

Mount Holly Springs Borough

Subdivision and Land Development Ordinance



Enacted:

June 10, 2019

Mount Holly Springs Borough
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Mount Holly Springs, PA 17065



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Table of Contents

ARTICLE 1-SHORT TITLE.....	5
Section 101 SHORT TITLE	5
ARTICLE 2-PURPOSE, AUTHORITY, APPLICATION AND INTERPRETATION	6
Section 201 PURPOSE	6
Section 202 AUTHORITY.....	6
Section 203 APPLICATION OF REGULATIONS	7
Section 204 INTERPRETATION	8
ARTICLE 3-DEFINITIONS	9
Section 301 LANGUAGE INTERPRETATION	9
ARTICLE 4 PLAN PROCESSING PROCEDURES AND REQUIREMENTS	28
Section 401 PLAN PROCESSING PROCEDURES.....	28
Section 402 SKETCH PLAN (OPTIONAL)	29
Section 403 PRELIMINARY PLAN PROCEDURES.....	30
Section 404 FINAL PLAN PROCEDURES.....	32
Section 405 LOT ADD-ON PLAN PROCEDURE	34
Section 406 RESERVED.....	34
Section 407 PRELIMINARY PLAN SPECIFICATIONS.....	34
Section 408 FINAL PLAN SPECIFICATIONS	38
Section 409 LOT ADD-ON PLAN SPECIFICATIONS	40
ARTICLE 5 - DESIGN AND IMPROVEMENT STANDARDS.....	43
Section 501 PURPOSE	43
Section 502 GENERAL STANDARDS.....	43
Section 503 BLOCKS AND LOTS.....	44
Section 504 STREETS, ALLEYS AND SERVICE DRIVES.....	45
Section 505 MONUMENTS AND MARKERS.....	58
Section 506 UTILITIES.....	59
Section 507 RECREATION FACILITIES AND FEE IN LIEU OF	59
Section 508 EASEMENTS.....	62

Section 509	LANDSCAPING	62
Section 510	TRAFFIC IMPACT STUDY	64
Section 511	EROSION AND SEDIMENT POLLUTION CONTROL	68
Section 512	GRADING	68
Section 513	WETLANDS	69
Section 514	WATER SUPPLY.....	69
Section 515	SEWAGE SERVICE FACILITIES.....	72
Section 516	FIRE HYDRANTS	74
ARTICLE 6-IMPROVEMENT AND MAINTENANCE GUARANTEES		75
Section 601	GENERAL STATEMENT.....	75
Section 602	FINANCIAL SECURITY FOR IMPROVEMENT GUARANTEE	75
Section 603	INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION	79
Section 604	DEDICATION OF IMPROVEMENTS.....	80
Section 605	MAINTENANCE GUARANTEE.....	80
Section 606	AS BUILT PLANS.....	80
ARTICLE 7-MOBILE HOME PARKS.....		81
Section 701	GRANT OF POWER	81
Section 702	PURPOSE, AUTHORITY AND JURISDICTION.....	81
Section 703	PLAT REQUIREMENTS AND PROCESSING PROCEDURE.....	81
Section 704	DESIGN STANDARDS	81
Section 705	IMPROVEMENT AND CONSTRUCTION REQUIREMENTS.....	83
Section 706	FEES AND PERMITS	84
Section 707	ALTERATION OF REQUIREMENTS.....	85
Section 708	ENFORCEMENT, PENALTIES, VIOLATIONS, APPEALS, SEVERABILITY AND AMENDMENTS.....	85
ARTICLE 8-FEES.....		86
Section 801	FILING FEE	86
Section 802	FEES FOR INSPECTION OF IMPROVEMENTS	86
ARTICLE 9-MODIFICATION OF REQUIREMENTS.....		87
Section 901	APPLICATION OF MODIFICATION PROVISIONS.....	87
Section 902	REQUESTS FOR MODIFICATION	87

Section 903	GRANTING OF MODIFICATION	87
Section 904	DENIAL OF MODIFICATION	87
Section 905	DISPLAYING ON PLANS.....	87
ARTICLE 10-ENFORCEMENT, AMENDMENTS, VIOLATIONS, APPEALS, PENALTIES, SEVERABILITY AND REPEALER.....		88
Section 1001	ADMINISTRATION AND ENFORCEMENT	88
Section 1002	AMENDMENTS	88
Section 1003	VIOLATIONS.....	89
Section 1004	APPEALS	89
Section 1005	PENALTIES	89
Section 1006	SEVERABILITY	90
Section 1007	REPEALER	90
ARTICLE 11-EFFECTIVE DATE AND ENACTMENT		91
Section 1101	INCORPORATION STATEMENT	91
Section 1102	ENACTMENT.....	91

ORDINANCE NO. 2019-02

AN ORDINANCE REPEALING AND REPLACING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MOUNT HOLLY SPRINGS, CUMBERLAND COUNTY, PENNSYLVANIA; PROVIDING FOR THE PREPARATION AND PROCESSING OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSES; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE APPLICANT; REGULATING THE LAYOUT AND SALE OF LOTS; ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, STORM AND SANITARY SEWERS, AND OTHER PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISION AND LAND DEVELOPMENT; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

THE BOROUGH COUNCIL OF THE BOROUGH OF MOUNT HOLLY SPRINGS, CUMBERLAND COUNTY, PENNSYLVANIA, PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, ARTICLE V, AS AMENDED, DOES ENACT AND ORDAIN:

ARTICLE 1-SHORT TITLE

Section 101 SHORT TITLE

This Ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of the Borough of Mount Holly Springs."

ARTICLE 2—PURPOSE, AUTHORITY, APPLICATION AND INTERPRETATION

Section 201 PURPOSE

This Ordinance has been designed and adopted to provide uniform standards and procedures for the regulation of subdivision and land development within the Borough of Mount Holly Springs.

The purpose of such regulations is to provide for the harmonious development of the borough by:

1. Assuring sites are suitable for building purposes and human habitation;
2. Coordinating proposed streets and other proposed public improvements;
3. Assuring that adequate easements and rights-of-way are provided for drainage facilities, public utilities, streets, and other public improvements;
4. Assuring equitable and uniform handling of subdivision and land development plat applications;
5. Assuring coordination of intra- and inter-municipal public improvement plans and programs;
6. Assuring the efficient and orderly extension of community facilities and services at minimum cost and maximum convenience;
7. Regulating the subdivision and land development of land within any flood hazard area or floodplain district to promote the health, safety and welfare of the citizens of the municipality;
8. Requiring that each lot in flood prone areas includes a safe building site with adequate access, and that public facilities that serve such uses be designed and installed to minimize flood damage;
9. Assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses;
10. Guiding the future growth and development of the Borough of Mount Holly Springs in accordance with the adopted comprehensive plan;
11. Assuring that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided and the new parcel(s) thus created;
12. Assuring the greater health, safety, convenience and welfare to the citizens of the Borough of Mount Holly Springs;
13. Ensuring the protection of water resources and drainage ways;
14. Ensuring the efficient movement of traffic;
15. Ensuring the equitable handling of all subdivision and land development plans by providing uniform standards and procedures.

Section 202 AUTHORITY

This Ordinance is adopted under authority granted by the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, P.L. 805, as amended.

1. The Borough Council shall have the authority to approve or disapprove all preliminary and final subdivision or land development plat application as required herein.

2. The Borough Planning Commission is hereby designated as the agency, which shall review and make recommendations to the governing body on all subdivision and land development plat applications as required herein.
3. Preliminary and final subdivision and land development plat applications within the Borough of Mount Holly Springs shall be forwarded upon receipt, with the appropriate review fee, to the Cumberland County Planning Commission for review and report. The Borough Council shall not approve such applications until the county review report is received or until the expiration of 30 days from the date the application was forwarded to the County Planning Commission. As evidence of their review and report, officials of the County Planning Commission will sign preliminary and final plats, which have been formally approved by the borough before such plats are presented for recording.

Section 203 APPLICATION OF REGULATIONS

1. The provisions contained with the Mount Holly Springs Borough Subdivision and Land Development (SLDO) Booklet are incorporated and enforceable as part of this Subdivision and Land Development Ordinance; the provisions contained in the SLDO Booklet may be amended from time to time by Resolution of Borough Council.
2. No subdivision or land development of any lot, tract, or parcel of land located in the Borough of Mount Holly Springs shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a Final Subdivision or Land Development Plat has been approved by Borough Council and publicly recorded in the manner prescribed herein; nor otherwise in strict accordance with the provisions of this Ordinance.
 - A. Provisions of this Ordinance that regulate site requirements, layout and design of subdivisions and land developments shall be considered flexible only when the proposed subdivision or land development encourages ingenuity in the layout and design of a proposed development.
 - B. Developments that use the language in this Section must provide evidence that they are designed with modern and evolving principals of site planning and development in accordance with Pennsylvania MPC Section 503.5.
 - C. It is recommended that a pre-application meeting including a Sketch Plan showing the proposed layout be scheduled with borough staff and officials when considering this option.
3. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision or Land Development Plat has been approved by the Borough Council and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.
4. Unit or condominium subdivision of real property is included within the meaning of subdivision and land development as defined herein, and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of Preliminary and Final Plats; payment

of established fees and charges; location of each structure; and clear definition of each unit, public easements, common areas, improvements, and all easements appurtenant to each unit.

5. All subdivision and land development plats are subject to all applicable zoning regulations.

Section 204 INTERPRETATION

When interpreting and applying the revisions of this Ordinance, Applicants shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience and greater welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation (i.e. State enabling statutes, local zoning, or building codes, etc.), the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance, or regulation adopted by this municipality impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

ARTICLE 3-DEFINITIONS

Section 301 LANGUAGE INTERPRETATION

- A. The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers. Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms "shall and will," "will" and "must" are always mandatory. The words "should" or "may" are permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied." The word "erected" shall be inclusive of the words "constructed, altered or moved."

ABANDONMENT: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property.

ABUT or ABUTTING: Buildings which physically touch. Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway.

ACCESS DRIVE: Private drives which provide vehicular movement between a street and a tract of land containing any use other than a single-family dwelling unit or a farm.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building.

ACRE: A measure of land area containing 43,560 square feet.

ADDITION: Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See ABUT)

AGENT: Any person other than the Applicant who, acting on the landowner(s) authorized behalf, submits a subdivision or land development application.

ALLEY: A public or private right-of-way other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS, PLAN: See REVISION, PLAN

ALTERATIONS, STRUCTURAL: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMENDMENT: An official change to this ordinance in accordance with the Pennsylvania Municipalities Planning Code.

APPLICANT: A landowner or developer (as herein defined) who has filed an application for development including his personal representatives, heirs, successors and assigns.

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 or for the approval of a subdivision plat or plan or for approval of a land development plan.

AREA, BUFFER: See BUFFER AREA.

AREA, NET: The total lot area, less public right-of-way.

AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 162), as amended, known as the "Municipalities Authorities Act of 1945."

BASE FLOOD ELEVATION: The elevation above sea level, based on the vertical datum in the current flood Insurance Rate Maps for (municipality) of the 100-year flood.

BLOCK: An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

BOROUGH: The Mount Holly Springs Borough, Cumberland County, Pennsylvania; Borough Council, its agents or authorized representatives.

BOROUGH COUNCIL: The Borough Council of the Mount Holly Springs Borough.

BUFFER AREA: A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.

BUFFER YARD: An open area whose dimensions normally exceed the normal building setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING, ACCESSORY: A building incidental and subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.

BUILDING, ADDITION: A structure added to the original structure at some time.

BUILDING AREA: See AREA, BUILDING.

BUILDING COVERAGE: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

BUILDING INSPECTOR: An individual designated by the appointing authority to enforce the provisions of the building code. Includes code enforcement officer or zoning officer.

BUILDING LINE: A line parallel to the front, side or rear lot line set to provide the required yard.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

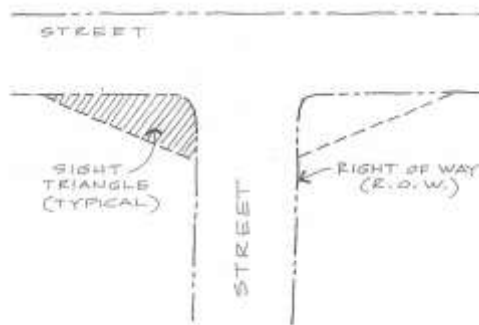
BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

CALIPER, TREE: The diameter of a tree trunk measured in inches six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use.

CENTERLINE: A line located exactly in the center width of a road or street cartway, right-of-way, easement, or access.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



CLUSTER: A development technique used for the purpose of concentrating building construction in specific areas of a site while allowing the remaining land area to remain open space for the preservation of environmentally sensitive features, recreation, or other.

COMMISSION: The Mount Holly Springs Borough Planning Commission.

COMMON AREA: The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

COMPREHENSIVE PLAN: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted,

consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of a Borough, City, or Township, as amended from time to time.

CONDOMINIUM: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a building style. The purchaser has title to the interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements.

CONDOMINIUM ASSOCIATION: The community association that owns, administers, and maintains the common property and common elements of a condominium.

CONSERVATION DISTRICT: A geographic area, usually a county, in which professionals provide advice to communities, agencies, and individuals within the jurisdiction and review development proposals.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

COOPERATIVE: Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices, and other types of space in commercial buildings or on property and where the lease, sale, or exchange of a unit is subject to the agreement of the group of persons having common ownership.

COUNTY: Any county of the second class through the eighth class.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COVERAGE: That portion or percentage of the plot or lot area covered by the building area.

CROSS WALK: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC: See STREET, MINOR / CUL-DE-SAC.

CURB: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

CURB CUT: The opening along the curb line at which point vehicles may enter or leave the roadway.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DECIDUOUS: Plants that drop their leaves before becoming dormant in winter.

DEDICATION: The deliberate appropriation or donation of land or property by its owner for any general or public uses, reserving no other rights. Acceptance of any such dedication is at the discretion of the Mount Holly Springs Borough Council.

DEED: A legal document conveying ownership of real property.

DEED RESTRICTION: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the

property. The governing body is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

DENSITY: The number of families, individuals, dwelling units, or housing structures per gross acre of land.

DEP: Pennsylvania Department of Environmental Protection.

DETENTION BASIN: A structure designed to detain and release runoff in excess of volumes allowed at a controlled rate.

DETERMINATION: Final action by an officer, body, board, or agency charged with the administration of any land use ordinance or applications there under. Determinations shall be appealed only to the boards designated as having jurisdiction for such appeal.

DEVELOPER: Any landowner, agent of such landowner, or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN: The provisions for a planned development, including a plat of subdivision; all covenants relating to use, location, and bulk of buildings and other structures; intensity of use or density of development; streets, ways, and parking facilities; common open space; and public facilities.

DISTRICT, ZONE: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

DRAINAGE: (1) Surface water runoff; (2) the removal of surface water or ground water from lands by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction of development; the means for preserving the water supply; and the prevention or alleviation of flooding.

DRAINAGE EASEMENT: An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

DRAINAGE FACILITY: Any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreation areas, or any part of any subdivision or contiguous land areas.

DRAINAGE PLAN: A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours, and topography.

DRAINAGE SYSTEM: Pipes, swales, natural features, and other improvements designed to hold or convey drainage.

DRIVEWAY: A private access for vehicles to park in a parking space, garage, dwelling, or other structure.

DUPLEX: See DWELLING, SINGLE FAMILY, SEMI-DETACHED.

DWELLING, MANUFACTURED HOUSING: See MANUFACTURED HOME.

DWELLING, MULTI-FAMILY: A building designed, occupied, or used by three or more families living independently of each other, wherein each dwelling unit shall contain private bath and kitchen facilities.

DWELLING, SINGLE FAMILY ATTACHED: A building used by one family and having two party walls in common with other buildings (such as row house or town house), except that end units have only one party wall.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one family, having only one dwelling unit and having two side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building used by one family, having one side yard and one party wall in common with another building. (Commonly referred to as a DUPLEX)

DWELLING, TWO FAMILY DETACHED: A building used by two families, with one dwelling unit arranged over the other and having two side yards.

DWELLING UNIT: One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet, and bathroom facilities and arranged for occupancy by not more than one family.

EARTHMOVING ACTIVITY: Activity resulting in movement of earth or stripping of vegetative cover from the earth.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

EASEMENT, DRAINAGE: See DRAINAGE EASEMENT.

EASEMENT, UTILITY: A right-of-way granted for limited use of land for public or quasi-public purpose.

ENGINEER, MUNICIPAL: A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.

ENGINEER, PROFESSIONAL: An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

ENGINEERING SPECIFICATIONS: The Engineering Specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EROSION: The removal of surface materials by the action of natural elements.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed. It shall include the conditions resulting therefrom.

EXISTING GRADE: The vertical location of the ground surface prior to excavation or filling.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance when the term "lot line" is used in relation to fences it shall be synonymous with "rear yard lot lines," "side yard lot lines," and "front yard lot lines."

FILL: Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINISHED GRADE: The elevation of the land surface of a site after completion of all site preparation work.

FLOOD: A temporary inundation of normally dry land.

FLOOD BOUNDARY, 500-YEAR: The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e., that has 0.2 percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

FLOOD BOUNDARY, 100-YEAR: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a 1 percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define its boundary.

FLOOD HAZARD BOUNDARY MAP: An official floodplain map issued by the Federal Insurance Administration.

FLOOD, 500-YEAR: A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a 1/5 of 1 percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

FLOOD, 100-YEAR (BASE FLOOD): A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1 percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

FLOODPLAIN AREA: A relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPLAIN DISTRICT: The zoning district that regulates the channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term "floodproofing" shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

FLOODWAY: The areas identified as floodway in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas that have been identified in the other available studies or sources of information for those floodplain areas, where no floodway has been identified in the Flood Insurance Study.

FLOODWAY AREA: The areas identified as floodway in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas that have been identified in other available studies, or sources of information from those floodplain areas where no floodway has been identified in the Flood Insurance Study.

FLOODWAY FRINGE: Those portions of land within the Floodplain District subject to inundations by the 100-year flood, beyond the floodway in areas where detailed study and profiles are available.

FUTURE RIGHT-OF-WAY: (1) Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; (2) A right-of-way established to provide future access to or through undeveloped land.

GOVERNING BODY: Mount Holly Springs Borough Council, Cumberland County, Pennsylvania.

GUARANTEE, MAINTENANCE: Any financial security that may be required of a developer by a municipality after final acceptance by the municipality of improvements installed by the developer. Such security may include, but is not limited to, irrevocable letters of credit, bonds, restrictive accounts, or escrow accounts from approved Federal, State, or Commonwealth lending institutions.

GUARANTEE, PERFORMANCE: Any financial security that may be required of a developer by the municipality in lieu of a requirement that certain improvements be made prior to final approval of the subdivision or land development plan. Such security may include, but is not limited to, those instruments cited above as acceptable as maintenance guarantees.

HALF OR PARTIAL STREET: A street, generally parallel with and adjacent to a property line, having a lesser right-of-way width than required for improvement and used as a street in accordance with this Ordinance.

HOMEOWNERS ASSOCIATION: A community association that is organized in a development in which individual owners share common interests in open space or facilities.

IMPROVED PUBLIC STREET: Any street for which the Mount Holly Springs Borough, or Commonwealth has maintenance responsibility, and which is paved with an approved hardtop surface.

IMPROVEMENTS: Those physical additions, installations, and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, streetlights, and signs; fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities; street shade trees; and improvements to existing water courses.

LAND DEVELOPMENT:

- (1) The improvement of one or more contiguous lots, tracts, or parcels of land for any purpose involving,
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or;
 - (b) The division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
- (2) A subdivision of land.
- (3) The following are exempted from the definition of Land Development:
 - (a) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (b) The addition of an accessory building, including a farm building, on a lot or lots subordinate to an existing principal building; or
 - (c) The addition or conversion of a building for rides within the confines of an enterprise, which would be considered an amusement park. For the purpose of this subsection, 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 comply to newly acquired acreage by an amusement park until initial land for the expanded area has been approved by the proper authorities.

LANDOWNER: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee having a remaining term of not less than 40 years, or other person having a proprietary interest in the land shall be deemed to be a landowner for the purpose of this Ordinance.

LANDSCAPE PLAN: A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes, buffers, and screening devices; and any other information that can reasonably be required so an informed decision can be made by Mount Holly Springs Borough.

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

- (1) Lot area: The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.
- (2) Lot, corner: A lot at the junction of and abutting on two or more intersecting streets or private roads.
- (3) Lot, flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

- (4) Lot interior: A lot other than a corner lot.
- (5) Lot, minimum width: The horizontal distance between the side lines of a lot measured at the front lot line.
- (6) Lot, reverse frontage (double frontage, through): A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway.

LOT, DEPTH: The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT, DOUBLE FRONTAGE: See LOT, REVERSE FRONTAGE.

LOT LINES: The boundary lines of a lot as defined herein.

- (1) FRONT LOT LINE: The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one side, there shall be two front lot lines.
- (2) REAR LOT LINE: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have two front lines and two side lot lines.
- (3) SIDE LOT LINE: Any lot line other than a front or rear lot line. A corner lot shall have two front lines and two side lot lines.

LOT, MOBILE HOME: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

LOT, NONCONFORMING: The area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

LOT, THROUGH (DOUBLE OR REVERSE FRONTAGE): See LOT, REVERSE FRONTAGE.

MAJOR SUBDIVISION: See SUBDIVISION, MAJOR

MANUFACTURED HOME: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.

MANUFACTURED HOME LOT: A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. (See also MOBILE HOME LOT)

MINOR SUBDIVISION: See SUBDIVISION, MINOR.

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

MOBILE HOME LOT: See LOT, MOBILE HOME.

MOBILE HOME PARK: A parcel or contiguous parcels of land that has been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION/WAIVER: Relief from this Ordinance's provisions granted by the Mount Holly Springs Borough Council for relief from the strict application of a specific requirement or provision of this ordinance, which if literally enforced would exact undue hardship on the Applicant. Modification/waiver decisions are required to be based on unique or peculiar conditions pertaining to the land. All modification/waiver requests are required to be submitted in writing and constitute the least possible relief necessary. (Additional considerations for modification(s)/waiver(s) are in Article IX.)

MONOLITHIC POURING: The simultaneous physical introduction of two or more connected concrete structures (i.e., slab with curb) into the final location where it is to harden and cure. For the purposes of this Ordinance, concrete structures include (but are not limited to) sidewalks, curbing, ramps, or other structure associated with pedestrian accessibility.

MONUMENT: A tapered, permanent survey reference point of stone or cement having a diameter of four inches with a length of 30 inches.

MUNICIPAL AUTHORITY: The Mount Holly Springs Borough Authority.

MUNICIPALITY: The Borough of Mount Holly Springs.

NATURAL FEATURE: A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress, or energy costs. Such features include those which, if disturbed, may cause hazards or stress or energy costs.

NPDES: The National Pollutant Discharge Elimination System.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or is placed where the flow of water might carry the same downstream to the damage of life and property.

ON-LOT SEPTIC SYSTEM: See SEPTIC SYSTEM.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, COMMON: See COMMON OPEN SPACE.

OPEN SPACE, PRIVATE: Common open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OWNER: See LANDOWNER.

PA DEP: The Pennsylvania Department of Environmental Protection.

PA MPC: See PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

PARCEL: A lot, plot, or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots, or deeded areas.

PARK: A tract of land designated and used by the public for active and passive recreation.

PARKING AREA: See PARKING LOT.

PARKING LOT: Any lot municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

PENNDOT: The Pennsylvania Department of Transportation.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (PAMPC): Act 247 of 1968, as reenacted and amended.

PERSON: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PLAN: See PLAT.

PLAN, CONSTRUCTION IMPROVEMENT: A plan prepared by a registered engineer or surveyor showing the construction details of streets drains, sewers, bridges, culverts, and other improvements as required by this Ordinance.

PLAN, COMPREHENSIVE: See COMPREHENSIVE PLAN.

PLAN OR PLAT, FINAL: A complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAN OR PLAT, PRELIMINARY: A tentative subdivision or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN OR PLAT, PRE-APPLICATION (SKETCH): An informal plan indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development. The pre-application (sketch) plat or plan does not constitute a formal submission of a preliminary or final plat and is voluntarily offered to all Applicants for guidance.

PLANNING AGENCY: A planning commission, planning department, planning office, or a planning committee of the Borough Council.

PLANNING COMMISSION: Mount Holly Springs Borough Planning Commission.

PLAT: The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this ordinance, the terms "plat" and "plan" have the same meaning.)

PRE-APPLICATION MEETING: An initial meeting between developers and the zoning officer and/or codes enforcement officer and/or municipal engineer which affords Applicants and/or developers the opportunity to present their proposals informally.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE STREET/ROAD: A non-public right-of-way which provides vehicular access to two or more lots.

PROFILE LINE: Means the profile of the centerline of the finished surface of the street, which shall be midway between the sidelines of the street.

PUBLIC GROUNDS: Includes:

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

PUBLIC LAND: Owned, operated, or controlled by a government agency, whether federal, state, or local, and including any corporation created by law for the performance of certain specialized governmental functions, or any public school district.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Borough Council or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING: A forum held pursuant to notice under 65 PA. C.S., CH 7 (Relating to open meetings).

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

PUBLIC PARKS AND RECREATION AREAS: Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

PUBLIC STREET/ROAD: A street ordained or maintained or dedicated and accepted by a borough, city, or township; or county, state, or federal governments and open to public use.

RECREATION, ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

REGULATORY FLOOD ELEVATION: The 100-year flood elevation plus a freeboard safety factor of 1½ feet.

REPORT: Any letter, review, memorandum, compilation, or similar writing made by a body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie there from. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the Applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RETENTION BASIN: A reservoir, formed from soil or other material, which is designed to detain temporarily a certain amount of stormwater from a catchment area, and which may also be designed to permanently retain additional stormwater runoff from the catchment area. Retention basins may also receive freshwater from year-round streams. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

REVISION, PLAN: A change or a set of changes that substantially modifies, corrects, or improves a previously submitted plan.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

RIGHT-OF-WAY, STREET: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

ROAD: See STREET.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SANITARY SEWAGE: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste resulting from the discharge of toilets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

SANITARY SEWER: Pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

SEPTIC SYSTEM: An underground system with a septic tank used for the decomposition of domestic wastes.

SCREENING: The provision of a barrier to visibility, airborne particles, glare, and noise between adjacent properties, uses, or districts, composed entirely of trees, berm, shrubs, hedges, sight-tight fences, or other similar-type materials.

SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining properties. The structures and uses on the premises on which the screen planting is located.

SERVICE DRIVE: See ALLEY.

SETBACK LINE: See BUILDING SETBACK LINE.

SEWAGE DISPOSAL SYSTEM (ON-LOT): Any system designed to eliminate sanitary sewage within the boundaries of the lot the system serves.

SEWAGE DISPOSAL SYSTEM (OFF-LOT): Any system designed to eliminate sanitary sewage outside the boundaries of the lot the system serves.

SEWAGE DISPOSAL AND TREATMENT SYSTEM (PUBLIC OR COMMUNITY): A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SIDEWALK: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIDEWALK AREA: That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SITE: A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel, as well as depicting details of a proposed development.

SKETCH PLAN: See PLAN OR PLAT, PRE-APPLICATION (SKETCH).

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SQUARE FOOTAGE: The unit of measure used to express the area of a lot, tract, or parcel involved in a subdivision or land development; the length of a lot in feet multiplied by the width of the lot in feet.

STAFF: A municipality's personnel or contracted personnel.

STEEP SLOPE: Land with a 15-foot or greater change in elevation, 100 feet or less in horizontal distance, or in other terms, 15 percent or greater on the average.

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

STORMWATER DETENTION: Any storm drainage technique that retards or detains runoff, such as detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

STORMWATER MANAGEMENT PLAN: A plan for managing the stormwater runoff from a proposed subdivision or land development, including data and calculations, prepared by the developer in accordance with the standards of this ordinance, or any applicable municipal or watershed stormwater management ordinance.

STREAM: A watercourse having banks and a channel through which waters flow at least periodically.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET CENTERLINE: See CENTERLINE, STREET.

STREET GRADE: The officially established grade of the street upon which a lot fronts, or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE: The dividing line between the street or road and the lot, also known as the right-of-way line.

STREET, MAJOR:

1. **INTERSTATE HIGHWAY:** Limited access highways designed for traffic between major regional areas or larger urban communities of 50,000 or more; these highways extend beyond state boundaries, with access limited to interchanges located by the U.S. Department of Transportation.
2. **FREEWAY:** Limited access roads designed for large volumes of traffic between communities of 50,000 or more to major regional traffic generators (such as central business districts, suburban shopping centers, and industrial areas); freeways should be tied directly to arterial roads, with accessibility limited to specific interchanges to avoid the impediment of through traffic.
3. **PRINCIPAL ARTERIAL HIGHWAY:** A principal arterial provides land access while retaining a high degree of through traffic mobility and serves major centers of urban activity and traffic generation. These highways provide a high-speed, high-volume network for travel between major destinations in both rural and urban areas.
4. **MINOR ARTERIAL HIGHWAY:** A minor arterial gives greater emphasis to land access with a lower level of through traffic mobility than a principal arterial and serves larger schools, industries, hospitals, and small commercial areas not incidentally served by principal arterials.
5. **COLLECTOR HIGHWAY:** A collector road serves dual functions, collecting traffic between local roads and arterial streets and providing access to abutting properties. It serves minor traffic generators, such as local elementary schools, small individual industrial plants, offices, commercial facilities, and warehouses not served by principal and minor arterials.
6. **STREET, ARTERIAL:** A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
7. **STREET, COLLECTOR:** A major street or highway which carries traffic from minor streets to arterial streets including the principle entrance streets of a residential development and streets for circulation within such a development.
8. **LIMITED ACCESS HIGHWAY:** A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

STREET, MARGINAL ACCESS: A minor street that is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street used primarily for access to abutting properties. Minor streets include the following:

1. **STREET, CUL-DE-SAC:** A street intersecting another street at one end terminating at the other in a vehicular turnaround.
2. **STREET, DEAD END:** A street or portion of a street with only one vehicular outlet, but which has a temporary turnaround, and which is designed to be continued when adjacent open land is subdivided.
3. **STREET, LOCAL:** Streets that are used primarily for access to abutting properties, including streets with subdivisions or developments, usually characterized by low operating speeds and dedicated or accepted for municipal ownership and maintenance.

4. STREET, PRIVATE: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.
5. STREET, PUBLIC: All streets open to the public and maintained by, or dedicated to and accepted by the municipality, the county, the state, or the federal government.

STREET, SHOULDERS: The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

STREET, WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

1. STRUCTURE, ACCESSORY: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principle building, structure or use.
2. STRUCTURE, PRINCIPLE: The main or primary structure on a given lot, tract, or parcel.
3. STRUCTURE, TEMPORARY: A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or land development under the terms of this Ordinance.

SUBDIVISION (See LAND DEVELOPMENT): The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the municipal engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to PAMPC, Section 509) of those improvements required as a condition for the final approval have been completed in accordance with the approved plan, so that the project will be able to be used and operated for its intended use.

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for stormwater drainage.

SURVEYING, PRACTICE OF LAND: Shall mean the practice of that branch of the profession of engineering which involves the location, relocation, establishment, reestablishment, or retracement of any property line or boundary of any parcel of land or any road right-of-way, easement, or alignment; the use of principles of land surveying, determination of the position of any monument or reference point that marks a property line boundary, or corner setting, resetting, or replacing any such monument or individual point, including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors, or agents any place of business from which land surveying work is solicited, performed, or practiced; the performance

of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under the laws of the Commonwealth as a professional land surveyor unless exempt under other provisions of the laws of the Commonwealth.

SURVEYOR, PROFESSIONAL LAND: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

SWALE: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

TOPOGRAPHIC MAP: A map showing the elevations of the ground by contours or elevations.

TOPOGRAPHY: The configuration of a surface area showing relative elevations.

TOPSOIL: Surface soils and subsurface soils, which presumably are fertile; soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

UNDEVELOPED LAND: Any lot, tract or parcel of land, which has not been graded or in any other manner prepared for the construction of a building.

UNIT: See DWELLING UNIT.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

1. **USE, ACCESSORY:** A use customarily incidental and subordinate to the principal use, building, or structure located on the same lot with this principal building or structure.
2. **USE, PRINCIPAL:** The main or primary use of property, buildings, or structures.

UTILITY, PUBLIC OR PRIVATE: (1) Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service, (2) a closely regulated private enterprise with an exclusive franchise for providing a public service.

VILLAGE: An unincorporated settlement that is part of a township where residential and mixed-use densities of one unit to the acre or more exist or are permitted and commercial, industrial, or institutional uses exist or are permitted.

WAIVER: See MODIFICATION / WAIVER.

WATERCOURSE: A stream of water, river, brook, creek, or a channel or ditch for water whether natural or man-made.

WATERSHED, STORMWATER MANAGEMENT PLAN: A plan for managing stormwater runoff from and from within a particular watershed area.

WATER SYSTEM: A water facility providing potable water to individual lots or to the public for human consumption.

WATER SYSTEM, NONPUBLIC: All water systems that are not public water systems.

WATER SYSTEM, OFF-LOT: An approved water system in which potable water is supplied to a dwelling or other building from a central water source that is not located on the same lot as the dwelling or building.

WATER SYSTEM, ON-LOT: A well or other approved system designed to provide potable water to a dwelling or building located on the same lot as the source.

WATER SYSTEM, PUBLIC: A water system, as defined by the Pennsylvania Department of Environmental Protection, which has at least 15 service connections or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year.

WEARING COURSE: The surface layer of a pavement that takes the wear of traffic.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

For the purposes of this ordinance, the term includes but is not limited to, wetland areas listed in the State Water Plan, the U.S. Forest Service Wetland Inventory of Pennsylvania, the U.S. Fish and Wildlife National Wetlands Inventory, and wetlands designated by the Susquehanna River Basin Commission.

YARD, BUFFER: See BUFFER YARD.

YARD, REQUIRED: An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

ZONE: See DISTRICT.

ZONING: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement, and other development standards. (Also see the Pennsylvania Municipalities Planning Code.)

ZONING DISTRICT: A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

ZONING MAP: The map setting forth the boundaries of the Zoning Districts of the borough, which shall be part of this Ordinance.

ZONING OFFICER: The administrative officer appointed by the Borough Council to administer the Zoning Ordinance and issue zoning permits.

ZONING PERMIT: A document signed by a zoning officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance there from.

ARTICLE 4-PLAN PROCESSING PROCEDURES AND REQUIREMENTS

Section 401 PLAN PROCESSING PROCEDURES

General Procedure

1. Whenever a subdivision or land development is proposed, a plan of the layout of such subdivision or land development shall be prepared, filed, and processed according to the requirements of this Ordinance. The governing body may hold a public hearing, properly advertised, prior to action on the plan. No lots will be sold or structures erected prior to the final approval of the plans.
2. The Applicant shall complete the "Mount Holly Springs Borough Plan Submission Checklist" and the "Subdivision and Land Development Application" (available at the Borough office and website) for all preliminary and final plans.
3. The municipal engineer or its representative have the right to reject the filing of a plan if the plan is administratively incomplete due to an omission of any criteria required in the checklist referenced above or Sections 407 through Section 410 hereof. Any such plan so rejected shall be deemed not filed until such time as the deficiencies are corrected and accepted by the engineer or its representative.
4. Prior to the preparation of any plan, the Applicant shall review the rights and restrictions associated with prior recorded plan and is advised to consult with all appropriate agencies with respect to, but not limited to as more fully described in this Ordinance:
 - A. Compliance to zoning ordinance
 - B. Sanitary and water services
 - C. On-lot sewage disposal
 - D. Public utilities
 - E. Stormwater control measures
 - F. Floodplain development measures
 - G. Erosion and sedimentation control measures
 - H. Historic preservation
 - I. Important natural habitats
 - J. Archaeological resources
5. A preapplication submission meeting is strongly suggested with the municipal staff and municipal engineer. Due to the informal nature of the meeting, the Applicant and the municipality shall not be bound by the determination of the preapplication meeting.
6. Plan submission, official filing date, and approval of the plan.
 - A. The application for submission of subdivision and land development plans shall be submitted 21 days prior to the regularly scheduled Planning Commission meeting date. Upon receipt of an application, the borough shall affix to the application both the date of submittal and the official filing date.

- B. The official filing date shall be the date of the next regularly scheduled meeting of the Planning Commission following the submittal date. Should the regular meeting occur more than 30 days following the submission of the application, the official filing date shall be the 30th day following the day the application has been submitted.
- C. All plans shall be reviewed by the borough engineer, the borough solicitor, and other representatives of the borough as deemed necessary by the borough manager or the Borough Council. All fees and costs incurred by the borough for plan reviews and meetings shall be paid by the Applicant.

7. Approval of Plans.

The application for approval of the plans whether preliminary or final shall be acted upon and decision rendered by the governing body. This decision shall be determined and communicated to the Applicant not later than 90 days following the official filing date.

Section 402 SKETCH PLAN (OPTIONAL)

A pre-application meeting or sketch plan review is recommended for the Applicant to receive advice and comments from the borough staff. The meeting between the Applicant and the borough staff shall be considered confidential.

- 1. Prior to the filing of a subdivision or land development plan, the Applicant is encouraged to submit a sketch plan to the Planning Commission and the governing body for advice and assistance on the requirements necessary to achieve conformity with the standards of this and other applicable borough ordinances. The submission of a sketch plan does not constitute an official subdivision and land development application.
- 2. The plan shall be labeled "SKETCH PLAN" and shall include sufficient data, such as listed below.
 - A. Name and address of the legal owner, the equitable owner, and/or Applicant and the person responsible for preparing the sketch plan
 - B. Title, scale, north arrow, and date of preparation
 - C. Location map, tract boundary, and ground contours
 - D. Existing and proposed streets and layout of lots and open space easements
 - E. Proposed structures and parking areas
 - F. Topographic features such as watercourses, rock outcropping, steep slopes, wetlands, vegetation, and floodplain areas
 - G. Proposed method of water supply, sewage disposal, and stormwater management
 - H. The zoning district for the proposed plan area
- 3. Ten copies of the sketch plan (see Subdivision and Land Development Booklet available at the borough office and on the borough website) shall be submitted 21 days prior to the Planning Commission regularly scheduled meeting date.
- 4. Individuals are permitted to discuss proposals with the borough staff, Planning Commission, or other governing body without the benefit of the plan; however, the benefit will be limited.

Section 403 PRELIMINARY PLAN PROCEDURES

The preliminary plan and all related information shall be submitted to the borough as provided below:

1. Plans shall be submitted to the borough 21 days prior to the Planning Commission meeting date. The Applicant may request a waiver and submit combined preliminary/final plans for non-phased projects.
2. Ten copies of the preliminary plan, application form including description and purpose of the plan, and checklist duly completed (see Subdivision and Land Development Booklet available at the borough office and on the borough website).
3. When a sewage module is required by the PA Department of Environmental Protection for compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code, a completed module package or exemption letter should accompany the plan.
4. Two copies or less, as deemed appropriate by the borough, of the stormwater management report.
5. A non-refundable review fee for the borough, as set by the governing body, and the review fee as set by the County Planning Department for review of the plans.
6. The Applicant or developer will distribute copies of the preliminary plan as indicated in the Subdivision and Land Development Booklet (available at the borough office and on the borough website).
7. The County Planning Department shall review the preliminary plan and data and shall return a written review report to the borough within 30 days of its receipt of the same or forfeit its right to review. The borough shall not approve the application until the county review report is received or until the expiration of 30 days from the date the application was forwarded to the county.
8. The borough Planning Commission shall review the preliminary plan to determine if it meets the requirements and standards set forth in this Ordinance. The Planning Commission shall recommend whether the preliminary plan should be approved, approved with conditions, tabled to make revisions, or disapproved. The Planning Commission shall notify the Borough Council in writing thereof including, if recommended for disapproval, with reasons for such action, including specific reference to the provision of any statute or ordinance that have not been fulfilled.
9. When a plan is tabled by the Planning Commission or Borough Council to comply with the review comments generated by the Planning Commission or Borough Council, codes/zoning staff, municipal engineer, County Planning Department and other review entity(s), the Applicant shall provide a written response to all the comments and the revised plan before the next Planning Commission/Borough Council meeting date.
10. The Planning Commission shall act on the preliminary plan in time for the Borough Council to render and communicate their decision within 90 days, or extension thereof, of the official filing date. The 90-day period begins following the date of regular meeting of the Borough Council or Planning Commission (whichever first reviews the application). Failure to do so shall be deemed an approval.

11. The Borough Council at their regular meeting shall act on the preliminary plan.
12. Before acting on the plan, the Borough Council may hold a public hearing after proper public notice.
13. The borough shall notify the Applicant, in writing, of its decision to approve, approve with conditions, or disapprove the preliminary plan. Such notice shall be given to the Applicant in person or by mail at the last known address within the 90-day period required by the MPC and noted in 403.10 above. If the plan is approved with conditions or disapproved, the borough shall specify in their notice the conditions that must be met, and/or the defects found in the plan, and the requirement that has not been met, including specific reference to provisions of any statute or ordinance that have not been fulfilled.
14. If the preliminary plan is approved subject to conditions, the Borough Council shall not sign the plan until all the conditions have been met. All conditions of approval must be fulfilled within 120 days of the date of conditional approval, or the approval shall automatically become null and void, unless requested by the Applicant in writing and extended by the Borough Council. The official date of approval of the preliminary plan shall be the date of conditional approval.
15. Approval of the preliminary plan shall constitute a subdivision or land development plan with respect to general design, the arrangements and approximate dimension of lots, street, and other planned features. The approval binds the developer to the general scheme of the plan as approved. Approval of the preliminary plan does not authorize the recording, sale, or transfer of lots.
16. The preliminary plan approval will be effective for a five-year period from the date of approval of the preliminary plan. The final plan for the entire project must be made within five years of the preliminary plan approval unless the Borough Council grants a waiver by extending the effective period of the approval. An extension of time may be requested by the Applicant in writing and approved by the Borough Council in accordance with Section 508(4) of the Pennsylvania MPC, Act 247 as amended. Request for extension shall be submitted to the borough (code enforcement officer) 30 days prior to any prevailing expiration date. Extensions may be granted for no more than three 1-year periods.
17. In the cases of a preliminary plan calling for installation of improvements beyond the five-year period, a schedule shall be filed by the Applicant with the preliminary plan, delineating all proposed sections as well as deadlines within which application 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 plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.
18. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as shown on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the Applicant has not defaulted with regards to or violated any of the conditions of the preliminary plan approval, including compliance with Applicant's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protection afforded by substantially completing the improvements shown on the final plan within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid protection

shall apply for an additional term or terms of three years from the date of final plan approval for each sections.

Failure of Applicant to adhere to the aforesaid schedule of submission of final plan for the various sections shall subject any such section to any and all changes in this Ordinance, Zoning Ordinance, and other governing ordinance enacted by the governing body subsequent to the date of the initial preliminary plan submission.

Section 404 FINAL PLAN PROCEDURES

1. After the Applicant has received from borough the official notification of the approval of the preliminary plan with or without conditions, and the Applicant has successfully fulfilled any conditions of approval, the Applicant may submit a final plan in accordance with this ordinance and the provisions of the MPC. The borough will not accept concurrent plan unless all previous conditions are met.
2. The Applicant shall submit a final plan to the borough within one year after the date of the approval of the preliminary plan for the portion intended to be developed. Filing of the plan shall include all the material and other data required under the final plan specifications and appropriate review fees. Failure to comply with time limitation herein provided shall make the approval of the preliminary plan null and void. The Applicant may request a waiver and submit a combined preliminary/final plan for non-phased projects.
3. The Applicant shall submit to the borough the completed application form, checklist, appropriate filling fees, plans, and reports as required in the Borough Subdivision and Land Development Booklet available at the borough office and on the borough website.
4. The Applicant or developer shall forward one copy of the final plan and required report(s) to the County Planning Department with the review fee and the County Application for Plan Review form. The Applicant or developer may send plans to other agencies as needed.
5. The final plans shall be reviewed by the borough engineer and codes enforcement staff to provide review comments to the Planning Commission and the Applicant.
6. The County Planning Department shall review the plans and provide review comments to the borough within 30 days.
7. The Planning Commission will review the plan and required report(s) at its regularly scheduled meeting date for compliance with the approved preliminary plan and this Ordinance and make recommendation to the Borough Council. The Planning Commission shall act on the final plan in time for the Borough Council to render its decision within 90 days from the official filling date.
8. The final plan shall incorporate all the changes and modifications required by the Borough Council in the preliminary plan, and shall conform to the approved preliminary plan. It may constitute only that portion of the approved preliminary plan that the Applicant proposes to record and develop at the time, provided that such portion conforms with all the requirements of this Ordinance and the phasing requirement agreed upon with the Borough Council and the requirements of the MPC, Act 247, as amended.
9. When a plan is tabled by the Planning Commission/Borough Council to comply with review comments generated by the Planning Commission/Borough Council, codes/zoning officer, municipal engineer, County Planning Department, and other review entity(s), the Applicant shall

- provide a written response to all the comments and the revised plan before the next Planning Commission/Borough Council meeting date.
10. The Borough Council will not take the official action on the final plan until the Applicant and the borough agree on the terms for completion of all public improvements or guarantee thereof. The agreements and improvement and/or maintenance guarantee shall be prerequisite to final plan approval and shall be in accordance to improvement and maintenance guarantees.
 11. The Borough Council, upon the recommendation of the Planning Commission, shall act on the final plan within 90 days, or extension thereof of the official filing date.
 12. If any modification or waiver of requirement from this Ordinance is requested by the Applicant, or is deemed necessary for approval, the details of the modification request and the reasons for its necessity shall be submitted to the borough in writing, as provided in Article 9.
 13. The Applicant, during the plan review process, may grant, in writing, an extension of time for the borough to act on the plan.
 14. The borough shall notify the Applicant, in writing, of its decision to approve, approve with conditions, or disapprove the plan. Such notice shall be given to the Applicant in person or mailed to the Applicant's last known address not later than 15 calendar days following the decision. If the plan is approved with conditions or disapproved, the Borough Council shall specify in their notice the conditions which must be met and/or the defects found in the plan and the requirements which have not been met, including specific reference to the provision of any statute or ordinance which has not been fulfilled.
 15. If the plan is approved with conditions, the Applicant shall respond to the Borough Council, indicating acceptance or rejection of such conditions. Such response shall be in writing, signed by the Applicant, and received by the borough within 10 calendar days of receipt by the Applicant of the borough's decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the Applicant's failure to accept or reject such conditions in the manner and within the time frame noted above.
 16. No changes, erasures, modifications, or revisions shall be made on any final plan after approval has been given by the Borough Council, and endorsed in writing on the plan, unless the plan is first resubmitted to the Borough Council.
 17. The Applicant shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner and the borough shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the final plan.
 18. Within 90 days after the approval of the final plan by the Borough Council and upon all conditions being met, the Applicant shall provide prints of the plan to the borough for signatures of the Borough Council. Then the Applicant shall obtain the signatures of the County Planning Department for review of the plan, and the Applicant shall record a copy of the final signed plan in the office of the Cumberland County Recorder of Deeds. The Applicant shall provide the borough with two recorded copies, signed for municipal records with Instrument number/plan book number and appropriate page numbers indicated on the plan.
 19. Recording of the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park reservation and other public areas to

public use unless reserved by the Applicant as hereinafter provided. The approval of the final plan shall not impose any duty upon the borough or the Borough Council concerning maintenance or improvements of any such dedicated street or public use, until the Borough Council shall have accepted the same by the prevailing procedure of the borough.

Section 405 LOT ADD-ON PLAN PROCEDURE

A plan which proposes to alter the location of lot lines between existing lots of separate ownership for the sole purpose of increasing lot size can be submitted to the borough as a "Preliminary/Final Plan" without the need to request a waiver when meeting the following criteria:

1. No lot or tract of land is created that is neither smaller than the minimum nor larger than the maximum lot size permitted by the applicable Zoning Ordinance.
2. Drainage easements or rights-of-way are not altered.
3. Access to the affected parcel is not changed.
4. Street alignments are not changed.
5. No new building lots are created.

The lot add-on plan shall be prepared in conformance with the provisions of Section 409 of this Ordinance and any other applicable requirement of the law.

Section 406 RESERVED

Section 407 PRELIMINARY PLAN SPECIFICATIONS

A Preliminary Plan that meets the requirements of Section 403 shall be prepared for submission to the borough and comply with the following requirements:

1. Preliminary plans shall be prepared by a land surveyor, an engineer, or a landscape architect registered in the Commonwealth of Pennsylvania. Land surveyor shall prepare the bearings and distances for the tract and lots.
2. Ten copies of the plans will be submitted on a sheet no larger than 24 inches by 36 inches (see Subdivision and Land Development Booklet available at the borough office and on the borough website).
3. Preliminary plan shall contain the following information:
 - A. Cover sheet information:
 1. Title block.
 2. Name of proposed development, municipality, and the county; Pennsylvania; and plan labeled "Preliminary Plan."
 3. Name, address, and telephone number of the record owner of the tract, the equitable owner if one exists, and the subdivider or developer.
 4. Name, address, and telephone number of the professional engineer, landscape architect, and professional land surveyor.
 5. Reference to Instrument Number/Deed book, volume and page number, and tax parcel number.

6. A location map drawn to a scale of a minimum of 1 inch to 2,000 feet (1" = 2000') and north arrow.
7. Date of plan preparation and revision date(s).
8. Zoning data in a table form to include: zoning district, minimum lot area, building setbacks, lot width, density, building height, number of floors, lot and building coverage, parking, open space, landscape buffer and screening, public or private water and sewer.
9. Site data in a table form to include: Total area of tract, proposed use, proposed number of lots or number of units, lot and building coverage, density, building height, number of floors, area of public right-of-way, public or private water supply and sanitary sewer, total length of proposed and/or improved street(s) in feet, and parking calculations including handicap parking.
10. Existing and proposed protective covenants running with the land, if any, or a note stating none exist.
11. A statement listing any modifications of requirements, waivers, variances, special exceptions, conditional uses, and/or any non-conforming structures.
12. An inventory of all permits or approvals required by other agencies along with date submitted and approval dates.
13. Index of drawings and identify sheets to be recorded.
14. Pennsylvania One Call System information with serial number(s).
15. List of utilities with addresses and telephone numbers.
16. Parcel(s) of land to be dedicated.
17. A statement regarding public improvements shall be provided as follows:
"All public improvements shall conform to PENNDOT Publications 408 and Construction Standards Publication 72, or latest edition, and with municipal construction requirements and ordinances."
18. If the development and improvements are proposed in phases, provide the number of lots and time schedule for each phase of the development in a table form.
19. Certification of ownership and statement of dedication of roads or streets and rights-of-way signed by owner and duly notarized.
20. Certification of professional land surveyor with seal and signature for the accuracy of the plan survey.
21. Certification of professional engineer who prepared the plan, with seal and signature, that all information shown is correct.
22. Certification by a person with training in wetlands who has evaluated the site and determined by the 1987 Army Corp of Engineer's manual on wetland delineation and determination that there are or there are no wetlands on the site.

23. Certification on the presence or absence of floodplain.
 24. A certification that the stormwater management system as shown on this plan is adequate to meet the requirements of the borough ordinances.
 25. Contribution of recreation land or fee for residential lots and land developments as approved by the borough.
 26. A statement that a Highway Occupancy Permit (HOP) is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," as amended by Act No. 1986-43 of May, 1986, before access to a state highway is permitted.
 27. Signature block for review of the plan by the Municipal Planning Commission.
 28. Signature block for approval of the plan by the Borough Council.
 29. Signature block for review of the plan by the Cumberland County Planning Department.
 30. Signature block for the municipal engineer for review of the engineering aspects of the plan.
 31. A statement regarding the date or ordinance number of the Zoning and Subdivision and Land Development ordinances in effect at the time of submission.
- B. Plan information and other requirements:
1. The plan shall be drawn no smaller than 100 feet to 1 inch. All dimensions shall be shown in feet and hundredths of a foot.
 2. A separate plan showing all the existing conditions within the tract.
 3. Total tract, layout of lots, lot area, lot dimensions, and lot numbers.
 4. North arrow and graphic and written scale on all sheets.
 5. Name and deed reference of all adjoining landowners with abutting lot lines.
 6. Primary control point.
 7. Existing and proposed concrete monuments and markers.
 8. Existing contours at a minimum of 2 feet for land with average slope of 4 percent or less and a maximum vertical interval of 5 feet for slope greater than 4 percent. Contours shall be referenced to National Geodetic Vertical Datum (NGVD).
 9. Tract and lot boundary with bearing and distances. For undeveloped area in excess of 10 acres, deed plat information may be used.
 10. Name of existing and proposed public or private streets and driveways on or adjacent to the tract, right-of-way and cartway width, curb and sidewalks, traffic regulatory signs, and directional signs.
 11. Location of existing sanitary sewer main water supply main, fire hydrant, gas line, power line, stormwater management facilities, and other significant man-

- made features on or adjacent to the tract or developed/disturbed area within 200 feet.
12. Location of existing building or structure(s) on the tract.
 13. Location of well and distance to on-lot sewerage facilities, if applicable.
 14. Location of existing and proposed easements with bearings and distances.
 15. Existing natural features such as wetlands delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (latest version), FEMA 100-year flood elevation and boundary, tree masses, watercourses, soil types, steep slopes, rock outcrops, contours, and other features.
 16. Existing and proposed protective covenants associated with the land, if any, or a note stating none exist.
 17. Minimum building setback lines for each lot.
 18. First floor elevation of building.
 19. Zoning classification of adjoining lots and land.
 20. Clear sight triangle and sight distance at proposed street intersections and driveways.
 21. Snow dump areas in the turnaround of a cul-de-sac, if applicable.
 22. Typical street cross-section for proposed streets.
 23. Street centerline profile for each proposed street.
 24. Proposed street names approved by the U.S. Post Office.
 25. Location of any proposed site improvements such as curbs, sidewalks, street trees, traffic regulatory signs, fire hydrants, snow dump areas, community mail box(s), trash dumpster(s), handicap ramps, and parking facilities.
 26. Preliminary design of water mains if borough or authority owned, and sanitary and storm sewer mains.
 27. Preliminary Stormwater Management Plan and supporting calculations.
 28. Traffic impact study, as required by this Ordinance.
 29. Erosion and sedimentation control plan shall be prepared as required by the "Pennsylvania Clean Streams Law," and the Pennsylvania Department of Environmental Resources "Erosion and Sediment Pollution Control Program Manual" (April 2000): Title 25, part I, Subpart C, Article II, Chapter 102-Erosion Control.
 30. Landscaping, buffering, and Screening Plan, if required, prepared by landscape architect, arborist, or other qualified professional.
 31. Grading and Earth Moving Plan.
 32. Lighting Plan for outdoor and street lighting, as applicable.

33. For on-lot water supply, provide location of well.
34. For on-lot sewerage facilities, provide location of perc and probe for primary and secondary sites and distance to well.
35. DEP Sewage Facilities Planning Revision Module or appropriate waiver request and approval.
36. Such other data as may be required by the Planning Commission, Borough Council, and municipal engineer in the administration and enforcement of this ordinance.
37. Provide legend describing various notations shown on the plan.
38. Identification of steep slopes as defined by this Ordinance. The plan should differentiate between areas of 15-24.99 percent slope and areas containing slopes of 25 percent or greater. Areas containing steep slopes must comply with the Mount Holly Springs Borough Zoning Ordinance.

Section 408 FINAL PLAN SPECIFICATIONS

A Final Plan, which meets the requirements of Section 405 and contain all the specifications required by the Preliminary Plan in Section 407, shall be prepared for submission to the borough and comply with the following requirements.

1. Final plans shall be prepared by a land surveyor, an engineer, or a landscape architect registered in the Commonwealth of Pennsylvania. The land surveyor shall prepare the bearings and distances of the tract and lots.
2. Ten copies of the plan will be submitted on a sheet no larger than 24 inches by 36 inches (see Subdivision and Land Development Booklet available at the borough office and on the borough website).
3. The plan shall be labeled as "Final Plan" and contain the following information.
 - A. Cover Sheet information:
 1. Information as required in Preliminary Plan Section 407.
 2. Date of preliminary plan approval.
 3. List of approved waivers and modification of requirements, conditional uses, and variances with approval dates.
 4. The approval date of PennDOT Highway Occupancy permit, if applicable.
 5. Approval date of erosion and sedimentation control plan by the Cumberland County Conservation District.
 - B. Other Requirements
 1. Information as required in Preliminary Plan Section 407.
 2. Stormwater Management Plan approved by the municipal engineer.
 3. Details of stormwater management facilities along with maintenance and inspection requirements.

4. Drainage and grading plan showing existing and proposed final contours, including swales and any stormwater facilities.
5. Plans and profiles of proposed streets, sanitary and stormwater sewers with grade and pipe size indicated; and a plan of proposed water distribution system showing pipe size and location of valves and fire hydrants and specifications for construction and materials.
6. PA Department of Environmental Protection Sewage Facilities Planning Module approval or exemption letter from PADEP in compliance with the requirements of Pennsylvania Sewage Facilities Act.
7. Parcels of land intended to be dedicated or reserved for parks, playgrounds, parking areas, common open space, or other public, semi-public, or community purpose.
8. Notification of plans to the school district if requested.
9. Review of plans by fire department when a new street is proposed.
10. Copy of all the permits/approvals from utilities and government agencies.
11. Financial security estimate for improvements.
12. Provisions for posting any required maintenance guarantees.
13. Provision for posting any public improvement guarantees.
14. Developer's agreement that is acceptable to the borough.
15. Wetland study, as required.
16. A copy of final deed restrictions or protective covenants.
17. A copy of the Condominium/Homeowner's Association package, if such is proposed.
18. If water supply is to be provided by means other than private wells owned and maintained by individual lot owners within the subdivision or development, the Applicant shall present evidence that the subdivision or development is to be supplied by a certified public utility; a bona fide cooperative association of lot owners; or by a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or commitment or agreement to serve the area in question; whichever is appropriate is acceptable.
19. When a facility is proposed for dedication to the borough, as-built drawings shall be provided to the borough within 90 days of construction completion.
20. An erosion and sedimentation plan reviewed by the Cumberland County Conservation District, as applicable.
21. Description of the centerline and right-of-way for all new and existing streets, to include distances and bearings with curve segments comprised of radius,

tangent, arc, and cord. The description shall not have an error of closure greater than one foot in 10,000 feet.

22. Description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, cord, bearing, and distance. Along an existing street right-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one foot in 10,000 feet.
23. A standard note regarding public improvements shall be added as follows:
"All public improvements shown shall conform to PennDOT Publications 408 and Construction Standards Publication 72, or latest edition, and with borough construction requirements and ordinances."
24. Such other data that may be required by the Planning Commission, Borough Council, and municipal engineer in the administration and enforcement of this Ordinance.
25. Street signage and traffic regulatory sign and details.
26. Lighting Plan for outdoor and street lighting, as applicable.
27. Landscape, buffering, and screening plan, as applicable.
28. Approved street names by U.S. Postal Service.
29. Traffic studies required by state laws to warrant traffic control devices such as stop signs, traffic signals, speed limits, turning lanes, etc.
30. Identification of steep slopes as defined by this Ordinance. The plan should differentiate between areas of 15-24.99 percent slope and areas containing slopes of 25 percent or greater. Areas containing steep slopes must comply with the Mount Holly Springs Borough Zoning Ordinance.

Section 409 LOT ADD-ON PLAN SPECIFICATIONS

A subdivision plan that meets the criteria of Section 405 for Lot Add-on Plan may be prepared as a Preliminary/Final plan for submission to the borough and shall comply with the following requirements:

1. The lot add-on plan shall be prepared by a land surveyor registered in Commonwealth of Pennsylvania.
2. Ten copies of the plan will be submitted on a sheet no larger than 24 inches by 36 inches (see Subdivision and Land Development Booklet available at the borough office or on the borough website).
3. Dimensions shall be in feet and degrees, minutes and seconds with an error of closure no greater than one foot in 10,000 feet.
4. The plan shall contain the following information.
 - A. Cover Sheet:
 1. Title block.

2. Name of proposed plan, municipality, county, Pennsylvania, and plan labeled "Lot Add-On Final Plan."
3. Name, address, and telephone number of the recorded owner and any equitable owner of the two effected lots.
4. Name, address, and telephone number of professional land surveyor.
5. Reference to Instrument Number/Deed Book, Volume and Page Number and tax parcel number.
6. A location map drawn to a scale of a minimum of 1 inch to 2,000 feet (1" = 2000'), and north arrow.
7. Date of plan preparation and revision date(s).
8. Zoning data in a table form to include: Zoning district, minimum lot area, building setbacks, lot width, density, lot and building coverage, parking, open space, and landscape buffer and screening.
9. Site data in a table form to include: Area of the lots, proposed use, proposed lot numbers, lot and building coverage, density, area of public right-of-way, public or private water supply, and sanitary sewer.
10. Existing and proposed protective covenants associated with the lands, if any, or a note stating that none exist.
11. A statement listing any approved modification of requirements, waivers, variances, special exceptions, conditional uses, and/or any non-conforming structures.
12. Statement for recordation of the plan with date, Instrument number/Deed book, volume and page number, and tax parcel numbers.
13. Certification of Professional Land Surveyors with seal and signature for the accuracy of the plan survey.
14. Certification regarding presence or absence of wetland and FEMA floodplain.
15. Signature block for review of plans by Municipal Planning Commission.
16. Signature block for approval of the plans by Borough Council.
17. Signature block for review of plan by the Cumberland County Planning Commission.
18. Signature block for municipal engineer for review of engineering aspects of the plan.
19. A statement that "No lot created as a lot addition by this plan shall be later subdivided to create additional building lots. The lease, conveyance, sale, or transfer of land shall be incorporated into existing lots by recorded deed. The newly created lot may not be used as a stand-alone lot."
20. A statement indicating that a Non-Building Waiver Form B has been approved by the Pennsylvania Department of Environmental Protection.

B. Plan Information

1. The plan shall be drawn no smaller than 100 feet to 1 inch. All dimensions shall be in feet and hundredth of a foot.
2. Property plan showing the entire lot, tract, or parcel to be effected by the lot add-on plan subdivision.
3. Lot area, bearings and distances, and lot numbers. If the remaining acreage is in excess of 10 acres, its boundary and the boundary of the remaining tract shall be described by deed plotting drawn at a legible scale.
4. North arrow, graphic and written scale.
5. Name and deed reference of all adjoining land owners with abutting lot lines of both conveying and receiving lot.
6. Primary control points.
7. Existing and proposed concrete monuments and markers.
8. Name of existing public or private streets and driveways on or adjacent to the lot, right-of-way and cartway width, curb, and sidewalk.
9. Location of easements with bearing and distances and utilities on and/or adjacent to both the conveying and receiving lot.

ARTICLE 5 - DESIGN AND IMPROVEMENT STANDARDS

Section 501 PURPOSE

The purpose of this Article is to provide design, improvement, and construction standards for subdivision and land development proposed within the Borough of Mount Holly Springs, Cumberland County, Pennsylvania. These standards shall be the basis for judging the adequacy of subdivision and land development plan submittals to the borough. The Borough Council and Borough Planning Commission are hereby authorized to solicit reviews, reports, and studies from other municipalities and governmental agencies that may be affected by subdivision or land development application within the borough.

Section 502 GENERAL STANDARDS

1. The Applicant shall design and construct all improvements required by this Ordinance and any other applicable State or Federal regulation at no expense to the borough.
2. The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience, and general welfare.
3. No land shall be subdivided or developed for residential purposes unless all known hazards to life, health or property have been eliminated or unless the adequate safeguards against such hazards have been provided.
4. To the maximum extent practicable, development shall be located to preserve natural features of the site; to avoid areas of environmental sensitivity; to minimize negative impacts and alteration of natural features; and to avoid areas unfavorable for development. Areas unfavorable for development shall include, but not be limited to:
 - A. Land subject to flooding;
 - B. Land, which if developed, will aggravate a flooding condition on lands not owned by the Applicant;
 - C. Land subject to subsidence;
 - D. Land having been affected by soil or groundwater pollution;
 - E. Wetlands.
5. Where literal compliance with the standards and requirements contained herein is clearly impractical, the Borough of Mount Holly Springs may modify the requirements in accordance with the process set forth in Article 9 of this Ordinance.
6. Subdivision and Land development plans shall give due consideration to the Borough of Mount Holly Springs Comprehensive Plan and other "Official Plans" of the Borough of Mount Holly Springs or to such parts thereof as may be approved. Additionally, new developments shall be coordinated with existing nearby neighborhoods and uses so the community may develop in a harmonious manner.
7. Proposed land uses shall conform to standards and requirements of the Borough of Mount Holly Springs Zoning Ordinance.
8. The Applicant shall not begin work on any occupied structures, either permanent or temporary,

in any part of a subdivision or land development until the streets intended to serve those structures have been improved with a continuous wearing course extending to a connecting street that is already in service.

9. All improvements, utilities, and facilities required by this ordinance shall be subject to inspection by borough officials or appointed designee during the process of construction.

Section 503 BLOCKS AND LOTS

1. Blocks.

- A. Blocks shall not exceed 1,500 feet in length and shall not be less than 500 feet in length. Mid-block crosswalks may be required for blocks exceeding 1,000 feet in length.
- B. No block width shall be less than two times the minimum permissible lot depth in the applicable zoning district.

2. Lots.

- A. All lots shall front on an existing or proposed public street, or on a private street where permitted by the borough, and where street ownership and maintenance provisions have been made in conformance with Article 6 of this Ordinance.
- B. Double frontage, or through lots, are to be avoided and generally will not be permitted except along existing interstate, arterial, and collector roads. Double frontage residential lots shall be accessed by driveways entering the street having the lower traffic volume use classification.
- C. The minimum lot size, dimensional requirements, and lot density shall conform with the requirements of the Borough Zoning Ordinance. Areas of wetland, floodway, and underground or overhead utility transmission line rights-of-way shall be excluded from the calculation of minimum required lot area.
- D. Lots shall be graded to a sufficient elevation to ensure positive drainage away from proposed buildings. Topsoil stripped from lots shall be stockpiled and replaced to a minimum depth of eight inches over all non-paved and hardscaped surfaces.
- E. Lot lines shall be at right angles to straight street lines or radial to curved street lines unless unreasonably shaped lots result.

3. Flag Lots.

- A. "Flag-shaped" or panhandle lots shall have a minimum of 50 feet of frontage. The area of the panhandle or flag pole portion of the lot shall not be included in the calculation of required minimum lot area.
- B. No more than two flag lots may be located adjacent to one another. No more than two tiers of flag lots shall be permitted. Flag lots shall not be permitted to access the turnaround or bulb area of a cul-de-sac.
- C. Building setbacks shall begin beyond the terminus of the pole or handle. A driveway setback of six feet shall be required within the pole or handle. Driveways shall also be set back a minimum of 20 feet from any adjacent existing structure and shall incorporate adequate turnaround area to allow for egress from the lot in the forward direction.

- D. Shared access shall be required for any two flag lots placed side by side. The driveway shall be subject to a common access easement between the two users and an agreement to this effect shall be reviewed and approved by the Borough Solicitor prior to approval of the Preliminary Plan. The approved agreement shall be recorded with the Final Plan.
- E. Flag lots shall be permitted for single-family detached dwellings only. Only one such dwelling shall be permitted for a single flag lot. Flag lots shall be permitted in the RL, R-1, or R-2 Zoning Districts as defined in the Borough Zoning Ordinance.
- F. Requirements for the flag pole or panhandle.
 - 1. The flag pole or panhandle shall be used exclusively for access and shall not be used for other purposes including, but not limited to, buildings, wells, or septic systems.
 - 2. The maximum flag pole or panhandle length shall be 500 feet.
 - 3. The pole shall have a minimum continuous width of 20 feet.
 - 4. Flag poles accessing streets shall be separated by a distance equal to two lots of minimum width for flag lots located along the same side of the street. Said separation shall be measured at the street frontage.
- 4. House numbers shall be assigned to each new lot by the borough upon approval by the U.S. Postmaster.
- 5. Each new lot created in the borough shall be designed for environmental self-sufficiency in such a manner that both water supply and adequate sewage disposal are addressed by on-lot or community systems or be connected to available public water and sewer facilities.

Section 504 STREETS, ALLEYS, AND SERVICE DRIVES

- 1. General Street Layout.
 - A. The proposed street layout shall be integrated with existing and/or officially planned streets and shall consider topographic limitations to produce useable lots and reasonable street grades. Streets in bordering subdivision or land developments shall also be considered new streets and shall be of widths, grades, and layout deemed necessary by the borough to accommodate prospective traffic and facilitate fire protection. Streets shall be designed according to their principle use for the zoning district in which they are proposed.
 - B. The borough may, as a prerequisite to Final Plan approval, require the Applicant to repave portions of previously constructed streets that are proposed for extension in the phase of development under consideration for approval.
 - C. Proposed streets shall be properly related to county, regional or state transportation plans as have been prepared and adopted.
 - D. Where practicable, proposed streets shall be laid out to continue existing streets at no reduction in widths. However, greater street widths may be required at the recommendation of the borough engineer.

- E. The arrangement of streets in new developments shall make provisions for the continuation of existing streets into adjoining areas and undeveloped or unplanned areas, and the continuation of proposed streets to the boundaries of the tract being subdivided.
- F. New streets shall be connected to existing streets on properties that adjoining the proposed subdivision or land development at the discretion of the Borough.

2. Road and Street Classification. All roadways within the borough, existing and proposed, shall be classified in accordance with the following system

Functional Classification of Mount Holly Springs Borough Roadways		
Classification	Class Description	Roads in Class
Arterial	<ul style="list-style-type: none"> • Provides inter-county connectivity • Trip lengths of five miles or greater • Minimize local access points • Higher operation speeds 	State Route 34 State Route 94
Collector	<ul style="list-style-type: none"> • Connects local roads to arterials • Provides intra-county connectivity • Connect villages and small boroughs 	Mill Street
Local Roads	<ul style="list-style-type: none"> • Connect residences and commercial/industrial properties to higher order roads 	All other borough roads
Alley or Service Drive	<ul style="list-style-type: none"> • A secondary access, publicly or privately owned, primarily for service access to the rear of a property and not intended for general traffic circulation 	

3. The following minimum right-of-way and street widths shall be required.

Street Classification	Right-of-way Width	Paved Cartway	Paved Shoulders
Arterial	PennDOT Standards	PennDOT Standards	PennDOT Standards
Collector	60'	24'	8' each side
Local Roads	50'	24'	4' each side
Residential Cul-de-sac Turnaround (diameter)	100'	80'	---
Non-Residential &	150'	130'	---

Street Classification	Right-of-way Width	Paved Cartway	Paved Shoulders
Mixed-use Cul-de-sac Turnaround (diameter)			
Alley and Service Drive	20'	20'	---

4. Street Names and Signs.

- A. Continuations of existing streets shall be known by the same street name. Names chosen for new streets shall not duplicate or closely resemble names of existing streets in the borough. All street names shall be coordinated with the Borough Master Street and Address Guide (MSAG) Coordinator and Cumberland County Geographic Information System (GIS) Department MSAG Coordinator.
- B. It shall be the responsibility of the developer to provide street name signs and traffic control signs for the proposed development.
- C. At least one street-name sign pole shall be placed at each intersection identifying all crossing street names. Signs shall be placed so that they do not obstruct sight distances and shall be under light standards, if present. The design of street-name signs shall be consistent, of a style appropriate to the community, of a uniform size and color, and erected in accordance PennDOT standards.
- D. At signalized intersections, street signs shall be located on the overhead arm supporting the traffic signal; otherwise suitably suspended over the intersection. Street clearance shall be a minimum of 16 feet and 6 inches from the bottom of any sign or supporting equipment and the top of the paved surface.

5. Access.

- A. Any residential development proposing more than 15 dwelling units, or any development that would increase the total number of dwelling units to 15 or more on a single access, shall provide a minimum of two separate street access points to an existing public road or roads. For non-residential or mixed-use developments, the threshold for providing two separate street access points to existing public roads shall be based upon the equivalent peak hour trips that would be generated by 15 residential dwellings as determined by the Institute of Transportation Engineers Trip Generation Manual, latest edition.
- B. Shared driveways may be used to provide required vehicular access between two single-family detached dwellings and a street. The use of a shared driveway shall only be approved when cross-access easements ensure common use, access, and maintenance of the shared driveway for each property owner relying upon said shared driveway. The existence of such cross-access easements shall be clearly noted on the subdivision or land development plan and shall be recorded on the deeds for all affected lots. Shared driveways shall not exceed 500 feet in length and shall be a minimum of 20 feet in width.
- C. The borough may, at its discretion, require additional means of access to any development for emergency purposes where it is in the interest of public safety. The

design, location, rights-of-way, ownership, and maintenance requirements of said access shall be subject to approval by the borough in consultation with emergency services providers on a case-by-case basis.

6. Cul-de-sac or Dead-end Streets.
 - A. Dead-end streets, whether public or private, are prohibited unless constructed as a cul-de-sac not exceeding 500 feet in length, with a turnaround having a minimum right-of-way and a pavement diameter conforming with the specifications in this Section. The minimum cul-de-sac length shall be 250 feet. The length of a cul-de-sac shall be measured from its centerline intersection point to the center point of the turnaround.
 - B. A cul-de-sac shall not be approved where a through street or loop is practicable, but only where the cul-de-sac is clearly the only practical design for the subdivision or land development.
 - C. A maximum of four lots shall be permitted to access the turnaround area of a cul-de-sac. Any lot designed with frontage on both the turnaround and the street leading to it shall be designed such that the driveway accesses the street frontage and not the turnaround frontage. Flag lots shall not be permitted to access the turnaround.
 - D. Where the turnaround right-of-way of a cul-de-sac street approaches or abuts the tract boundary, a 50-foot right-of-way shall be extended to the adjacent property to permit future extension of the street at full width, unless future extension is not possible.
 - E. Temporary cul-de-sac streets shall be constructed at street terminations in phased developments. If approved of the borough, a temporary cul-de-sac may be constructed without asphalt base or wearing course, but they shall conform with the dimensional requirements that apply to a permanent cul-de-sac. A temporary cul-de-sac shall be removed by the developer and replaced with the permanent street upon extension of the existing street.
 - F. Cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided with a snow removal easement located at the terminus of the cul-de-sac street for plowed snow during the winter months. A snow dump area shall be provided within the turnaround right-of-way and delineated on the subdivision and land development plan. Snow dump areas shall be a minimum of 30 feet in width and shall extend to the full depth of the cul-de-sac right-of-way from the curb or edge of the cartway. A snow dump area shall not encroach on driveways, trees, fire hydrant, water or gas shutoff valves, mailbox, street light, utility pole, or similar encroachments
7. Clear Sight Distance. Clear sight distance for all street intersections in accordance with Pennsylvania Department of Transportation Specifications Publication 408, PENNDOT Publication 72M or latest edition.
8. Directional Changes. Changes in street direction shall be made by horizontal curves with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets, and 150 feet for local roads. These radii are to be measured at the centerline. Shorter radii may be permitted on recommendation of the borough engineer.
9. Street Grades.

- A. Proposed longitudinal street grades shall not exceed the following minimum and maximum limitations:

Street Classification	Minimum Grade	Maximum Grade
Arterial	As determined by Borough Council in consultation with Planning Commission and PennDOT	
Collector	1%	7%
Local Road	0.75%	10%
Alley/Service Drive	0.75%	12%

- B. Intersection Grade. Intersections shall be approached in all directions by leveling areas. Where grades exceed 8 percent, such leveling areas shall have a minimum length of 60 feet, measured from the intersection of roadway centerlines, within which no grade shall exceed 4 percent.
10. Vertical Curves. Changes in grade shall be joined by vertical curves, and the maximum rate of change of grade shall be 5 percent per 100 feet of road, provided that the clear sight distances specified above are maintained at all points.
11. Crown. The slope of the road surface crown (or cross slope) on collector and local roads shall be in accordance with Drawing Number CD-1 as found herein, or as directed by the borough and the borough engineer. An inverted crown may be permitted on alleys and service drives at the discretion of the borough and the borough engineer. The minimum and maximum cross slopes of the inverted crown shall be the same as those specified for a normal crown.
12. (RESERVED)
13. Side Slopes. Streets, cuts, and fills shall be provided with side slopes no steeper than one foot vertical to three feet horizontal unless approved by the borough engineer. All slopes shall be suitably planted with perennial grasses, vegetation, or other approved stabilized surface to prevent erosion.
14. Materials and Construction Standards. Materials and construction standards for streets shall conform with the following table:

	Materials and Standards
Arterial	PennDOT shall govern the construction of arterial streets.
Collector and Local Roads, and Alleys	<ul style="list-style-type: none"> As specified on Drawing CD-1 as found herein

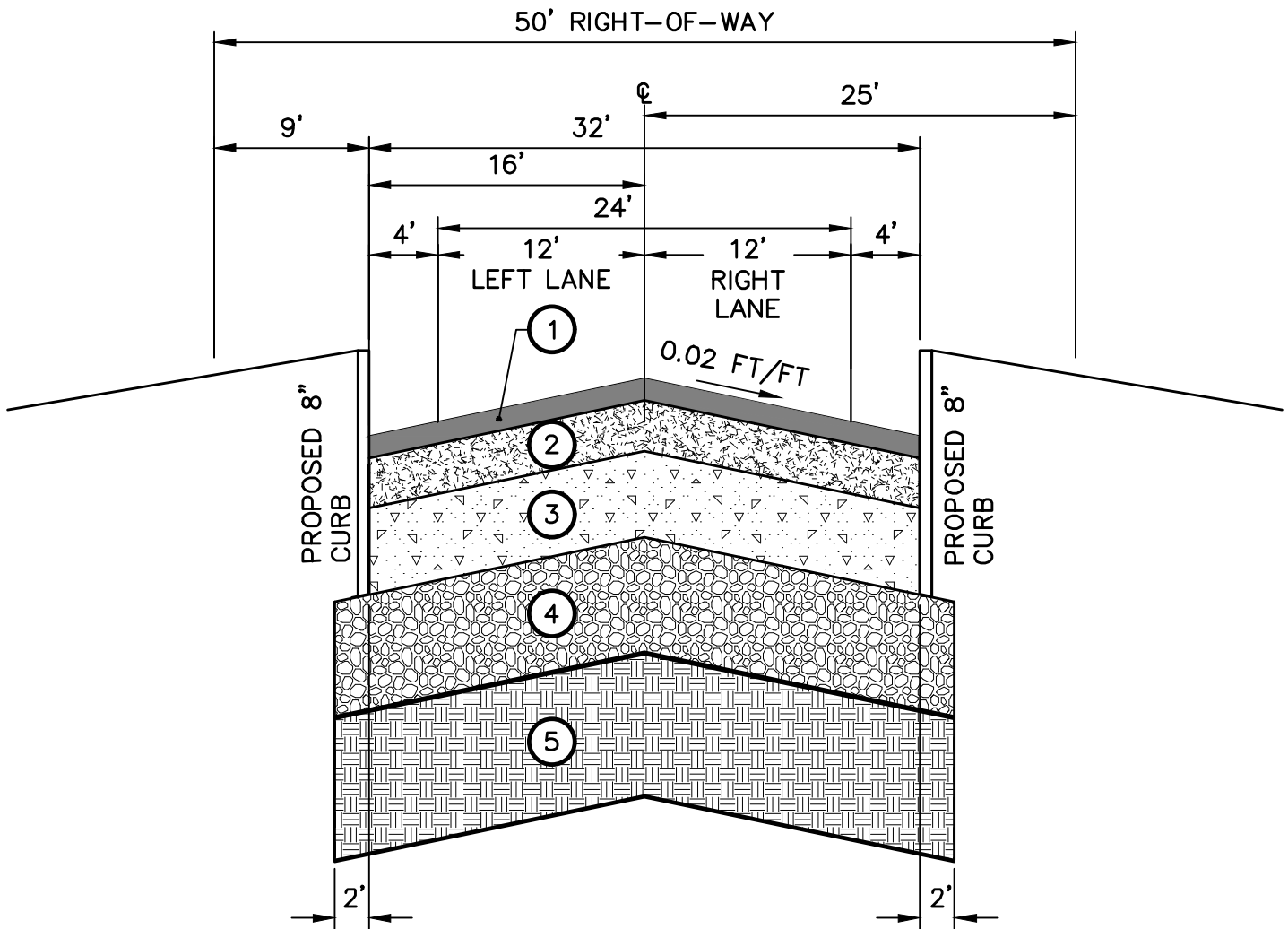
15. Storm Drainage. All roads shall be designed and constructed to promote positive drainage off the road surface in conformance with the Borough's Storm Water Management Ordinance and any other local, state or federal requirements.
16. Intersections.

- A. No more than two streets shall intersect at the same point. Street intersections shall be at right angles wherever possible. Intersections of less than 70 degrees (measured at the centerlines of the streets) will not be permitted.
 - B. Intersecting streets shall not enter the same side of collector streets or arterial highways at intervals of less than 800 feet. Minor streets entering another street from opposite sides should be directly opposite each other; or if necessary, they shall be separated by at least 150 feet between centerlines measured along the centerline of the cross street.
 - C. Curb radii at intersections shall be according to the following schedule of minimum lengths: 15 feet for intersections of alley/service drives; 20 feet for local roads; and 30 feet for collector roads. Where streets of different categories intersect, requirements for the larger radius shall govern. At the street right-of-way line, a diagonal cut-off may be employed, provided sidewalk width and corner visibility are unimpaired.
 - D. A 75-foot clear sight triangle shall be provided, in which no building or structure, wall, fence, hedge, tree, shrub, or other growth shall be placed except for utility poles, light standards, street signs, mailboxes, and fire hydrants. The borough reserves the right to use posted speed limits or actual speed, determined by traffic study, and road grades to modify the calculation of the required sight triangle.
17. Curbs and Sidewalks.
- A. Curbing and sidewalk shall be constructed for the full length and on both sides of all proposed streets.
 - B. General. All work and materials shall be in accordance with Pennsylvania Department of Transportation Specifications Publication 408, PennDOT Publication 72M or latest edition.
 - C. Excavation. Excavate to the required depth, then compact materials upon which the curb is to be constructed to a firm, even surface. No partial breaking of any existing curb or sidewalk shall be permitted without approval by the borough engineer or the borough's designated agent.
 - D. Forms. Use acceptable metal forms, except on sharp curves and short tangent sections, where wood forms may be used. Use forms that will not discolor the concrete. Wood forms must be treated with liquid membrane to prevent excessive water absorption from the concrete. Forms shall be of wood or metal, straight, free from warp, and of sufficient strength when staked to resist the pressure of the concrete without springing. If wood, they shall be nominal 2-inch planks surfaced on the inside and the top; if of metal, they shall be of approved section. Forms shall have a depth equal to the depth of the concrete and shall be thoroughly cleaned and oiled before the concrete is placed against them. Forms that are worn, bent, or damaged shall not be used.
 - E. Placing and finishing concrete for curbs and sidewalks. Place the concrete in the forms in layers not exceeding 5 inches in depth when spading, or layers not exceeding 15 inches in depth when using a vibrator to eliminate voids. Smoothly and evenly finish the top surface of the curb, using a float. While the concrete is still plastic, round the edges of the face and back of the curb. Place depressed curbs for drives or curb cut ramps where indicated or directed. The aggregate shall be spread on the prepared foundation to form

a compacted bed 4 inches in depth. This material shall be thoroughly compacted. Satisfactory outlets for draining the bed shall be provided.

- F. Slabs.
1. Sidewalks shall be constructed in separate slabs 20 feet in length, except for closures. These slabs shall be separated by transverse premolded expansion-joint filler, 1/4 inch in thickness for the full depth of the concrete. Transverse premolded expansion-joint filler shall also be placed adjacent to existing structures where directed. The slabs between expansion joints shall be divided into blocks 5 feet in length, by scoring transversely. Where the slabs are more than 5 feet in width, they shall be scored longitudinally in the center. Transverse and longitudinal scoring shall extend for a depth of at least 1/4 of the thickness of the concrete slab.
 2. Premolded expansion-joint filler, 1/4 inch in thickness for the full depth of the concrete, shall be placed longitudinally where the sidewalk slab is to be constructed in contact with curbs. Where existing light standards, poles, fire hydrants, and similar structures are within the limits of the sidewalk area, the concrete around such structures shall be scored in a block 8 inches wider than the maximum dimension of the structure at the sidewalk elevation. Prior to placing the concrete around such structures, premolded expansion-joint filler, 1/4 inch in thickness, shall be placed around the structure for the full depth of the concrete in the sidewalk.
- G. Handicapped Ramps. All handicap ramps will be installed at every intersection or where a sidewalk meets any path where a vehicle can travel. All ramps shall be constructed in conformance with PennDOT Publication 72M, latest edition.
- H. Driveways. When curbing is to be removed to construct a driveway, the removal shall be done on the complete curb section. The length of curbing to be removed shall be carried to the nearest expansion joint or saw cut if the joint is located more than 5 feet from the end of the curb removal. Curb replacement shall be formed and shaped to the required driveway width. The driveway shall be depressed to a height of 1-1/2 inches above the finished paving grade of the street.
- I. Curb machine. The concrete curb may be placed with an acceptable, self-propelled machine. Uniformly feed the concrete to the machine so the concrete maintains the shape of the section, without slumping after extrusion. Voids or honeycombs on the surface of the finished curb will not be allowed. Immediately after extrusion, perform any additional surface finishing required.
- J. Joints. Form or saw contraction joints 3/16-inch wide and 2 inches deep. Saw as soon as possible after the concrete has set sufficiently to preclude reveling during the sawing and before any shrinkage cracking occurs in the concrete. The depth of saw cut may be decreased at the edge adjacent to the pavement to obtain a maximum depth without pavement damage. Tool the edges of construction joints to a 1/4-inch radius. Place 3/4 inch premolded expansion joint material, cut to the cross-sectional area of the curb, at structures, and at the end of the work day. All joints will be sealed as specified in PennDOT Publication 408, latest edition.

- K. Removal of Forms. Do not remove forms until such time as it will not be detrimental to the concrete. Correct irregular surfaces by rubbing with a carborundum stone. Brush finishing or plastering will not be permitted. Fill minor defects with mortar.
- L. Backfilling and Embankment. Backfill must be placed within 48 hours after form removal, and this backfill shall be compacted in place along the rear face to within 6 inches of the top of the curb. Complete embankments in back of raised curbs, as indicated, except compact the embankment by means of mechanical tampers, or roller, if permitted, not exceeding 8 tons. Dispose of unsuitable and surplus material.
- M. Inspection Required. Curbs shall be inspected by the borough engineer or the borough's designated agent after the forms have been placed, just prior to the pouring of the concrete and after completion of all work.
- N. Detail Drawings. To the extent not otherwise specified herein, all curbs shall be installed in accordance with the specifications contained in PennDOT Form 408 and PennDOT Publication 72M, latest versions.
- O. Sign Sleeves. All constructed sidewalks shall have sleeves installed for the replacement of street sign posts and for any signs proposed by the development. In addition, at the request of the borough, sleeves should be installed where additional new signs are proposed.
- P. Prohibited. Monolithic pouring of sidewalks and curbs are hereby prohibited. Rolled curb will not be acceptable for curb construction or replacement.
- Q. Disclaimer. To the extent not otherwise specified herein, all concrete sidewalk and curb shall be designed, constructed, and installed in accordance with the specifications contained in PennDOT Form 405 Publication and PennDOT Publication 72M, latest versions.



- ① 2" SUPERPAVE HMA WEARING COURSE, 12.5MM, SRL-L
- ② 2" SUPERPAVE HMA BINDER COURSE, 19MM
- ③ 3" SUPERPAVE HMA BASE COURSE, 25MM
- ④ 8" STONE AGGREGATE BASE COURSE (PADOT 2A)
- ⑤ COMPACTED SUB-GRADE

File name: \\hpl\local\hrg\infines\Project\001655_0430\CAD\Plan Set\Construction Details\Flood Cross-Section and Curb-Steeple.dwg Layout:ROAD CROSS-SECTION Oct 18, 2018--9:59am ibingeman



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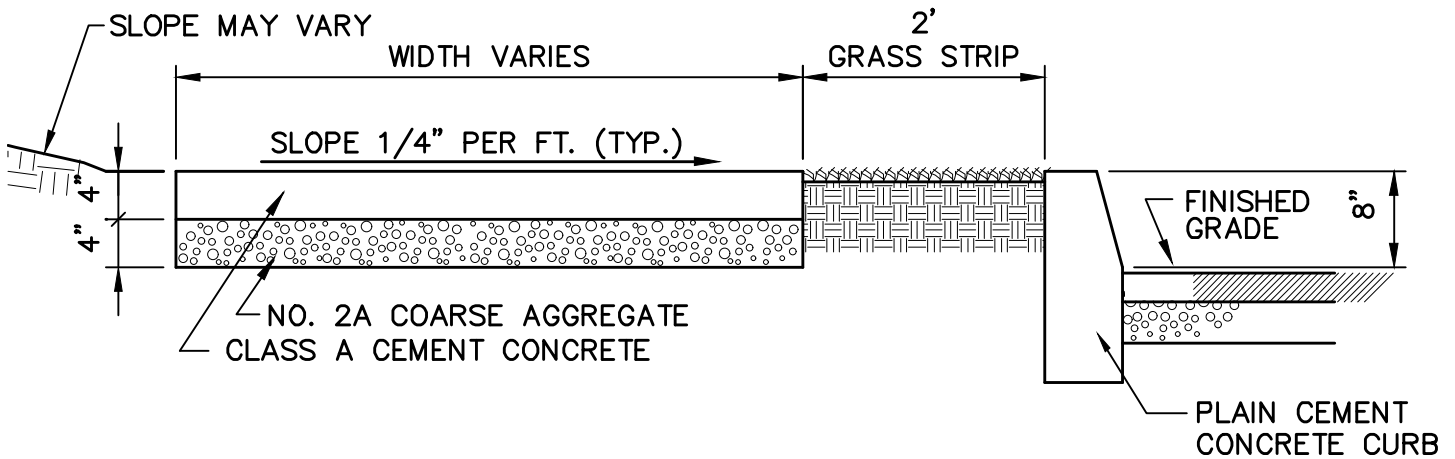
**STANDARD ROAD CROSS-SECTION
 MOUNT HOLLY SPRINGS BOROUGH**

CUMBERLAND COUNTY

PENNSYLVANIA

PROJ. MGR. - WMK
DESIGN- WMK
CADD- TLB
CHECKED- WMK
SCALE- NOT TO SCALE
DATE- 2018.10.18

DRAWING NO. CD-1
SHEET NO. 1 OF 3
PROJECT R001655.0430



NOTES:

1. SIDEWALK TO HAVE MEDIUM BROOM FINISH PERPENDICULAR TO DIRECTION OF PEDESTRIAN TRAFFIC
2. CONSTRUCT IN ACCORDANCE WITH PENNDOT PUBLICATION 408 AND PUBLICATION 72M, LATEST EDITIONS.
3. ADA COMPLIANT CURB RAMPS SHALL BE CONSTRUCTED AT ALL INTERSECTING STREETS IN CONFORMANCE WITH PENNDOT PUBLICATION 72M, LATEST EDITION.

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HRG
 Engineering & Related Services
 AN EMPLOYEE-OWNED COMPANY

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**STANDARD CURB AND SIDEWALK
 MOUNT HOLLY SPRINGS BOROUGH**

CUMBERLAND COUNTY PENNSYLVANIA

PROJ. MGR. - WMK
DESIGN - WMK
CADD - TLB
CHECKED - WMK
SCALE - NOT TO SCALE
DATE - 2018.10.18

DRAWING NO. CD-2
SHEET NO. 2 OF 3
PROJECT R001655.0430

CONSTRUCTION SPECIFICATIONS

1. PAVEMENT MATERIALS AND CONSTRUCTION SHALL CONFORM WITH PENNDOT PUBLICATION 408, LATEST EDITION. SEASONAL RESTRICTIONS MAY BE WAIVED WHEN AUTHORIZED BY THE BOROUGH UPON WRITTEN REQUEST BY THE DEVELOPER ONLY WHEN WEATHER CONDITIONS ARE SUITABLE TO THE PROPER PLACEMENT, COMPACTION AND FINISHING OF PAVEMENT COURSES.
2. THE ROADWAY SUBGRADE SHALL UNDERGO PROOF ROLLING TO CONFIRM ADEQUATE COMPACTION PRIOR TO PLACEMENT OF SUBBASE AGGREGATE MATERIAL. A PASSING PROOF ROLL SHALL BE DETERMINED BASED ON NON-MOVEMENT OF THE SUBGRADE MATERIAL UNDER A FULLY-LOADED TRIAXLE DUMP TRUCK (GVW 75,000 POUNDS) WITH THE THIRD AXLE LIFTED. THE DUMP TRUCK SHALL TRAVERSE THE ENTIRE LENGTH AND WIDTH OF THE NEW ROADWAY AREA AND BE WITNESSED BY THE BOROUGH'S APPOINTED REPRESENTATIVE. THE REPRESENTATIVE SHALL IDENTIFY AREAS NOT PASSING, WHICH SHALL BE REPAIRED AT THE EXPENSE OF THE DEVELOPER/CONTRACTOR. AFTER REPAIR, THE BOROUGH'S REPRESENTATIVE SHALL WITNESS SUBSEQUENT PROOF ROLLS AND REPAIRS UNTIL A PASSING RESULT OF NON-MOVEMENT IS ACHIEVED.

File name: \\hrg\local\hrg\projects\Project\001655_0430\CAD\Plan Set\Construction Details\Flood Cross-Section and Curb-Sidewalk.dwg Layout: SPECIFICATIONS Oct 16, 2018 9:56am tbigaman



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CONSTRUCTION SPECIFICATIONS MOUNT HOLLY SPRINGS BOROUGH

CUMBERLAND COUNTY

PENNSYLVANIA

PROJ. MGR. - WMK
DESIGN - WMK
CADD - TLB
CHECKED - WMK
SCALE - NOT TO SCALE
DATE - 2018.10.18

DRAWING NO. CD-3
SHEET NO. 3 OF 3
PROJECT R001655.0430

18. Private Streets.

- A. The borough recognizes health, safety, and general welfare concerns that are unique to private streets related to emergency management services, utilities, delivery services, and private landowner and maintenance issues. All of these concerns shall be considered by the borough in any decisions related to private streets, and shall be adequately addressed by the Applicant.
- B. Only one private street shall be permitted for any property as it existed on the date of adoption of this Ordinance.
- C. Private streets shall have direct access to a public street, serve as an access for the development only, and shall not be intended for general public use or thoroughfare.
- D. Private streets for residential subdivisions of more than three dwelling units, and private streets for non-residential developments shall conform with the design and construction standards for public streets as specified in this Ordinance.
- E. Borough Council may, at its discretion, approve private streets for residential subdivisions of three or fewer dwelling units that comply with the following minimum construction standards. The Applicant shall not consider the following standards to be “by right” standards. The Borough Council shall have full authority to require any street to be designed and constructed to the standards for public streets as specified in this Ordinance.
- F. Said private streets shall:
 - 1. Be located continuously in the center of a right-of-way having a minimum width equal to 25 feet;
 - 2. Have a minimum cartway width of 16 feet;
 - 3. Be constructed of a base course consisting of a minimum of 8 inches of 2A stone or similar material. Measurement applies after compaction.
 - 4. Be improved as per borough street specifications for a minimum distance of 50 feet from the edge of the existing public street cartway, when constructed with a downward slope toward the intersecting public street.
- G. Private streets shall be limited to a length of 500 feet. Minimum turning radii shall be 36 feet inside and 52 feet outside. Trees, landscaping, lamp posts, signs, and other vertical obstructions more than 7 feet tall shall not be placed within 10 feet of the outside turning radius.
- H. Dead-end streets shall be constructed as cul-de-sacs, including a turnaround built to borough specifications.

- I. The construction and inspection of private streets shall be included in any Improvement Guarantee required by Article 6 of this Ordinance.
- J. Unobstructed horizontal clearance for the entire width of the cartway and unobstructed vertical clearance of 13 feet, 6 inches shall be maintained throughout the length of the private street. Road construction shall be such to allow two-way vehicular traffic and transit by normal emergency management, utility, and delivery vehicles throughout its length.
- K. Where subdivision plans with private streets are approved by the borough, the following text shall be included in its entirety on the plan in the form of a note, and the private streets on such plans shall be subject to the provisions specified thereby:

Private Street Restrictions and Conditions

Each deed prepared and recorded for the conveyance of any lot depicted on the accompanying plat shall contain the following restrictions and conditions, which shall be deemed as covenants running with the land in perpetuity: (1) The private street shown on the plat depicting the subject lot shall remain a private street. The Borough of Mount Holly Springs shall have no responsibility or obligation under any circumstances to accept dedication of the private street for public use; (2) The purchasers and/or owner of subject lot, their heirs, successors, assigns, and personal representatives shall be responsible for the construction, operation, maintenance (including snow removal), and repair of said private street; (3) The Borough of Mount Holly Springs shall have no duty, responsibility, or liability for said private street relative to its construction, operation, maintenance (including snow removal), or repair; (4) No further subdivision of any of the lots served by said private street shall be permitted until and unless said private street has been constructed or improved such that it complies in all ways with the prevailing standards of the borough for public streets, has been offered for dedication to the borough for public use by at least 80 percent of the owners or purchasers of the lots abutting the private street, and has been accepted by the borough for dedication as a public street of the borough.

- L. A private street maintenance agreement shall be required for any plan depicting properties served by a private street. Included as part of this agreement shall be all of the provisions of the Private Street Restrictions and Conditions plan note required by this Section and any other provisions deemed appropriate by the borough. Said agreement shall be provided to the borough as part of the Plan application and shall be reviewed and approved by the borough solicitor. A reference to the private street maintenance agreement shall appear on the subject subdivision or land development plan, and on all newly created deeds for the subject properties.
19. Driveways.
- A. Individual driveways within any subdivision or land development shall be separated from each other by a minimum distance of 10 feet from the nearest driveway pavement edges.

- B. Private driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street edge of pavement—unless redevelopment of an existing lot with a driveway within 40 feet from the point of intersection of the nearest street edge of pavement—in which case the closest edge of the existing driveway shall be the maximum extent of any redeveloped driveway. Private driveways shall be setback a minimum of 5 feet from side property lines unless a joint use driveway is proposed.
20. Islands or Medians. No island or median shall be permitted within the cartway or turnaround of any street that is proposed for dedication to the borough.

Section 505 MONUMENTS AND MARKERS

1. Monuments and markers must be placed by a Registered Professional Engineer or Professional Land Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.
2. Location of Monuments.
 - A. At least two corners of the boundary of the original tract of the development or subdivision shall be monumented.
 - B. A minimum of two monuments shall be set on the street right-of-way lines of each street. Monuments shall be set on the same street right-of-way line.
 - C. On the street right-of-way lines, monuments may be set at the following locations:
 1. At the intersection of street right-of-way lines.
 2. At the intersection of a street right-of-way line and the side line of an interior lot.
 3. At either or both ends of curved street right-of-way lines.
 4. At such other points along the street right-of-way lines as may be determined by the borough engineer so that any street may be readily defined in the future.
 - D. A monument shall be set at the primary control point determined for the development or subdivision.
3. Construction of Monuments and Markers.
 - A. Monuments shall be 4 inches in diameter and shall be 30 inches long. Monuments shall be made of concrete, stone, or by setting a 4-inch cast iron or steel pipe filled with concrete.
 - B. Markers shall be 3/4-inch square or 3/4-inch in diameter and 24 inches long. Markers shall be made of iron pipes or iron or steel bars.
4. Bonding and Inspection.

Monuments required by this Ordinance to be set at locations shown on the approved Final Plan shall be bonded in accordance with Article 6 herein at the rate determined by an engineering

estimate, but at a minimum of \$250.00 per monument to be set. Monument placement shall be inspected by the borough engineer prior to releasing the bond.

5. Replacement.

Any monuments or markers that are discovered to have been removed must be replaced by a Professional Land Surveyor at the expense of the Developer and/or Owner.

Section 506 UTILITIES

1. Telephone, electric, gas, TV cable, and such other utilities shall be installed underground and shall be provided with easements to be dedicated for such utilities and in accordance with plans approved by the borough and the applicable utility company.
2. Lots which abut existing easements or public rights-of-way where above-ground utility lines have been previously installed may be supplied with electric and telephone service from those overhead lines, but service connections from the utilities' overhead lines shall be installed underground.
3. Where road widening and other conditions resulting from subdivision and land development necessitate replacement or relocation of overhead utility lines, new facilities shall be installed underground. Costs of any relocation of public utilities shall be the responsibility of the developer.
4. Underground installation of the utility distribution and service lines shall meet the prevailing standards and practices of the company providing the service and shall be completed prior to street paving and gutter, curbing, and sidewalk installation.
5. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen their visual impact.
6. Underground Utility Notifications.

In accordance with the provisions of PA Act 38, as amended, the Applicant shall contact all applicable utilities and accurately determine and show the location and depths of all underground utilities within the boundaries of the tract proposed for development and in the vicinity of any proposed off-site improvement, prior to excavation.

Section 507 RECREATION FACILITIES AND FEE IN LIEU OF

1. All residential subdivisions or land development plans submitted after the effective date of this ordinance shall provide for suitable and adequate recreation to:
 - A. Ensure adequate recreational areas and facilities to serve the future residents of the borough.
 - B. Maintain compliance with recreational standards as developed by the National Recreation and Parks Association.
 - C. Reduce increasing usage pressure on existing recreational areas and facilities.
 - D. Ensure that all present and future residents can engage in many and varied recreational pursuits.
 - E. Reduce the possibility of the borough becoming overburdened with the development and maintenance of many very small, randomly placed, and widely separated recreation

areas.

2. Requirements.

- A. The amount of land required to be provided for recreational purposes for residential subdivisions or land development plans shall be as follows:
 - 1. Single family developments of three or more lots shall provide a minimum of 725 square feet per lot.
 - 2. Multi-family developments should provide a minimum contiguous area of 10 percent of the total area for recreation, exclusive of street right-of-way of the land being developed.
- B. A maximum of 25 percent of the total land area required by this Section to be provided for recreation may consist of floodplain areas, steep slopes or stormwater management facilities.
- C. Such land set aside shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location, and topography and shall be subject to the approval of the Borough Council.
- D. The Applicant shall satisfy the Borough Council that there are adequate provisions to assure retention and all future maintenance of such recreation areas by maintaining ownership or by providing for and establishing an organization for the ownership and maintenance of the recreation area, and such organization shall not be dissolved, nor shall it dispose of the recreation area by sale or otherwise, except to an organization conceived and established to own and maintain the recreation area without first offering to dedicate the same to the borough.
- E. Recreation area location criteria. The Planning Commission and the Borough Council, in exercising their duties regarding the approval of subdivision and land development plans, shall consider the following criteria in determining whether to approve the proposed location of recreation areas in the Applicant's subdivision or land development plan:
 - 1. Site or sites shall be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have access to a street; however, no street shall traverse the site or sites.
 - 2. Site or sites shall have suitable topography and soil conditions for use and development as a recreation area.
 - 3. Size and shape for the site or sites shall be suitable for development as a park.
 - 4. When designing and developing these recreation areas, it shall be done according to the standards established by the National Recreation and Parks Association.
 - 5. Site or sites shall, to the greatest extent practical, be easily accessible to essential utilities, water, sewer, power, and site maintenance.

3. Dedication to Municipality.

- A. In a case where the Applicant does not wish to retain the required recreation area, an

Applicant may request that such area be dedicated to the borough for public use prior to final plan approval.

- B. In addition to approving the site of recreation areas to be dedicated to the borough, the Planning Commission shall make its recommendation to the Borough Council as to whether the dedication should be accepted by the borough.
 - C. Such area dedicated to the borough for public use shall be suitable for recreational purposes by reason of size, shape, location, topography, and access.
 - D. The Borough Council may find dedication to be impractical because of the size, shape, location, access, topography, drainage, or other physical features of the land and that such dedication would adversely affect the subdivision or land development and its future residents or occupants or that there is no land area within the proposed subdivision that is practical for dedication to the public because of size, access, topography, or other physical characteristics.
 - E. When the Borough Council deems it to be in the public interest to accept dedicated land, such acceptance shall be by means of a deed of dedication, which shall include the description of the dedicated recreation area.
4. Fee in Lieu of Dedication.
- A. Where the Borough Council determines that because of the size, shape, location, access, topography, or other physical features of the land that it is impractical to dedicate land to the borough or set aside a recreation area as required by this Article, the borough shall require a payment of a fee in lieu of dedication of such land, which shall be payable to the borough prior to approval of each final section of the plan by the Borough Council.
 - B. The amount of the fee shall be as indicated in the Mount Holly Springs Borough Subdivision and Land Development Booklet.
 - C. The land or fees, or combination thereof, are to be used only for providing park or recreational facilities accessible to the development.
 - D. A fee authorized under this Subsection shall, upon its receipt by the borough, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
 - E. Upon request of any person who paid any fee under this subsection, the borough shall refund such fee, plus interest accumulated thereon from the date of payment, if the borough had failed to use the fee paid for the purposes set forth in this Section within three years from the date such fee was paid.
 - F. No municipality shall have the power to require the construction of recreational facilities or the dedication of land or fees in lieu thereof or private reservation, except as may be provided by statute.

Section 508 EASEMENTS

1. Service Utilities.

Easements shall be provided for poles, wires, conduits, storm and sanitary sewer lines, gas, water and heat mains, and other utilities intended to serve the abutting lots and for access to facilities. The minimum width of utility easements shall be 20 feet. Wherever possible such easements shall be centered on the side or rear lot lines, or along the front lot lines.

2. Storm Water, Sanitary Sewage, and Clear Water Collection or Transmission Systems.

Where a subdivision and/or land development is traversed by stormwater, sanitary sewage, or clear water collection system facilities, a utility easement shall be provided. In no case shall the easement be less than 30 feet in width. Additional width may be required by the borough depending on the purpose and use of the easements. All stormwater easements are to be dedicated to private property owners unless the easement is designed to carry stormwater away from stormwater infrastructure already owned by the borough.

3. Stream, Watercourse, Drainage Channel, Pond, or Lake.

Where a subdivision and/or land development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with its location for widening, deepening, relocating, improving, or protecting such watercourses; providing proper maintenance; or for installing a stormwater or clear water system. The following standards shall apply:

A. Perennial Streams – 25 feet from the stream bank.

B. Intermittent stream, natural drainage way, channel, or swale – 25 feet from the edge of the watercourse.

In no case shall any drainage easement be less than 25 feet in width or less than the 100-year floodplain (whichever is greater).

C. An access easement shall be provided to the drainage easement. The width of such access points shall not be less than 20 feet.

4. Conservation.

In all subdivision and land developments, a 25-foot conservation easement shall be provided around all delineated wetland areas to ensure minimal disturbance and encroachment in these areas.

Section 509 LANDSCAPING

1. Landscaping. It is the intent of this Section to provide a set of minimum standards for landscaping to improve and maintain community appearance, the environment, and value of properties within the borough.

A. Minimum Landscaping Requirements.

1. Five deciduous shrubs or hedges may be substituted for one deciduous tree for a maximum of 20 percent of the tree requirement.

2. The preservation of existing deciduous or evergreen trees of 4-inch caliper or greater within the net lot area may be substituted for 50 percent of the tree

- requirement. The number of existing trees must meet or exceed 50 percent of the number of trees required.
3. The remaining area required to be landscaped shall be ground cover.
 4. All trees, shrubs, hedges, or ground cover that is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.
- B. Street Trees. Street trees shall be planted in accordance with the Zoning Ordinance and as not to interfere with utilities, roadways, sidewalks, street signs, streetlights, clear sight triangles, and safe sight distance.
- C. Minimum Planting Specifications at the Time of Planting.
1. Trees with less than three inches in caliper shall be properly staked or trees with more than three inches in caliper shall be guyed and be properly protected for a period of one year from the date of planting.
 2. Any nylon rope used in balling the tree must be cut and removed from the root ball.
 3. Trees and shrubs shall be hardy, not prone to disease or pests, and suitable for use as a screening hedge, including dense foliage.
 4. Stabilization measures shall include erosion control blankets or mats as specified in PennDOT Publication Number 408 (latest version) for slopes steeper than 3:1.
- D. Landscape Plan. The Landscape Plan should include the following information:
1. An on-site inventory identifying type, size, and height of existing plant materials.
 2. A plant schedule describing plant materials, including names (common and botanical), location, caliper sizes, heights, spread, and spacing at installation.
 3. A plan for maintenance of landscaping.
 4. Location, height, and type of plant material proposed for buffer yards, screening, and fencing.
 5. The manner in which trees and shrubs are to be planted shall be indicated on a tree and shrub planting detail.
 6. The manner in which lawn areas and ground cover are to be planted shall be indicated on a ground cover detail.
 7. A description of how existing healthy trees are proposed to be retained and protected from damage during construction should be described in the construction detail.
 8. Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.
 9. Location and dimension of clear sight triangles.
 10. Location of any overhead obstacles such as utilities, signs, lights, etc. Plan shall

provide evidence that proposed trees will not interfere with such obstacles.

- E. Native Plant Requirements. www.plantnative.org has released a list of tree and shrub species that are native to Pennsylvania, New York, and Northern New Jersey. These plant species are recommended by the Borough of Mount Holly Springs for use to satisfy any ordinance requirement. A complete listing of recommended native plants is included in the Mount Holly Springs Borough Zoning Ordinance.

Section 510 TRAFFIC IMPACT STUDY

A Traffic Impact Study shall be performed, concurrent with a Preliminary Plan submission, for all developments that generate, individually or cumulatively, total traffic volumes of 800 or greater trips per day as determined by the trip generation rates published by the Institute of Traffic Engineers (ITE). The Borough Council may also require a Traffic Impact Study when, in its opinion, the following conditions exist: (1) Current traffic problems exist in the local area (e.g., high accident location, confusing intersection, congested intersection), or (2) The capability of the existing road system to handle increased traffic is questionable. The study shall be prepared by a traffic engineer licensed in the Commonwealth of Pennsylvania. The cost of the study and its review by the borough shall be borne by the Applicant.

The Traffic Impact Study shall conform to the following:

1. Area of Traffic Impact Study.

The Traffic Impact Study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the site or have direct impact upon the access to the site, including corridor considerations. The intersections shall be mutually agreed upon by the borough engineer and the traffic engineer preparing the study. The Borough Council shall resolve any dispute between the borough engineer and the traffic engineer.

2. Preparation by Transportation Engineer Required.

Traffic impact studies shall be prepared under the supervision of qualified and experienced transportation engineer with a Professional Engineer Certification.

3. Horizon Year.

The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the ordinance.

4. Non-Site Traffic Estimates.

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

5. Trip Generation Rates Required.

The Traffic Impact Study report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rate used must

be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

6. Consideration of Pass-By Trips.

If pass-by trips, including goods movement, or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced

7. Rate Sums.

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

8. Explanations Required.

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

9. Definition of Influence Area.

Prior to trip distribution of site-generated trips, an influence area must be defined that contains 80 percent 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 convenient travel time to the site, or delineating area boundaries based on locations of competing developments and industrial or commercial operations.

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

10. Estimates of Trip Distribution Required.

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

- A. Analogy
- B. Trip distribution model
- C. Surrogate data

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distribution.

11. Trip Assignments.

Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those

producing 500 or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

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

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

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

12. Total Traffic Impacts.

Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's development, 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.

13. Capacity Analysis.

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

The recommended level of service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed. The borough considers the overall Level of Service Ratings A, B, and C to be acceptable for signalized intersection; Ratings D, E, or F are unacceptable. (On state highways, PennDOT criteria is Rating D or above as acceptable in urban areas, and Rating C or above in rural areas).

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

14. Required Levels of Service.

The Traffic Impact Study shall identify the improvements necessary to meet the goals of the study. The Applicant shall be responsible for the improvements required to meet goals of the study. The off-site improvements are required if the borough has a traffic impact ordinance. The goals of the study are to:

- A. Provide safe and efficient movement of traffic within the site and on surrounding roads,
- B. Minimize the impact of the project upon non-site trips,
- C. Not allow the levels of service at intersections currently rated A or B to be worse than C, and,
- D. Not reduce the current levels of service at intersections with ratings of C or lower

15. Documentation Required.

A Traffic Impact Study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

- A. The documentation for a Traffic Impact Study shall include, at a minimum:
 - 1. Study purpose and objectives.
 - 2. Description of the site and study area.
 - 3. Existing conditions in the area of the development.
 - 4. Recorded or approved nearby development.
 - 5. Trip generation, trip distribution, and modal split (passenger and goods movement).
 - 6. Projected future traffic volumes.
 - 7. An assessment of the change in roadway operating conditions resulting from the development traffic.
 - 8. Recommendation for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
- B. The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
- C. The recommendations shall specify the period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required.
- D. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
- E. To facilitate examination by the Planning Commission and the Borough Council, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
- F. The report documentation outlined above provides a framework for site traffic access or 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.

Section 511 EROSION AND SEDIMENT POLLUTION CONTROL

1. Any subdivision or land development proposing earth disturbance shall design, implement, and maintain erosion and sediment pollution controls in conformance with 25 Pa. Code Chapter 102.
2. It shall be the responsibility of the Applicant to determine the rules and regulations that are applicable to the proposed earth disturbance, and to secure all necessary approvals and authorizations including, but not limited to:
 - A. Erosion and Sediment Pollution Control Plan approval;
 - B. General or Individual National Pollutant Discharge Elimination System (NPDES) Permit for Discharges Associated with Construction.
3. The Applicant shall submit all applicable plans and computations to the County Conservation District for approval as applicable pursuant to 25 Pa. Code Chapter 102.
4. The Applicant shall provide confirmation to the borough that all required approvals, authorizations, or permits have been secured prior to the borough releasing any Final Subdivision or Land Development Plan for recording.

Section 512 GRADING

1. To provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:
 - A. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of drainage without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding.
 - B. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet, such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape, and size as to conform with the requirements of the borough.
 - C. Concentration of surface water runoff shall only be permitted in swales leading to natural watercourses.
 - D. Excavations and Fills:
 1. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Borough Council when handled under special conditions.
 2. Adequate provisions shall be made to prevent surface water from damaging the outface of excavations or the sloping surfaces of fills.
 3. Cut and fills shall not endanger adjoining property.
 4. Fill shall be placed and compacted to minimize sliding or erosion of the soil.
 5. Fills shall not encroach on natural watercourses or construction channels.
 6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

7. Grading will not be done in such a way to divert water onto the property of another landowner without the expressed consent of the Borough Council and the landowner.
8. During grading operations, necessary measures for dust control will be exercised.
9. Grading equipment will not be allowed to cross streams or watercourses; provisions will be made for the installation of culverts or bridges.

Section 513 WETLANDS

1. All subdivision and land development plans shall identify the location of existing wetland as determined by the standards of either the U.S Army Corps of Engineers (USACOE), U.S. Environmental Protection Agency, Pennsylvania Department of Environmental Protection (DEP), or the U.S. Soil Conservation Service. Wetland areas are not limited to those areas delineated on wetland maps prepared by the U.S. Fish and Wildlife Service. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable state and federal agencies. No action by the borough shall be relied upon in lieu of a permit issued by the appropriate agency.
2. The Applicant must determine if wetlands exist on the property in the proposed subdivision or land development. The Applicant must also determine if any wetlands will be impacted off-site from the property. This determination shall be made in accordance with the current requirements of the DEP and the USACOE.
3. If there are wetlands on the property and/or wetlands will be impacted off-site, then the following is required:
 - A. A Wetland Delineation submitted to the borough, prepared in accordance with the current requirements of the DEP and USACOE.
 - B. A copy of any required, completed permit applications, such as a water obstruction and encroachment permit or general permit from the DEP and a Section 404 permit from USACOE.
 - C. Wetlands shall be verified by a site visit.
4. The following certification notes shall be placed on the subdivision or land development plan sheet that will be recorded, and the notes shall also be placed on the plan included in the wetlands study:

“I, (signature of consultant and date), hereby certify that a wetlands study was conducted in accordance with borough, state, and federal wetlands requirements.”
5. Any approval by the borough shall be contingent on full compliance with any requirements of any regulatory agency, and no action by the borough shall be relied on in lieu of a permit issued by the appropriate agency.

Section 514 WATER SUPPLY

1. Each new structure or dwelling created in Mount Holly Springs Borough shall be individually self-sufficient for water supply and the water supply system. The Applicant shall provide an adequate and potable water supply and distribution system to service the proposed subdivision

or land development, which shall be: (1) individual, (2) public, or (3) private community and maintained and operated in accordance with the DEP. The purpose of these provisions is to ensure that each dwelling unit and each commercial and industrial building in all subdivisions hereafter granted approval shall have an adequate supply of potable water for domestic use and for fire protection.

2. Hydrogeologic/Water Supply Study

Hydrogeologic/Water Supply Study for ground water supply shall be required for greater than 25 residential dwellings (single or cumulative) or commercial, industrial, or recreational uses that propose the single or cumulative groundwater system greater than 7,500 gallons per day in or near the proposed subdivision or land development.

- A. The Hydrogeologic/Water Supply Study shall be prepared by a professional engineer or hydrogeologist experienced in the field and procedures involved. Two copies of the report shall be submitted in conjunction with Preliminary and Final Plans for review by the municipal engineer.
- B. The Hydrogeologic/Water Supply Study shall be prepared as a written report and shall include the following basic data in textual and tabular form:
 - 1. A project narrative describing the overall project.
 - 2. Study Area. The study shall focus on the development site and an area of 1/4-mile buffer surrounding the site.
 - 3. An examination of the possible use of on-site water supply systems and the impact of such systems on ground water supply, connection to an existing water supply system, or the construction of a central community system.
 - 4. A complete geologic profile and plan and a discussion of the effect of the proposed development and construction activity on the ground water supply.
 - 5. A statement and justifiable analysis by the professional firm as to the sufficiency of the subsurface aquifers to support on-lot water systems for the proposed development, verified by well testing and other appropriate means, as well as analyzing the impact on existing sources.
 - 6. Description of the distance from the nearest public water supply system and the capacity of the system to accommodate the proposed subdivision and/or land development.
 - 7. Where a central community water system is proposed, evidence that the system will have an adequate supply of potable water for domestic or other proposed use and that each unit or building will have adequate supply for fire protection.

3. On-lot Water Supply

- A. Where there is no existing public water supply and the Hydrogeologic/Water Facilities Study indicates that connection to a public water supply system or central community system is not feasible, each lot in the development must be provided with an individual on-lot water supply system in accordance with the standards required by the DEP. The Mount Holly Springs Borough shall approve the use of individual on-lot water supply systems (wells) when:

1. The Hydrogeologic/Water Feasibility Study indicates that justification of the project necessitates the use of this type of water supply;
2. The anticipated water supply yield is adequate for the type of development proposed;
3. The installation of an on-lot system(s) will not endanger or decrease the groundwater supplies to adjacent properties.
4. Construction of wells for individual small water supplies shall conform to DEP's Construction Standards for Individual Water Supplies, as revised from time to time.

4. Public Water Supply.

Where there is an existing public water supply system within 1,000 feet from a proposed subdivision and development, and such system has adequate planned capacity and is willing to serve that subdivision or land development, a complete water supply system connected to the existing water supply system must be provided and fire hydrants shall be installed in accordance with Section 516 of this Ordinance.

- A. Where plans approved by a public water supplier provide for the installation of such public water supply system within four years, the developer shall provide a complete water system for connection to the planned water main supply system.
- B. Where connection to a public water supply is possible or feasible, the plan for the installation of such water supply system must be prepared for the development with cooperation of the appropriate water utility company and reviewed by the borough engineer.
- C. Where a public water supply system is not feasible for the proposed development as evidenced in the Hydrogeology/Water Facilities Study, the developer shall provide information related to the construction and installation of a central community water supply system.

5. Central Community Water Supply System

The design and installation of a central community water supply system shall be subject to the approval of the Mount Holly Springs Borough and the DEP.

- A. Standards and materials for the construction of any central community water supply system shall meet or exceed those requirements described in the Public Water Supply Manual of the DEP and shall be subject to approval by the borough engineer. Where a permit is required by DEP, it shall be presented as evidence of such review and approval before construction of the system will commence.
- B. Where the central community water supply system is proposed under the jurisdiction of the Pennsylvania Public Utilities Commission (P.U.C.), the water supply study shall also incorporate those items of information required by the P.U.C.
- C. The central community water system shall be designed to furnish an adequate supply of water to each lot, with adequate water main sizes and fire hydrant locations to meet the specifications of the Middle States Department Association of Fire Underwriters. A technical study shall be submitted to the borough for review by the borough engineer

and fire marshal. Fire hydrants shall be placed and constructed in accordance with Section 517 of this Ordinance.

- D. All suitable agreements, including financial guarantees, shall be established for the ownership and maintenance of the system. Ownership and maintenance of the central community water system shall be the responsibility of an organization formed and operated in accordance with Section 518 of this Ordinance. Such a system shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future.
- E. All water systems located in flood-prone areas, whether public or private, shall be flood proofed to a point 1-1/2 feet above the 100-year flood elevation.
- F. Ground Water for Central Community Water Systems
Ground water for community water systems must conform to the DEP requirements and standards. A minimum of two sources of ground water must be provided for each community water system. Each ground water source shall be capable of supplying the average daily demand of the proposed dwelling units.

Section 515 SEWAGE SERVICE FACILITIES

- 1. Each new dwelling created in the borough shall be self-sufficient for sewage disposal and the sewage disposal system shall be publicly-, community-, or individually-owned, maintained, and operated.
- 2. As specified in Article 4, all plan submissions must be accompanied by the appropriate Sewage Facilities Planning Module for subdivision land development provided by the DEP. All planning module reviews shall conform to the Pennsylvania Sewage Facilities Act of 1965, P.L. 1535, No. 537, as amended; DEP's Chapter 71 regulations, Administration of Sewage Facilities; the Municipality's Act 537 Plan; and this and any other borough ordinances.
- 3. Individual (On-lot) Sewage Disposal
 - A. Where public sanitary sewers are not feasible, the use of on-lot sewage disposal systems shall be permitted. The use of such on-lot systems is governed by regulations of the DEP and enforced by the borough sewage enforcement officer (SEO).
 - B. Prior to approval of any plan depicting on-lot sewage disposal systems, the developer shall have had soils testing performed on each lot to determine the suitability for such systems and shall have secured the approval of the borough SEO and/or DEP using a Planning Module for Land Development. Each on-lot sewage disposal system must be approved by the borough SEO and DEP.
 - C. An individual sewage disposal system shall be located on the lot that it serves, or within adjacent open space that is designated for that purpose.
- 4. Public Sewage Systems
 - A. Where a public sanitary sewage system exists within 1,000 feet of the development site, the Applicant must install a complete sanitary sewage system within the development as required to connect the site to the available sanitary sewage system unless a waiver is granted via hardship by the Borough Council.

- B. Where a public sanitary sewage system does not currently exist within 1,000 of the development site, but is identified in the Municipal 537 plan and, in the opinion of the Borough Council, will become available within five years, the Applicant shall install a complete sanitary sewage collection system in accordance with the following requirements unless a waiver is granted via hardship by the Borough Council:
 - 1. A collector main installed in the street or approved right-of-way;
 - 2. Lateral installations to the right-of-way lines of streets, lot, or parcel property lines or sewer easement right-of-way lines, whichever pertains to the individual situation;
 - 3. All termini shall be capped in a manner that will ensure that all collector mains, laterals, and house connections shall be watertight pending connections with the public sanitary sewage system.
- C. Design and Construction
 - 1. The construction of the system, including all service connections, pumping stations, and interceptors shall be constructed at the developer's expense and shall not commence until written authorization to proceed with construction has been obtained from the borough and DEP.
 - 2. The system shall be designed by a registered professional engineer and approved by the borough engineer.
 - 3. When a public sanitary sewage system is installed and capped by the Developer, the Applicant may also install temporary on-site sewage disposal facilities, provided that the system is designed to provide connection to the public sewer when it becomes operable. At that time the temporary on-site system shall be disconnected.
 - 4. Sanitary sewers and sewage disposal systems shall not be combined with stormwater sewers, and they shall not be constructed to receive effluent from any stormwater collection system.
 - 5. Pipe sizes for sanitary sewer mains and sewer laterals and locations for manholes shall meet the borough "Standard Material and Construction Specifications for Public Improvements" if established, otherwise with PennDOT Publications 408 and 72 Standards or latest edition. The borough engineer shall inspect the sewer line before it is backfilled.
- 5. Central Community Sanitary Sewage Facilities
 - A. A central community sanitary sewage facility shall be permitted if it can be shown that such an approach would provide more reliable and effective treatment of waste than individual on-lot systems or if a central community system is required as part of cluster or open-space development.
 - B. The design and installation of a central community sanitary sewage facility shall be subject to the approval of the Borough Council and the DEP.
 - C. The system shall be designed by a Registered Professional Engineer and approved by the Municipal Engineer. The construction of the system, including all pumping stations,

interceptors, drainage fields, and treatment plants shall be at the developer's own expense.

- D. All suitable agreements, including financial guarantees, shall be established for the ownership and maintenance of the system. Ownership and maintenance of the central community sanitary sewage system shall be the responsibility of an established Homeowners Association or Condominium Agreement as approved by the Borough Council.
- E. Central community sanitary sewage facilities shall be located on a separate lot under the ownership of an organization approved by the borough. The lot shall be used solely for the central community sanitary sewage facility. The area of the lot shall be of sufficient size to accommodate the system, the required area for a complete alternate or replacement system, and all required setbacks.
- F. The borough shall have the right to inspect and test community service systems at any time. The borough may require the owner to provide the results of regular professional testing of the system when the borough deems necessary. The cost of inspections and testing shall be the responsibility of the owner.

Section 516 FIRE HYDRANTS

- 1. Where public and central community water systems are provided for subdivision and land development, fire hydrants suitable for coupling with fire equipment serving the borough shall be installed as specified by the Insurance Services Offices of Pennsylvania. The fire protection system shall be designed by a Registered Professional Engineer and approved by the borough engineer. The construction of the system shall be at the developer's own expense.
- 2. The location standards for fire hydrants shall meet the following standards and shall be approved by the Mount Holly Springs Borough Council upon review and recommendation by the borough engineer and fire marshal:
 - A. All fire hydrants will be located on an eight-inch line or a looped six-inch line. Where a dead-end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall have a minimum diameter of eight inches.
 - B. Fire hydrants shall be spaced in a development so that all proposed buildings will be no more than 400 feet from the hydrant measured along traveled ways.
 - C. All central community water systems must provide a minimum of 500 gallons per minute at a residential pressure of 20 pounds per square inch for a two-hour period.

ARTICLE 6-IMPROVEMENT AND MAINTENANCE GUARANTEES

Section 601 GENERAL STATEMENT

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 this 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 Article 8, this Ordinance shall provide for the deposit with the borough of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings that 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 PennDOT 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."
2. If water mains and/or sanitary sewer lines, 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 the public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
3. No Final Plan shall be signed by the Borough Council for recording in the Office of the Cumberland County Recorder of Deeds unless:
 - A. Financial security in accordance with the requirements of Section 602 is accepted by the borough, and/or;
 - B. The improvements required by this Ordinance have been properly guaranteed or completed in accordance with this Ordinance.

Section 602 FINANCIAL SECURITY FOR IMPROVEMENT GUARANTEE

1. General.
 - A. The administration of the financial security shall comply with the provisions of Article V, Section 509 the PA Municipalities Planning Code, Act 247, as amended, and other applicable laws of the Commonwealth of Pennsylvania.
 - B. Such financial security shall provide for, and secure to the public, the completion of any improvements that may be required on or before the date fixed in the formal action of approval or in the Land Development Improvement Agreement for completion of the improvements. This Agreement is available at the borough office.

2. Submission of Improvements Guarantee. Final plan applications that include public improvements that have not been installed shall include an improvement guarantee in the form of financial security.

- A. Type of Financial Security.

Without limitation as to other types of financial security that the borough may approve, which approval shall not be unreasonably withheld, federal- or state-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 state-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 that may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

- B. Amount of Financial Security.

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion, estimated as of 90 days following the date scheduled for completion by the developer. Annually, the borough may adjust the amount of the financial security by comparing the actual cost of the improvements that have been completed and the estimated cost for the completion of the remaining improvements that 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 borough may require the developer to post additional security in order to assure that the financial security equals said 110 percent. Any additional security shall be posted by the developer in accordance with this subsection.

2. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the Applicant, prepared by a professional engineer licensed as such in Pennsylvania, and certified by such engineer to be a fair and reasonable estimate of such cost. The estimate submitted to the borough shall be organized and itemized to provide a detailed line by line estimate of costs of all public improvements required.

3. If the party posting the financial security requires more than 1 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 percent for each 1-year period beyond the first anniversary date from posting of financial security, or to an amount not exceeding 110 percent of the cost of

completing the remaining required improvements, as reestablished on or about the expiration of the preceding 1-year period.

4. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plans by section or stages of development, subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development.

C. Developer's Agreement

The Applicant shall declare the intent to provide an improvement guarantee by executing the Developer's Agreement available from the borough office. The Developer's Agreement shall be executed prior to the recordation of the final plan.

3. Plan Approval Conditioned Upon Financial Security

When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the Developer's 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 Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

4. Release of Financial Security

A. As the work of installing the required improvements proceeds, the party posting the financial security may request the borough to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor(s) 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 borough engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the borough engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said 45 days, the borough shall be deemed to have approved the release of funds as requested. The borough shall always, prior to final release at the time of completion and certification by the borough engineer, require retention of a minimum of 10 percent of the estimated cost of the aforesaid improvements. Such funds will be released only after certification by the borough engineer that all required public improvements so guaranteed have been completed satisfactorily.

B. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the borough, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the borough engineer. The borough shall, within 10 days after receipt of such notice, direct and authorize the borough engineer to inspect all of the aforesaid improvements. The

borough engineer shall, thereupon, file a report, in writing, with the borough, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the borough engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the borough engineer, said report shall contain a statement of reasons for such non-approval or rejection.

1. The borough shall notify the Applicant, within 15 days of receipt of the borough engineer's report, in writing by certified or registered mail, of the action of the borough.
 2. If the Borough Council or the borough engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to this performance guaranty bond or other security agreement.
 3. If any portions of the said improvements are not approved or are rejected by the Borough Council, the Applicant shall proceed to complete the same with the required corrections and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
 4. Upon satisfactory completion of all required improvements, after consultation with the borough manager and the borough engineer, the borough may release to the Applicant any remaining financial security, including by not limited to, the withheld 10 percent minimum.
- C. Nothing herein shall be construed as a limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Borough or the borough engineer.

5. Remedies to Effect Completion of Improvements

If any improvements that may be required have not been installed as required in Article 5 or in accordance with the approved final plan, the borough is hereby granted the power to enforce any financial security by appropriate legal and equitable remedies. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the borough may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the remainder of the improvements. All the proceeds, whether resulting from the security or from any legal or equitable action brought against the Applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other borough purpose.

6. Other Effects of Financial Security

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the borough 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 plan upon actual completion of the improvements depicted upon the approved final plan.

Moreover, if said financial security has been provided, occupancy permits for any building or buildings shall not be withheld following: (1) the application of the asphalt binder course to the streets providing access to and from existing public roads to such building or buildings, as well as (2) the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

Section 603 INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION

1. Prior to the initiation of construction, the developer shall notify the borough in order to coordinate an inspection schedule with the construction schedule. Additionally, the borough engineer shall be notified four working days in advance of any intended date of construction. The provisions stated herein shall be construed as mandating periodic inspections and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.

2. Reimbursement for Inspections.

The Applicant shall reimburse the borough for the reasonable and necessary expense incurred for the inspection or improvements according to a schedule of fees adopted by resolution of the Borough Council and as amended from time to time.

- A. In the event the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall, within 10 working days of the date of billing, notify the borough that such expenses are disputed as unreasonable or unnecessary, in which case the borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the Applicant's request over disputed borough engineer expenses.
- B. If, within 20 days from the date of billing, the borough and the Applicant cannot agree on the amount of expenses that are reasonable and necessary, then the Applicant and the borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in Pennsylvania to review the said expenses and make a determination as to the amount thereof that is reasonable and necessary.
- C. If the borough and Applicant cannot agree on the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the Judge of the Court of Common Pleas of Cumberland County (or if at the time there be no judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the borough engineer nor any professional engineer who has been retained by, or performed services for, the borough or the Applicant within the preceding five years.
- D. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in their sole opinion deems necessary and renders a decision within 45 days of the court appointment. The Applicant shall be required to pay the entire amount determined in the decision immediately.
- E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 dollars or more, the

borough shall pay the fee of the professional engineer, but otherwise the borough and the Applicant shall each pay 1/2 of the fee of the appointed professional engineer.

Section 604 DEDICATION OF IMPROVEMENTS

All improvements shall be deemed to be private improvements and only for the specific project until such time as the same have been offered for dedication and formally accepted by the borough. No responsibility of any kind with respect to improvements of the Final Plan shall be transferred until the improvements have been formally accepted. No improvements shall be accepted for dedication except upon submission of as-built drawings by the developer and inspection of the final construction by the borough in accordance with the provisions of this Ordinance.

Section 605 MAINTENANCE GUARANTEE

1. Where the borough accepts dedication of all or some of the required improvements following completion, the borough may require the posting of financial security to secure the structural integrity of said improvements, as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security 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 percent of the actual cost of installation of said improvements.
2. If water mains or sanitary sewer lines, or both, along with appurtenances 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 Article.

Section 606 AS BUILT PLANS

Within 90 days of construction, completion of all required improvements including facilities proposed for dedication to the borough and prior to final inspection by the borough of all improvements and site grading for which an improvement guarantee has been posted, the developer shall submit a plan labeled "As-Built Plan," which shall depict the actual location, dimensions, and elevations of all existing improvements and site grading. In addition, the plan shall indicate that the existing grading, drainage structures and/or drainage systems, and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and required specifications. The plan shall note all deviations from the previously approved drawings. The Applicant's engineer shall certify that the construction of the stormwater management facility was completed in accordance with the plans and specifications as originally submitted and approved by the borough. Two paper copies of the As-Built Plan shall be submitted to the borough, which shall distribute a paper copy to the borough engineer and retain one paper copy for borough files, for future reference.

ARTICLE 7-MOBILE HOME PARKS

Section 701 GRANT OF POWER

The Mount Holly Spring Borough Council may regulate subdivisions and land development within the borough by enacting a subdivision and land development ordinance. Provisions regulating mobile home parks shall be set forth in separate and distinct articles of any subdivision and land development ordinance adopted pursuant to the "Pennsylvania Municipalities Planning Code" Act 247, as reenacted and amended, Article V, §501, as reenacted and amended.

Section 702 PURPOSE, AUTHORITY, AND JURISDICTION

The purpose, authority, and jurisdiction for land development as a mobile home park are the same as contained in ARTICLE 2 of this Ordinance.

Section 703 PLAT REQUIREMENTS AND PROCESSING PROCEDURE

The plat requirements and processing procedure for land development as a mobile home park shall be in accordance with the requirements contained in ARTICLE 4 of this Ordinance.

Additional mobile home park requirements are found in the Mount Holly Spring Borough Zoning Ordinance, Section 1238.

Section 704 DESIGN STANDARDS

The arrangement and other design standards of streets, easements, blocks, lots, stormwater management, and erosion and sedimentation control shall be in accordance with the requirements contained in ARTICLE 5 of this Ordinance, except as specified below:

1. Street Widths.

- A. The minimum street right-of-way and cartway widths of public or private streets shall be as follows:

Collector Streets	Width:
Right-of Way	60 feet
Cartway	24 feet

Local Roads	Width:
Right-of-way	50 feet
Cartway	24 feet

- B. Where a subdivision or land development fronts on an existing street, the provision for additional street width (right-of-way, cartway, or both) may be required when determined necessary by the Borough Council in specific areas to address:

1. Public safety and convenience;
 2. Where the number of mobile homes proposed to be located in the mobile home park exceeds 100 units;
 3. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.
2. Lots.
- A. Lots in a mobile home park shall be served by both public or community water supply and sanitary sewerage collection systems.
 - B. Minimum lot widths and areas shall conform to applicable provisions of the Mount Holly Springs Borough Zoning Ordinance.
3. Front Yard Building Setback Lines.
- In a mobile home park, the minimum front yard building setback line from the right-of-way of a street shall conform to applicable provisions of the Zoning Ordinance.
4. Side and Rear Yard Building Setback Lines.
- A. In a mobile home park, the side and rear building lines shall conform to applicable provisions of the Zoning Ordinance.
 - B. The minimum rear yard building setback lines shall be 15 feet measured from the rear lot line of each mobile home lot.
 - C. Mobile home units shall not be located closer than 25 feet from the mobile home park property lines on the sides and rear not adjacent to a street right-of-way.
5. Off-Street Parking Requirements.
- A. Off-street parking areas shall be provided at the rate of at least two vehicular parking spaces for each mobile home lot.
 - B. Each such off-street parking space shall contain at least 200 square feet of area and shall be located on the lot it is intended to serve.
6. Open Space Requirements.
- A. Not less than 10 percent of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.
 - B. Such open space shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather.
7. Park Areas for Non-Residential Uses.
- No part of the mobile home park shall be used for a non-residential purpose, except such uses that are specifically required for the direct servicing and well-being of park residents, for management and maintenance of the park, or those uses permitted by applicable provisions of the Zoning Ordinance.

Section 705 IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

In a mobile home park, all improvements, construction requirements, and engineering specifications for the improvements required, shall be provided in accordance with ARTICLE 6 of this Ordinance and shall also provide the following additional improvements:

1. Buffer Strips.
A suitably screened or landscaped buffer strip at least 10 feet wide shall be provided by the developer along all of the property lines separating the mobile home park from adjacent land uses.
2. Signs and Lighting.
 - A. Signs may be permitted subject to applicable provisions of the Zoning Ordinance.
 - B. All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted.
3. Other Site Improvements and Requirements.
 - A. Each mobile home site shall be provided a concrete slab and constructed to current municipal building code standards, so as to provide a structurally stable pad for mobile home placement.
 - B. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
 - C. Each mobile home lot shall be provided with a 4-inch concrete slab on a stable surface at least 10 feet by 18 feet for use as a terrace and located so as to be adjoining and parallel to the mobile home and not extend into the front, side, or rear yard. Such slab shall contain an electrical outlet to which the electrical system of the mobile home shall be connected and shall be constructed in compliance with the municipal building and electrical codes.
 - D. Individual tenants of the mobile home park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosures do not encroach into the front, side, or rear yard setback areas.
 - E. Tie downs shall be installed at strategic locations to prevent movement of the mobile home by natural causes.
 - F. Provision shall be made by the park operator to have garbage and waste collected at least once every week and deposited at an approved disposal site.
4. Mobile Home Parks in Floodplain Areas.
 - A. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse (floodway).
 - B. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:

1. Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards, as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones, or other appropriate standards such as the following:
 - a. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.
 - b. Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 2. Elevated in accordance with the following requirements:
 - a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be 1-1/2 feet or more above the elevation of the 100-year flood.
 - b. Adequate surface drainage is provided.
 - c. Adequate access for a hauler is provided.
 - d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.
- C. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the codes enforcement officer.

Section 706 FEES AND PERMITS

1. Fees. At the time of filing the Preliminary Plat and/or the Final Plat for the development of a tract of land for a mobile home park, the Applicant shall be required to pay to the Borough of Mount Holly Springs fees in accordance with the Mount Holly Springs Borough Subdivision and Land Development Booklet.
2. Mobile Home Park Permits. Any person intending to develop a tract of land as a mobile home park shall have a permit from the Borough of Mount Holly Springs for each such park, issued in accordance with the following requirements:
 - A. Such permit shall be issued by the codes enforcement officer upon proper application and submission of evidence of compliance with the provisions of this Ordinance and all other applicable legal requirements.
 - B. Each permit shall be valid for one year from the date of issue.

- C. The first application for a zoning permit for a mobile home park proposed for development, following the effective date of this Ordinance, shall be made to the codes enforcement officer and shall be submitted together with copies of the following:
 - 1. A copy of the approved Final Plat signed by the Borough Council.
 - 2. A receipt signed by the Cumberland County Recorder of Deeds, showing that the mobile home park plat has been publicly recorded.
- D. It shall be incumbent upon the proprietor of a mobile home park to keep a Mobile Home Park Registration Form (available at the borough office), which includes the name of all persons living in the mobile home park; the person who is the head of the household occupying each mobile home; the date of entry on said land; license number of all vehicles; and serial number, make, and size of trailer.
- E. The Mobile Home Park Registration Form and mobile home itself shall be subject to inspection by the codes enforcement officer annually.

Section 707 ALTERATION OF REQUIREMENTS

The application for an alteration of any requirements shall be in accordance with the provisions of ARTICLE 9 of this Ordinance.

Section 708 ENFORCEMENT, PENALTIES, VIOLATIONS, APPEALS, SEVERABILITY AND AMENDMENTS

The enforcement, penalties, severability, and amendments shall be in accordance with the provisions of ARTICLE 10 of this Ordinance.

ARTICLE 8-FEES

Section 801 FILING FEE

At the time of filing, all plats shall be accompanied by an application and a check payable to the Borough of Mount Holly Springs in the amount specified on the Borough of Mount Holly Springs fee schedule, to defray the cost of reviewing the proposed plats and required data. The fee schedule and the application are in the Subdivision and Land Development Booklet available at the borough office.

1. If the Applicant disputes the amount of any such review fees, the Applicant shall, within 10 days of the billing date, notify the borough that such fees are disputed. The borough shall not delay or disapprove a subdivision or land development application due to the Applicant's request over disputed fees. Should no such notice of dispute be provided the invoiced amount shall be deemed accepted.
2. If the borough and the Applicant cannot agree on the amount of reasonable and necessary review fees, the Applicant and the borough shall follow the procedure for dispute resolution set forth in Section 510(g) of the Pennsylvania Municipalities Planning Code (Act 247).

At the time of filing, any plats to be delivered to a third party shall be delivered by the Applicant with the appropriate applications and fees.

Section 802 FEES FOR INSPECTION OF IMPROVEMENTS

An Applicant shall reimburse the Borough of Mount Holly Springs for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based on 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 engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the borough when fees are not reimbursed or otherwise imposed on Applicants.

If the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall, within 10 working days of the date of billing, notify the borough that such expenses are disputed as unreasonable or unnecessary. The borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the Applicant's request or disputes regarding engineer expenses. Should no such notice of dispute be provided, the invoiced amount shall be deemed accepted. The parties shall then proceed to resolve said differences in accordance with Section 510(g) of the Pennsylvania Municipalities Planning Code (Act 247).

Additional fees pursuant to Section 401 may apply.

ARTICLE 9-MODIFICATION OF REQUIREMENTS

Section 901 APPLICATION OF MODIFICATION PROVISIONS

Where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unreasonable hardship, the Mount Holly Springs Borough Council, on recommendation of the Planning Commission, may make such reasonable modification thereto that will not be contrary to the public interest and so that the spirit of these regulations may be observed and substantial justice done.

Section 902 REQUESTS FOR MODIFICATION

Applications for a modification of requirements shall be submitted in writing by the Applicant at the time the Preliminary Plat or Final Plat is filed with the Planning Commission.

The written modification request shall include the following:

- A. The section number(s) for which the modification(s) is/are being requested.
- B. A full statement of the grounds and facts of unreasonableness or hardship on which the request is based. The request is required to cite the particular conditions associated with the land in question.
- C. An explanation of how the requested modification constitutes the minimum modification necessary and how the modification is not contrary to the public interest.

Section 903 GRANTING OF MODIFICATION

In granting any alteration of requirements, the Mount Holly Springs Borough Council shall record its action in its meeting minutes and the grounds for granting any modification to the Applicant.

Section 904 DENIAL OF MODIFICATION

Whenever a request for a modification of requirements is denied, the Mount Holly Springs Borough Council shall record its action in its minutes.

Section 905 DISPLAYING ON PLANS

All subdivision or land development plans must display all granted modifications prior to their approval.

**ARTICLE 10-ENFORCEMENT, AMENDMENTS, VIOLATIONS, APPEALS,
PENALTIES, SEVERABILITY, AND REPEALER**

Section 1001 ADMINISTRATION AND ENFORCEMENT

1. The Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein. Officials of Mount Holly Springs Borough having regulatory duties and authorities connected with or appurtenant to the subdivision, use, or development of land shall have the duty and authority for the controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other Ordinances of the Mount Holly Springs Borough.
2. Permits required by the Mount Holly Springs Borough for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of the land, shall not be issued by any borough official responsible for such issuance until it has been ascertained that the site for such building, alteration, improvement, or use is contained in a subdivision or land development plat approved and publicly recorded in accordance with the provisions of this Ordinance.
3. Such permits shall be issued only after it has been determined that the site for such building, alteration, improvement, or use conforms to the site description as indicated by the approved and recorded Final Plat or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.
4. The Borough, through its authorized agent, shall require that the Sewage Module and applications for sewage disposal system permits contain all the information necessary to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, the "Rules and Regulations of the Department of Environmental Protection," and the provisions of other applicable ordinances of the Mount Holly Springs Borough.
5. The approval of a subdivision and/or land development plat or of any improvement installed, or the granting of a permit for the erection and/or use of a building or land therein, shall not constitute a representation, guarantee, or warranty of any kind or nature by the Borough of Mount Holly Springs or any official, employee, or appointee thereof, of the safety of any land, improvement, property, or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the Borough of Mount Holly Springs or such official, employee, or appointee for any damage that may result pursuant thereto.

Section 1002 AMENDMENTS

1. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice as defined, and in accordance with the Pennsylvania Municipalities Code, Act 247, Article V, §505(a), as reenacted and amended.
2. All amendments to this Ordinance shall be forwarded to the Mount Holly Springs Borough Planning Commission, at least 30 days prior to the public hearing on the amendment for recommendations.
3. All amendments to this Ordinance shall be forwarded to the Cumberland County Planning Department, at least 30 days prior to the public hearing on the amendment for recommendations.

4. Within 30 days after adoption, the Mount Holly Springs Borough Council shall forward to the County Planning Agency, a certified copy of any amendment to the Mount Holly Springs Borough Subdivision and Land Development Ordinance in accordance with the Pennsylvania Municipalities Code, Act 247, Article V, §505(b), as reenacted and amended.
5. All amendments to the Ordinance after their enactment shall be affixed to the Mount Holly Springs Borough Subdivision and Land Development Ordinance and all Ordinance copies offered to the public.

Section 1003 VIOLATIONS

1. Any person owning any lot, tract, or parcel of land, shall layout construct open or dedicate any street sanitary sewer, storm sewer water main, or other improvements for public use travel or other purposes, to be used in common with occupants of buildings located thereon must do so in compliance in full compliance with the provisions of this Ordinance. Failure to do so deemed a violation of this Ordinance.
2. Any person who sells, transfers or agrees to enter into an agreement to sell any lot, tract, or parcel of land in a subdivision or land development, or erect any building there on, must prepare all plats whether preliminary or final in full compliance with the provisions of this ordinance. Failure to do so will be a violation of this ordinance.

Section 1004 APPEALS

1. Any Applicant aggrieved by a finding, decision or recommendation of the Mount Holly Springs Borough Planning Commission, may within 30 days, request and receive opportunity to appear before the Commission, present additional relevant information and request reconsideration of the original finding, decision or recommendation, provided an appropriate extension of time is granted by the Applicant, to the Borough of Mount Holly, to insure adequate time is available for the governing body to act on the application.
2. Any Applicant aggrieved by a finding, decision or recommendation of the Mount Holly Springs Borough Council, may appeal to the Court of Common Pleas. All appeals shall be filed not later than 30 days after the issuance of notice of the decision or report of the Mount Holly Springs Borough Council.

Section 1005 PENALTIES

1. Any person, partnership, or corporation who or which has violated the provisions of this ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Mount Holly Springs Borough, shall pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney's fees incurred by Mount Holly Springs Borough as a result thereof. Any continued violation after 15 days of written notice will result in an additional penalty of \$500.00 per day.
2. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation. If so, there shall be deemed to have been only

one such violation until the fifth day following the date of the determination of the violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

3. The description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The Mount Holly Springs Borough may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction in addition to the penalty herein provided.

Section 1006 SEVERABILITY

1. If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of these regulations. It is hereby declared to be the intent of the Mount Holly Springs Borough Council that this Ordinance would have been adopted if such invalid or unconstitutional section, clause, provision or portion had not been included herein.

Section 1007 REPEALER

1. Any Ordinance or part thereof inconsistent herewith is hereby repealed to the extent of such inconsistency.
2. Subdivision and Land Development Ordinance No. (76-9), and any amendments thereto, is hereby repealed in its entirety and replaced by this ordinance.
3. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or legal proceeding now pending in any court, or any rights accrued or liability incurred, or any cause of action accrued or existing under any Ordinance hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected.

ARTICLE 11-EFFECTIVE DATE AND ENACTMENT

Section 1101 INCORPORATION STATEMENT

It is the intention of the Mount Holly Springs Borough Council and it is ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Mount Holly Springs Borough, and the sections of this Ordinance may be renumbered to accomplish this intention.

Section 1102 ENACTMENT

Language of Ordinance

ENACTED AND ORDAINED this 10 day of JUNE, 2019.

ATTEST:

BOROUGH OF MOUNT HOLLY SPRINGS



Sara E. Jarrett

Borough Secretary



James J. Collins II

Borough Council President