and shall forward same to the Solicitor			
9	A current title search or title binder reflecting the present owner of the street(s) to be dedicated and any liens or encumbrances affecting the street(s). If any mortgage(s), the face amount of the mortgage(s), the date of the mortgage(s), and the recording reference for the mortgage(s).			
10	Applicant shall submit the following information: A. If the Developer is a general partnership, the names of all partners B. If the Developer is a limited partnership, the names of all the general partners C. C. If the Developer is a corporation, the names of the President and Secretary of the corporation of the names and titles of other officers who will sign the documents			
11	Applicant shall submit to solicitor a draft of the proposed letter of credit, if intended to be used for financial security. Letter of credit will be in the amount agreed to for a period of at least 18 months from the date the improvements are accepted by Borough (sample letter attached).			
12	Solicitor will prepare a resolution accepting dedication of the roads in question			

	Item to be Done	Received	Forwarded	Completed
13	<p>After approval of all the requested submissions as aforesaid, at least 10 days prior to the meeting at which the desired action is to be taken, the applicant shall submit to Solicitor the following completed, fully executed documents:</p> <ul style="list-style-type: none"> A. Maintenance guarantee agreement (original and four copies) B. Fully executed and acknowledged deed and affidavit of value for each road, together with five copies C. An original and three copies of the letter of credit, effective the date of the meeting where the resolution is to be adopted. D. A check in an amount specified by the Solicitor for recording of each deed in the Recorder of Deeds' Office, for obtaining certified copies of the deeds, and the filing fees, if any, with the Clerk of Courts E. A check for an estimated amount for accrued legal and engineering fees (unapplied funds shall be returned) 			
14	After adoption of the resolution, Solicitor will record the deed and obtain five certified copies of each deed, together with a receipt from the Recorder of Deeds			
15	Solicitor shall notify applicant of the recording of deeds, whereupon applicant shall supply Solicitor with one title insurance policy for each road, in favor of the Borough, for either the cost of construction or \$15,000 whichever is greater, insuring fee simple title free and clear of all liens, encumbrances, easements and restrictions (other than those deemed acceptable to the Borough Solicitor)			
16	Solicitor shall record original of the certified deed, the as-built plan, resolution and certification with the Clerk of Criminal Courts, and obtain three complete copies of the certification and other documents from the Clerk of Criminal Courts concerning recording			
17	Solicitor forwards to PADOT a copy of the certification from the Clerk of Courts			

NOTE: Initiating or participating in the process of offering streets for dedication to the Borough by an applicant shall be deemed conclusive evidence that applicant has agreed to be responsible for all legal and engineering fees incurred by the Borough in processing such application to the foregoing action plan.

Appendix Q

Criteria for Waiver of Land Development Plan

Name (Applicant) _____

Address: _____

Phone: _____ Email: _____

Consultant: Name/Address: _____

Zoning District: _____ Max. Coverage Allowed: _____

The following items need to be addressed as part of the Waiver of Land Development. All questions must be answered.

- 1). Buildings
 - a). Existing lot coverage of all buildings
 - b). Increase in lot coverage due to project
 - c). Percent of coverage of lot with addition

- 2). Employees
 - a). Existing number of employees
 - b). Projected increase due to project
 - c). No impact

- 3). Parking
 - a). Existing number of spaces
 - b). Additional number of spaces needed for project
 - c). No impact

- 4). Impervious
 - a). Existing impervious surface
 - b). Additional impervious surface to be added to site
 - c). List any outstanding storm water management features
 - d). Indicate storm water system to be utilized, if applicable
 - e). No impact due to existing impervious surface

- 5). Environmental
 - a). List any existing floodplain or wetland areas
 - b). List any potential environmental impacts
 - c). List any removal or alteration of natural features, trees, swales, etc.
 - d). No impact

- 6). Traffic
 - a). List any increase in traffic due to shipping and receiving
 - b). List any increase in customer traffic
 - c). No impact

- 7). Additional Information
 - a). Provide drawing showing detail of proposed project and a narrative addressing all items listed above.

Marietta Borough staff may request additional information to be provided during the review of the application.

NOTE: Reimbursement for Plan Review Expenses. Applicants shall reimburse the Borough for all reasonable and necessary charges incurred by the Borough's professional consultants, including the Borough Solicitor and the Borough Engineer, for the review and any report or reports to the Borough on an applicant's application, plans, supporting data, proposed agreements relating to the maintenance of improvements or open space, deeds of dedication and similar matters, if any, for storm water management permits, subdivisions and land developments. Such review fees shall be the actual fees charged by the Borough Solicitor, Borough Engineer or other professional consultant for the services performed. The present fee schedule of the Borough Engineer is on file at the Borough Offices. Such schedule shall be revised to reflect changes in the rates charged by the Borough by the Borough Engineer. The filing of a plan or application under this Chapter, or the Borough Storm Water Ordinance, shall constitute an implied agreement by the applicant to pay such expenses.

Cost of Application: \$350.00 + \$1,000 Escrow (Legal & Engineering)

Signature of Applicant