

**ARTICLE I**  
**GENERAL PROVISIONS**

**23-101 SHORT TITLE**

These regulations shall be known and may be cited as “Mifflinburg Borough Subdivision and Land Development Ordinance.”

**23-102 AUTHORITY**

The Mifflinburg Borough Council is vested by law with the authority to regulate subdivision and land development within its boundary by Section 501 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988).

**23-103 PURPOSE**

- A. Providing for the equitable processing of subdivision and land development plans through uniform standards and procedures.
- B. Providing for the protection of soil and water resources and storm water management facilities.
- C. Providing for the health, safety and general welfare of the Borough.
- D. Providing for the safe and efficient movement of pedestrians and vehicles.
- E. Promoting energy efficient subdivision and land development design.
- F. Avoiding unsound development in floodplain areas.
- G. Providing and protecting sites with recreation, conservation, scenic and open space value.
- H. Promoting orderly and efficient integration of subdivision, land development, streets and utilities.
- I. Promoting new development that is well designed, of high quality, and suited to the natural conditions of the site.
- J. Assuring the provision of public improvements which are necessary and the coordination of subdivision and land development proposals with existing streets, public improvements, and municipal public improvement plans, policies, and programs.

- K. Assuring that streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as are deemed necessary to accommodate prospective traffic and facilitate fire protection.
- L. Assuring that sites are suitable for development, building, and human habitation, and to prevent development that may be hazardous, may aggravate an existing hazard, or may endanger life or property.
- M. Assuring that the adverse impacts of development on unique and valued natural, scenic, historic, and cultural features and resources are minimized to the greatest practicable extent.
- N. Assuring that adequate easements and rights-of-way are provided for access, drainage facilities, public utilities, and other appropriate general public purposes.
- O. Assuring that any land area reserved for public use is suitable in size and location for the intended and designated use.
- P. Facilitating the safe and efficient movement of people and goods through the Borough.
- Q. Protecting soil and water resources (including groundwater resources) and natural drainage ways.
- R. Ensuring that land which is subject to flooding, subsidence or underground fires shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing problem.
- S. Promoting the consideration of and compliance with other Federal, State, County, and/or Local acts, codes, laws, ordinances, plans, policies, rules, regulations, and statutes, including the comprehensive plans of the Borough and its constituent municipalities.
- T. Ensuring that provisions are made for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, and for encouraging practices which are in accordance with modern and evolving principles of site planning and development.
- U. Providing uniform standards and procedures for the preparation and recording of plans with the Recorder of Deeds of and for Union County so that the land records of the county are accurate and complete.

### **23-104 JURISDICTION**

The Mifflinburg Borough Planning Commission shall have the authority to approve or disapprove all subdivision and land development plans for the Borough.

**A. Review by the Union County Planning Commission.** All plans for subdivision and land development within the Borough shall be forwarded, upon receipt by the Mifflinburg Borough Planning Commission, to the Union County Planning Commission for review and recommendation. The Mifflinburg Borough Planning Commission shall not approve or disapprove such plans until the County Planning Commission review is received or until the expiration of 30 days from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon between the County and the Borough Planning Commissions.

**B. Conflict with Other Ordinances.** Should any provision of this Chapter be found in conflict with the provisions of a zoning, building, fire, safety, health or other ordinance or code of the Borough, the provision which establishes the higher standard for the protection of the health and safety of the Borough shall prevail.

### **23-105 APPLICATION**

The provisions of this Ordinance shall be considered to be the minimum standards necessary to meet the purposes contained herein and the general purposes of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247 (53 P.S. 10101, et seq.) as from time to time reenacted and amended. As such all persons are required to submit to the Mifflinburg Borough Planning Commission a subdivision and/or land development plan for any activity that constitutes a subdivision or land development as defined in this ordinance.

### **23-106 EFFECT OF ADOPTION**

**A. General.** Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247 (53 P.S. 10101, et seq.) as from time to time reenacted and amended, no subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

**B. Pending or Approved Applications.** The provisions of this Ordinance shall not affect any application for subdivision or land development that is pending approval prior to the effective date of this Ordinance. Such applications shall comply with regulations in effect at the time the application was filed. In addition no provision of this Ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this ordinance in accordance with the terms of such approval within five years from the date of first approval.

**C. Recording Required.** All subdivision and land development plans approved by the Mifflinburg Borough Planning Commission in accordance with this Ordinance shall be recorded in the office of the Recorder of Deeds of and for Union County, Pennsylvania within 90-days of the date of approval affixed to the plan. Failure to record the plan within the 90-day period shall render the plan null and void, as if it were never approved.

**D. County Review Notation.** The Recorder of Deeds of and for Union County, Pennsylvania shall not accept any subdivision or land development plan for recording unless the plan officially notes the approval of the Mifflinburg Borough Planning Commission and review by the Union County Planning Commission.

### **23-107 COMPATIBILITY WITH OTHER ORDINANCES**

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable act, code, law, ordinance, plan, policy, rule, regulation, or statute.

### **23-108 CONFLICT WITH PRIVATE PROVISIONS**

The requirements of this Ordinance shall not impact any requirements contained in deed restrictions, covenants, easements, or other private agreements (“Private Requirements”). Private Requirements are not enforced by the Mifflinburg Borough Planning Commission.

### **23-109 SEVERABILITY**

Should a court of competent jurisdiction declare any section, subsection, or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole, or any other part of the remaining provisions of the Ordinance. The Mifflinburg Borough Council hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, or application.

### **23-110 LIABILITY DISCLAIMER**

The granting of approval of a subdivision or land development plan or any improvement installed as a condition thereof, shall not constitute a representation, guarantee, or warranty of any kind by the Borough of Mifflinburg, or by any official, employee, or appointee thereof, of the practicality or safety of the proposed use or improvement, and shall create no liability upon or cause of action against the Borough of Mifflinburg, its officials, employees, or appointees for any damage that may result pursuant thereto. The applicant is responsible for ensuring that any subdivision or land development will not cause injury or damage to other persons or property.

### **23-111 REFERENCES**

Specific methods and publications referenced in this Ordinance shall, in all cases, refer to the latest available edition and shall include revisions, amendments, and/or replacements thereto.

## **23-112 AMENDMENTS**

The Mifflinburg Borough Council may, from time to time, revise, modify, and amend this Ordinance pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247, (53 P.S. 10101 et. seq), as from time to time reenacted and amended or other applicable law in effect at the time of said amendment. Provided, however, in the event that the amendments of the Pennsylvania Municipalities Planning Code require changes in the provisions of this Ordinance (i.e. definitions, approval requirements, guarantee for completion of improvements, etc.) said amendments shall automatically become a part of this Ordinance and the Mifflinburg Borough Planning Commission shall be authorized to attach to this Ordinance and to copies hereof written addendum setting forth such Pennsylvania Municipalities Planning Code amendments and the sections of this Ordinance affected thereby.

## **23-113 EFFECTIVE DATE**

This Ordinance shall become effective immediately after being duly enacted and ordained by the Mifflinburg Borough Council.

## **ARTICLE II**

### **DEFINITIONS**

#### **23-200 GENERAL**

Unless otherwise expressly stated, the following terms and words used herein shall, for the purposes of this Ordinance, have the meaning indicated in this Section.

#### **23-201 GENERAL TERMS**

- A.** Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B.** The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C.** The word "applicant", "person", "subdivider", "developer" and "owner" include an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D.** The word "lot" includes the word "plot" or "parcel".
- E.** The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or a part thereof".
- F.** The words "shall", "must", and "will" are mandatory; the word "may" is permissive.

- G.** The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".
- H.** Periods of time stated as a number of days refer to consecutive calendar days, unless specified as "working days".

## **23-202 SPECIFIC TERMS**

**ADT** – Average daily traffic volume.

**Accessory Building** – See Building, Accessory.

**Access Drive** – A vehicular approach or entry to or exit from a multi-unit residential or a non-residential land development.

**Agricultural Land** – Land used, or available for use without substantial change, for agricultural operations whether for gain, pleasure, or sustenance.

**Agricultural Operation** – an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Alteration** - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

**Amusement Park** - A commercially operated park with a predominance of outdoor games and activities for entertainment including motorized, mechanical, aquatic or other devices that hold or carry passengers for amusement over a fixed or restricted area. Also typically includes booths for the sale of food and drink.

**Applicant** – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

**Application for Development** – Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. This shall include the required and necessary application form, plans, fees, and any other data or documentation submitted on behalf of a subdivision or land development.

**As-Built Drawings** (“Record Drawings”) – Revised set of drawings submitted on behalf of a Developer upon completion of a land development that reflect all changes made during the construction process and show the actual dimensions, geometry and location of all elements of the land development.

**Association of Owners** - See Homeowner's Association.

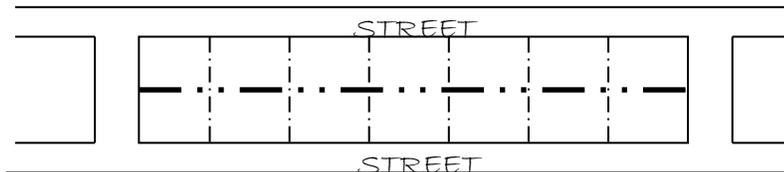
**Backfill** – Material used to replace or the act of replacing the land surface with material removed during construction.

**Base Course** – The layer or layers of specified or selected material of designed thickness placed on a subbase or a subgrade to support a surface course.

**Berm** - A raised earthen mound with landscape plantings of sufficient height to constitute an effective screen providing maximum protection and immediate visual screening.



**Block** – A unit of land containing one or more lots which is entirely bounded by existing or proposed streets, public lands, cemeteries, railroads, rights-of-way, watercourses or any other barriers to contiguous development.



**BMP** (Best Management Practice) - Stormwater structures, facilities or techniques used to maintain or improve the water quality of surface runoff.

**Borough Engineer** - A licensed professional engineer registered by the Commonwealth of Pennsylvania appointed by the Mifflinburg Borough Council to perform independent review of engineering and technical site design details of subdivisions and land developments.

**Bridge** – A structure including supports having an opening measured along the center of the pavement of more than twenty (20) feet between supports (i.e. undercroppings, abutments) designed to convey vehicles, pedestrians, or other moving loads over a watercourse, railroad, public or private right-of-way, or any depression.

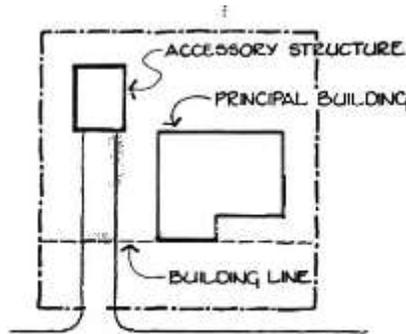
**Buffer Yard** – A portion of a site, together with any structures or landscape plantings, used and intended to provide a visual barrier between different land uses or to shield, block or provide

other protection from noise, light, or nuisance between adjacent parcels of land. For the purposes of this Ordinance the buffer yard is the applicable building setback distance requirement and any additional buffer distance required by the Mifflinburg Zoning Ordinance to lessen the impacts of incompatible land uses.

**Buildable Area** – The area of a lot remaining after the minimum rights-of-way, setbacks (front, rear, and side) and open space requirements have been met.

**Building** – Any structure having a roof supported by columns or walls, used for shelter, housing, or enclosure of persons, animals, or property.

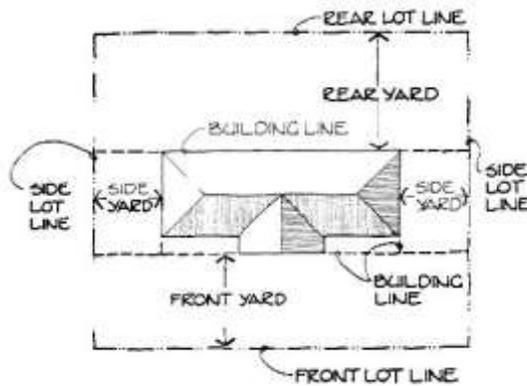
- A. **Building, Accessory** – A structure secondary to and located on the same lot as but not connected to the principal building and serving a purpose customarily incidental to the use of the principal building.
- B. **Building, Principal** – A building housing the main or principal use of the lot on which the building is located.



**Building Setback Line, Front** – The lot line separating the lot from the street right-of-way, which designates the minimum distance that buildings must be setback from a street right-of-way. Such distance shall be measured at right angles from the front street right-of-way that abuts the property upon which a building is to be located and be parallel to the right-of-way line. If a parcel does not abut a road right-of-way, the front setback line shall be measured from front of the principal building to the nearest property line.

**Building Setback Line, Rear** – The lot line opposite and most distant from the front setback line, which designates the minimum distance that buildings must be setback from the rear property line. Such distance shall be measured at right angles from the rear property line that abuts the property upon which a building is to be located and be parallel to the said rear property line.

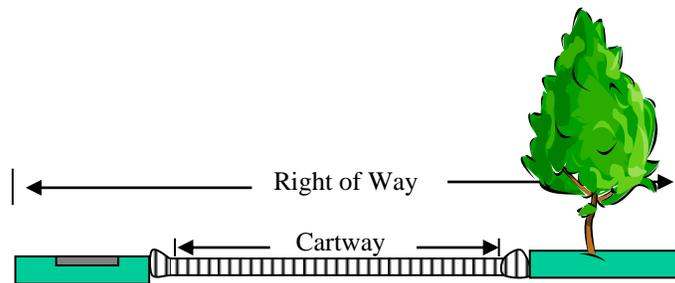
**Building Setback Line, Side** – Any lot line other than a front or rear setback line that designates the minimum distance that buildings must be setback from side property lines that extends from the front building setback line to the rear building setback line. Such distance shall be measured at right angles from the side property lines that abut the property upon which a building is to be located and be parallel to the said side property lines.



**Caliper** - The outside diameter of trees measured for buffering and landscaping purposes at a point on the trunk six (6) inches above the natural ground line.

**Carbonate** – A sediment formed by the organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical ion CO<sub>3</sub>, the principal element in limestone and dolomite strata.

**Cartway** – The improved surface of a right-of-way that is available and intended for vehicular traffic in the form of a street, alley, or driveway.



**Centerline** – A line running parallel to and equidistant from both sides of the traveled portion of a street.

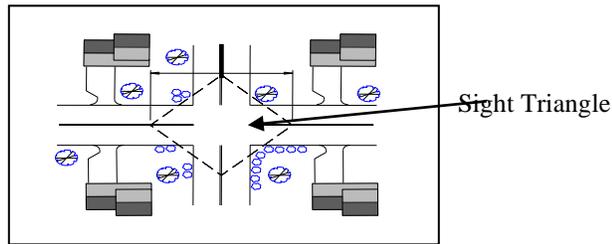
**Chairperson** – The Chairperson of the Mifflinburg Borough Planning Commission.

**Channel Protection Storage Volume (C<sub>p</sub><sub>v</sub>)** - The volume of stormwater from a site that must be captured to provide 24 hour extended detention of the one-year 24-hour storm event in order to protect stream channels from erosion. For streams with stocked or naturally reproducing trout extended detention shall be for 12 hours.

**Class A Concrete** – Cement concrete meeting the requirements set forth in the Pennsylvania Department of Transportation Publication 408.

**Clear Sight Triangle** – An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines. For regulations pertaining to Clear Sight Triangles, refer to Ordinance 84-14 (12/18/1984), as amended by Ordinance 2008-1 (4/15/2008),

known as the Mifflinburg Borough Zoning Ordinance (Ch. 29-500 Visibility at Intersections; Clear Sight Triangle).



**Closed or Undrained Depression** – In a Karst geologic area, a distinct bowl-shaped depression in the land surface; size and amplitude are variable; drainage is internal. It differs from a sinkhole in that the ground surface is unbroken and usually occurs in greater density per unit area.

**Cluster Development** – A development design and site-planning concept in which several buildings are concentrated in specific areas on the site to allow the remaining land to be used for recreation, common open space, and protection of other valued natural, historic, and cultural features and resources.

**Common Open Space** – A parcel or parcels of land or an area of water, or a combination of land and water within a development site that is designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**Commonwealth** – Commonwealth of Pennsylvania

**Comprehensive Plan** – The official comprehensive plan of the Borough of Mifflinburg, Pennsylvania adopted by the Mifflinburg Borough Council which establishes broad goals for land use and growth management and may include plans for future land use, parks, transportation, public facilities and services, and the like.

**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 and undivided basis and where there is an association of owners organized for the purpose of maintaining, administering, and operating common areas and facilities.

**Conservation District** - The Union County Conservation District.

**Consistency** – A reasonable, rational, similar connection or relationship between a development proposal and the municipal, multi-municipal, and/or county comprehensive plan(s) or other relevant adopted planning documents and ordinances.

**Construction** – The erection, fabrication, installation, demolition, or removal of any structure, facility, feature or addition thereto, including all related activities such as clearing of land, grading, earthmoving, paving, and all other activities regulated by this Ordinance.

**County** – County of Union, Pennsylvania.

**Crosswalk** - A publicly or privately owned right-of-way for pedestrian use that crosses paved areas used for motor vehicles.

**Cul-de-sac** – A street that provides a single means of ingress and egress by intersecting another street at one end and terminating at the other end in a vehicular turnaround.

**Culvert** – A structure, typically constructed of metal, plastic, or concrete, not classified as a bridge, which provides an opening under a roadway, rail bed, pedestrian path, or other right of way designed to catch surface water from side ditches and direct it away from a roadway, rail bed, pedestrian path or other right-of-way and/or designed to convey a stream under such a crossing without constricting water flow or movement of aquatic species.

**Curb** - A concrete, stone or other improved boundary usually marking the edge of the roadway or paved area.

**Curb Radius** - The curved edge of a street or driveway at intersections, measured at the edge of the cartway.

**Curb Return** – A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

**Cut** – The difference between a point on the original ground and designated point of lower elevation on the final grade; an excavation.

**Dam** - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semi-fluid.

**Dedication** – The deliberate appropriation or conveyance of land or an interest in land by the owner to another party (i.e. municipality,) for public use through a written instrument, and completed with an acceptance by the municipality.

**Deciduous** – Plants that drop their foliage annually before becoming dormant.

**Deed** – A legal document conveying ownership of real property.

**Deed of Record** – A legal document conveying ownership of real property officially on file in the Recorder of Deeds Office of Union County, Pennsylvania.

**Deed Restriction** – A restriction upon the use of a property, lot, or parcel set forth in a deed that runs with the title of the land and is binding upon subsequent owners of the property but which is enforced by the landowners involved and not the county, municipality, or other public agency. Sometimes known as a private or restrictive covenant.

**Density** – The number of dwelling units or units of occupancy permitted to be constructed or situated on a specific unit of land generally expressed as a “per acre” value.

**Designee** - The agent of the Borough of Mifflinburg and/or the Mifflinburg Borough Planning Commission involved with the administration, review or enforcement of any provisions of this Ordinance by contract or memorandum of understanding.

**Design Manual, Part 2** – Pennsylvania Department of Transportation (Penn DOT) publication containing highway design criteria.

**Design Speed** – Speed, selected for a specific street, which takes into consideration the geometric limits, such as degree of curvature, super elevation, sight distances, etc., and which controls the safe operation of the vehicle as well as allowing for safe pedestrian traffic. The design speed is governed by the volume of traffic, parking, speed limits, turning movements at intersections, intersection controls, land width, and pavement surface conditions.

**Design Storm** - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. a 5-year storm) and duration (e.g. 24-hours), used in the design and evaluation of stormwater management systems.

**Detention Basin** - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**Developer** – any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**Development of Regional Significance and Impact** – Any subdivision or land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

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

**Development Site** - The specific tract(s) of land for which an activity regulated by this Ordinance is proposed.

**Downslope Property Line** - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

**Drainage Conveyance Facility** - A Stormwater Management Facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

**Drainage Easement** - A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**Drainageway** – Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

**Driveway** – A private drive providing vehicular access between a street or access drive and a parking area or structure.

**Dwelling** – Any structure, or portion thereof, which is designed or used for residential purposes. The term “dwelling” shall not be deemed to include a motel, rooming house, tourist home, hotel, hospital, or nursing home.

**Dwelling, Multiple Family** – A building designed for or containing two or more separate dwelling units, sharing access from a common hall, stair, or balcony.

**Dwelling, Single Family Attached** – See, “Dwelling, Townhouse.”

**Dwelling, Single Family Detached** – A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and having an additional lot with private yards on all four sides of the house.

**Dwelling, Townhouse** – A single-family attached dwelling of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof having individual outside access.

**Dwelling, Two Family (Double)** – A detached building containing two dwelling units of relatively equal size. The dwelling units are entirely separated by vertical walls, unpierced except for access to the outside or to a common basement.

**Dwelling Unit** – A room or suite of rooms, including kitchen or kitchenette and sanitary facilities, separate from other building units which may be in the same structure, designed, or used as a unit for rental, lease, or ownership by one household.

**Easement** – Any existing, recorded or proposed described right to a section of land, granted for limited use of property by the holder for a public, quasi-public or private purpose as provided by the terms of the easement.

**Earth Disturbance** - Any activity including, but not limited to, construction, mining, timber harvesting and grubbing which alters, disturbs, and/or exposes the existing land surface.

**Elevation** – A vertical distance above or below a predetermined and fixed reference level i.e. above or below sea level.

**Emergency** – An unforeseen occurrence or combination of circumstances that calls for immediate action or remedy.

**Engineer** – A licensed professional engineer registered by the Commonwealth of Pennsylvania.

**Erosion** - The movement of soil particles by the action of water, wind, ice, or other natural forces.

**Erosion and Sediment Pollution Control Plan** - A plan that is designed to minimize accelerated erosion and sedimentation and to meet the requirements of the PA DEP.

**Evergreen** – A plant with foliage that remains green year round.

**Excavation** – Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, bulldozed, and including all methods of replacement.

**Existing Conditions** - The initial condition of a project site prior to the proposed construction.

**Fill** – Any act by which earth, sand, gravel, rock or any other similar 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; the difference of the elevation between a point on the original ground and a designated point of high elevation of the final grade; the material used to make fill.

**Final Plan** – The plan of a proposed subdivision or land development including all supplemental information required by this Ordinance, or by an applicable municipal ordinance, submitted to obtain final approval and having a form acceptable for recording in the office of the recorder of deeds.

**Fire Lane** – A way cleared of obstacles and vegetation at all times so as to permit ingress and egress for vehicles during a fire or other emergency.

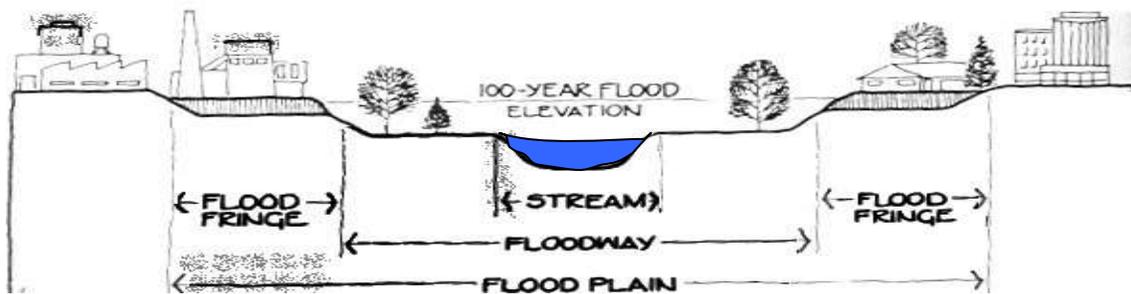
**Flexible Pavement** – A pavement structure that maintains intimate contact with and distributes loads to the subgrade and depends on aggregate interlock, particle friction, and cohesion for stability, such as bituminous pavement.

**Flood** - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

**Flood Fringe** - That portion of the flood hazard area outside of the floodway, based on the total area inundated during the regulatory base flood plus 25 percent of the regulatory base flood discharge.

**Floodplain** - Any land area susceptible to inundation by water from any natural source and/or those areas delineated by Flood Insurance Studies for the Borough of Mifflinburg prepared by the Federal Emergency Management Agency (FEMA). These areas are mapped and shown on the Flood Insurance Rate Maps and/or Flood Hazard Boundary Maps.

**Floodplain, 100-year** – Any land area susceptible to inundation by water from any natural source and/or those areas delineated by the FEMA Flood Insurance Studies and associated maps for the Borough of Mifflinburg in which there is a one percent (1%) chance of inundation occurring in any given year.



**Floodway** - The channel of the watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies for the Borough of Mifflinburg provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends 50 feet from the stream to the top of stream bank on each side of the stream.

**Floor Area** – Total gross area of all floors enclosed within the exterior walls of any building, including accessory buildings and including any areas that may be enclosed by temporary exterior walls such as garage doors or removable solarium glass enclosures; or as defined in an applicable municipal zoning ordinance.

**Footcandle** - The unit of illumination when the foot is the unit of length, as shown as an isofootcandle diagram, where all points on the line represent the same level of illumination.

**Freeboard** - A vertical distance between the elevation of the designed high water level and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

**Frontage** – That side of a lot abutting on a street measured along the front lot line at the front building setback line.

**Grade** - A slope, usually of a road, street, other public way, channel or natural ground specified in percentage change in elevation per horizontal distance and shown on plans as specified herein. (To) Grade-to manipulate the land surface and its slope through excavation, filling or leveling.

**Grade, Existing** – The surface of the ground or pavement as it exists prior to disturbance in preparation for activities regulated by this Ordinance.

**Grade, Finished** – The final elevation of the ground surface after development.

**Grade, Natural** - The elevation of the ground level in its natural state, before construction, filling, or excavation.

**Grassed Waterway** - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, commonly used to convey surface water from cropland.

**Gross Floor Area** - The sum of the gross horizontal areas of a structure measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

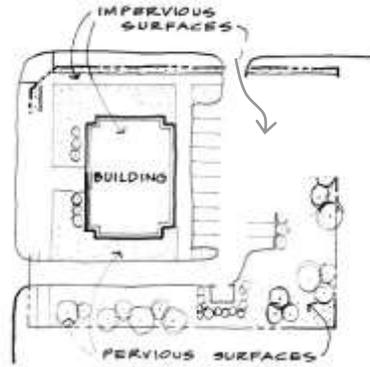
**Groundwater Recharge** - Replenishment of existing natural underground water supplies.

**HEC-HMS** (Hydrologic Engineering Center Hydrologic Modeling System) - The computer-based hydrologic modeling technique adapted to a particular watershed as part of an official Act 167 Watershed Plan (prepared under Act 167 of 1978, 32 P.S. 6801 et seq.) and calibrated to reflect actual recorded flow values by adjoining key model input parameters.

**Historic Resource/Feature** - Any building, site, structure, object, district or area that is: listed on the National Register of Historic Places; has received a Determination of Eligibility for the National Register from the United States Department of Interior -National Park Service; is on the Pennsylvania Inventory, is listed in the Union County Historic Preservation Plan and/or Sites Register; or which is listed on any officially adopted municipal plan, registry or inventory of historic resources and features. This term shall include the site, principal structures, accessory structures, yards, vegetation, fences, road alignments, and signage associated with such resource/feature.

**Homeowners Association** - An incorporated or unincorporated nonprofit, cooperative organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a described land area is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property (i.e. streets, open space, stormwater facility); and (c) the charge if unpaid becomes a lien against the property.

**Impervious Surface** - A surface that prevents the percolation of water into the ground. For the purposes of this Ordinance impervious surface shall include, but not be limited to, the following: concrete, asphalt, building coverage, water impoundments, gravel and crushed stone areas, highly compacted soil, etc.



**Improvement** – Those physical additions and installations required and made to a property to render land suitable for an intended use, including but not limited to, buildings, streets, curbs and gutters, sidewalks, street signs and lights, walkways, sewage disposal and water supply facilities, monuments, markers, shade trees and landscaping, grading, stormwater management facilities, and the like.

**Improvements Guaranty Agreement** – A deposit of cash, a bond, a letter of credit, irrevocable line of credit, escrow account, or negotiable securities and an agreement guaranteeing the developer will install all required improvements, which is forfeited to the Borough if the improvements are not installed in accordance with the approved plans.

**Incidental** – Occurring as a minor accompaniment. Liable to occur in consequence of or in connection with another.

**Infiltration Structures** - A structure designed to direct runoff into the ground (e.g. French drains, seepage pits, or seepage trenches).

**Inlet** - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

**Karst** – A type of topography that is formed over calcareous minerals such as limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sinkholes, caves and underground drainage (from AGI, Glossary of Geology, 1972.).

**Land Development** – The development of property as specified below:

- (a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or

for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

(b) Any subdivision of land.

(c) “Land Development” shall not include:

1. The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an enterprise which could be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.

**Land Development, Commercial** – A land development as defined herein, the principal use of which is designed and intended for commercial purposes, including but not limited to, retail stores, shopping centers, motels, offices, sports stadiums, golf courses, racetracks, and similar structures and uses.

**Land Development, Industrial** – A land development as defined herein, the principal use of which is designed and intended for industrial purposes, including but not limited to, industrial parks, multi-tenant facilities, manufacturing plants, and similar structures and uses.

**Land Development, Institutional** – A land development as defined herein, the principle use of which is designed and intended for institutional purposes, including but not limited to, schools, hospitals, nursing homes, sheltered care facilities, prisons, municipal buildings, or other similar structures and uses.

**Land Development, Mobile Home** – A land development as defined herein, the principle use of which is designed and intended for the improvement of land, normally under single ownership, for the placement of non-transient mobile homes, consisting of two or more mobile home spaces.

**Land Development, Mixed Use** – A land development as defined herein, where a combination of different land uses are planned to occur on the same lot, including nontraditional accessory uses. In the case of a school, house of worship or other non-profit entity nontraditional accessory uses might include, but not be limited to, retail sales, residential uses, amusement parks, and sports and entertainment facilities as an integrated part of the development.

**Land Development, Residential** – A land development as defined herein, the principle use of which is designed and intended for full-time residential purposes and occupancy, including but not limited to single multiple family dwellings, housing developments, planned residential developments or other similar structures and uses.

**Land/Earth Disturbance** - Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

**Landowner** – The legal or equitable owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**Land Use** – Any activity, business, function, or purpose for which any piece of land or structure is used or intended to be used.

**Land Use Incompatibility** - Land uses that are adjacent or in proximity to one another that do not go well together due to detrimental impacts from a particular use such as noise, lighting, traffic, odor, emissions etc. and would generally not be considered complementary and congruous. An example would be the location of a noisy or smoky factory in a residential neighborhood.

**Landscape Architect** – A professional landscape architect licensed by the Commonwealth of Pennsylvania.

**Lateral** – A utility line between a main line, located in a utility easement or street right-of-way, and the building the line serves.

**Leveling Area** – A safe stopping area at the intersection of streets or the intersection of a driveway and a street.

**Level of Service (LOS)** – A measure of the effect of traffic on the capacity of a road, describing conditions within a traffic stream; generally described in such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. Levels of service are designated A through F, with LOS A indicating the best service and LOS F indicating the worst. Further defined in 2000 Highway Capacity Manual (HCM 2000) published by the Transportation Research Board.

**Limestone** – A rock that is chiefly formed by the accumulation of organic remains, consisting mainly of calcium carbonate.

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

**Lot Area** – The computed area contained within the property lines of a lot as shown on a plan, excluding space within a street right-of-way but including the area of any easement.

**Lot, Corner** – A lot abutting the intersection of two or more streets. Corner lots have two front yards and require the necessary front yard setbacks for each yard.

**Lot, Depth** – The mean (average) distance measured between the front and rear lot lines.

**Lot, Double Frontage** – A lot with street frontage at both the front and rear.

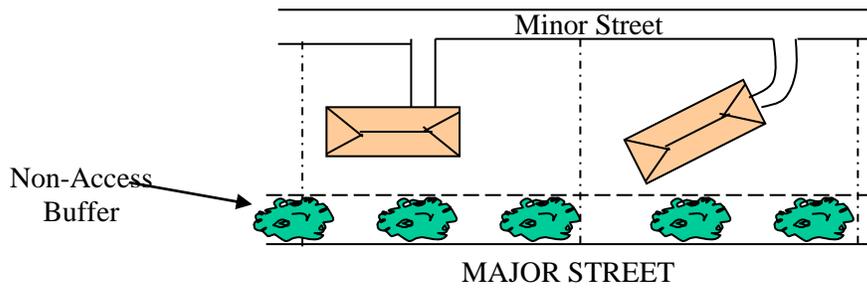
**Lot, Frontage** – The length of the front lot line measured at the street right-of-way line.

**Lot, Interior** – A lot other than a corner lot with only one frontage on a street.

**Lot, Landlocked** – A lot with no direct street frontage that relies upon a right-of-way or easement for access to the lot.

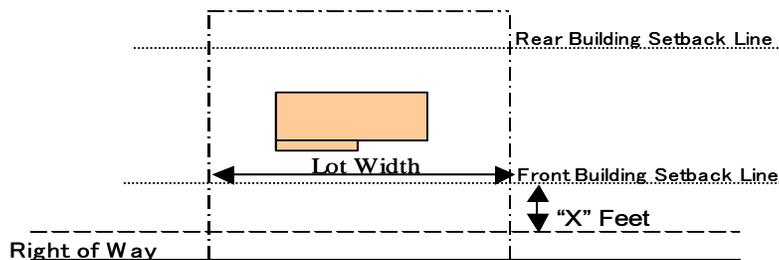
**Lot, Reverse Frontage** – A lot with front and rear street frontage where vehicular access is prohibited to and from the higher intensity street.

**Lot with Reverse Frontage**



**Lot, Open Space** – A parcel intended not to be developed or encumbered with structures.

**Lot, width** – The horizontal distance between the side lot lines measured at the shortest distance between the front and rear building lines as determined by the prescribed front and rear yard requirements.



**Lot Lines** – The property lines bounding the lot.

- a. **Lot Line, Front** – The lot line separating the lot from the street right-of-way line.
- b. **Lot Line, Rear** – The lot line opposite, and most distant from the front lot line.
- c. **Lot Line, Side** – Any lot line other than a front or rear lot line.

**Lot Line Marker** – A metal plate or pin set by a professional land surveyor to permanently identify curves along property lines, angles in property lines, and lot line intersections.

**Lot of Record** – Any lot which individually or as part of an approved subdivision has been recorded in the Office of the Union County Recorder of Deeds.

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

**Maintenance Guarantee** – A deposit consisting of cash, a bond, a binding letter of credit, line of credit, escrow account, or negotiable securities and an agreement insuring that improvements constructed as part of an approved subdivision or land development have been properly installed and guaranteeing their integrity for a specified time period not to exceed 18 months from the date of acceptance of dedication.

**Manning Equation** in (Manning formula) - A method for calculation of velocity of flow (e.g. feet per second) and flow rate (e.g. cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

**Mifflinburg Borough Planning Commission** - The Mifflinburg Borough Planning Commission and its staff.

**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. A mobile home shall be constructed to remain a mobile home, shall not be a part of the real estate, and shall be subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed regardless of the nature of the foundation provided. This term does not include recreation vehicles and travel trailers.

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

**Mobile Home Pad** – The part of a mobile home lot that is a stabilized space reserved for the placement of the mobile home.

**Mobile Home Park** – A parcel or contiguous parcels of land which has been so designated and improved that it contains three or more mobile home lots for the placement thereon of mobile homes.

**Modification** – A process for alleviating specific requirements imposed by this Ordinance, the procedure for which is outlined in Article VIII Section 803 of this Ordinance.

**Monument** – For the purposes of this Ordinance a monument shall be defined to mean a reinforced concrete monument, stone, or other permanent object containing magnetic material, set by a professional land surveyor to permanently identify surface elevation and/or survey reference points such as the intersection of lines forming angles in the boundary of a lot or tract, rights-of-ways of streets and utilities or at other locations determined appropriate by the Mifflinburg Borough Planning Commission for the purpose of reference in land and property surveys.

**Municipal Authority** - A body politic or corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipal Authorities Act of 1945".

**Municipalities Planning Code** – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101 et seq.), as from time to time reenacted and amended.

**Nonconforming Lot** - A lot legally existing at the date of the passage of this Ordinance or any amendment thereto, which does not at this time have the minimum lot dimensions or contain the minimum lot area for the zoning district in which it is located.

**Nonpoint Source Pollution** - Pollution that enters a body of water from diffuse origins and does not result from discernible, confined, or discrete conveyances.

**NRCS** - Natural Resource Conservation Service (Previously Soil Conservation Service--SCS).

**Official Map** – A map adopted by ordinance pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 P.L. 805, (53 P.S. 10101 et seq.) as from time to time reenacted and amended

**Open Channel** - A drainage element in which stormwater flows within an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, and canals.

**Open Space** - An area that is intended to provide land free of development and is designed for environmental, scenic or recreation purposes. Open space may include but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, wooded areas and watercourses. Open space shall not include driveways, parking lots

or other surfaces designed or intended for vehicular travel, or detention and retention ponds. In addition no area of future road right-of-way shall be counted as open space.

**Ordinance** – The Mifflinburg Borough Subdivision and Land Development Ordinance.

**Outfall** – A point where water flows out from a conduit, pipe, stream, or drain; such as the point of discharge for a stormwater detention basin.

**Outlet** – The points of water disposal from a stream, river, lake, tidewater or artificial drain.

**Overbank and Extreme Event Flood Protection Volume** - See Release Rates.

**Parent Tract** – The original lot or tract of land from which a new lot is being subdivided.

**Parcel** – A lot or tract of land. (See lot).

**Park** – A tract of land dedicated and used by the public for active and passive recreation.

**Parking Aisle** – The clear space for traffic movement and maneuvering between rows of parking spaces.

**Parking Area/Lot** – Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

**Parking Aisle Treatment** - Internal parking lot landscaping that separates rows of parking spaces to provide a buffer and visual relief from the negative impacts of parking infrastructure.

**Parking Space** - An off-street parking area available and designated for the parking of a single vehicle.

**Pavement** – A sub-base, base course, or surface course placed on a sub-grade to support traffic load.

**Pedestrian Way** – A specified easement or right of way, publicly or privately owned, in the form of a walkway, path, sidewalk or other reservation which is designed and designated for the exclusive use of pedestrians.

**PA DEP** – Pennsylvania Department of Environmental Protection.

**Peak Discharge** - The maximum rate of stormwater runoff from a specific storm event.

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

**PennDOT**– Pennsylvania Department of Transportation.

**Penn State Runoff Model (PSRM)** - The computer-based hydrologic modeling technique adapted to a particular watershed as part of an official Act 167 Watershed Plan and calibrated to reflect actual recorded flow values by adjoining key model input parameters. Portions of the Bull Run Watershed not impacted by the Plan update of 2002 and the Buffalo Creek Watershed have calibrated PSRM models.

**Performance Guarantee** – See Improvements Guaranty Agreement.

**Pipe** - a culvert, closed conduit, or similar structure including appurtenances that convey stormwater.

**Plan** – A map or plat of a subdivision or land development complete with a drawing and supplementary data, whether sketch, preliminary, or final.

- a. **Plan, Sketch** – An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development as prepared in accordance with this Ordinance.
- b. **Plan, Preliminary** – A plan of a proposed subdivision or land development, including all supplementary information required by this Ordinance or applicable municipal ordinance, to obtain preliminary approval and prepared in accordance with this Ordinance.
- c. **Plan, Final** – A complete and exact subdivision or land development plan, including all supplementary data, prepared in accordance with this Ordinance for official approval and recording.
- d. **Plan, Lot Addition (Add-on)** – A complete and exact subdivision plan, including all supplementary data, prepared in accordance with this Ordinance that is intended to convey a parcel of ground located immediately adjacent to other property owned by the intended grantee, that is being added to the grantee’s existing lot of record.
- e. **Plan, Lot Consolidation** - A plan whereby the entire area of two or more adjacent existing lots of record are combined or consolidated to effectually eliminate one or more original lots into one new lot.
- f. **Plan, Record** – A final plan which contains the original endorsement of the Borough of Mifflinburg and the Mifflinburg Borough Planning Commission, which is intended to be recorded with the Union County Recorder of Deeds Office.

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

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

**Power Generation Facility** - A facility, structure or group of structures designed and intended to generate energy for the distribution and/or sales of electricity or other power source. This includes but is not limited to coal fired, natural gas fired, cogeneration, nuclear, solar, water and wind power. It however shall not include an individual home that has erected solar or wind energy generation equipment for personal use.

**Preservation or Protection** – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining, or other lawful uses of natural resources.

**Private Driveway Access Easement** – Any existing, recorded, or proposed easement for private driveways in which a private right-of-way agreement properly executed between the landowners granting access and all affected parties abutting the easement.

**Private Street** – All streets which are not public, including but not limited to, streets maintained by private agreements, by private owners or an association of private property owners or for which no maintenance responsibility has been established by the Borough of Mifflinburg; and including all private driveway access agreements or rights-of-way for access.

**Probable Maximum Flood (PMF)** - The flood that may be expected from the most severe combination of critical meteorological and hydrological conditions that is reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

**Publication 408** – Pennsylvania Department of Transportation Publication containing highway construction specifications, as supplemented.

**Public Grounds** – Include:

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

**Public Hearing** – A formal meeting held pursuant to public notice by a governing body or planning agency, intended to inform and obtain public comment, prior to taking certain actions in accordance with the Pennsylvania Municipalities Planning Code or prior to amending this ordinance.

**Public Meeting** – A forum held pursuant to notice under 65 Pa. C.S. A. 701 et seq., (Relating to open meetings).

**Public Street** – Streets ordained or maintained or dedicated and accepted by the Borough, of Mifflinburg and open to public use.

**Rational Formula** - A rainfall to runoff relation used to estimate peak flow.

**Recharge Volume (Re<sub>v</sub>)** - The volume of stormwater runoff from a site that must be infiltrated into the soil to promote the maintenance of groundwater recharge rates that existed prior to development.

**Release Rate** - The predevelopment peak rate of runoff from a site or subarea to which the post development peak rate of runoff must be reduced to protect downstream areas.

**Renewable Energy Source** – Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

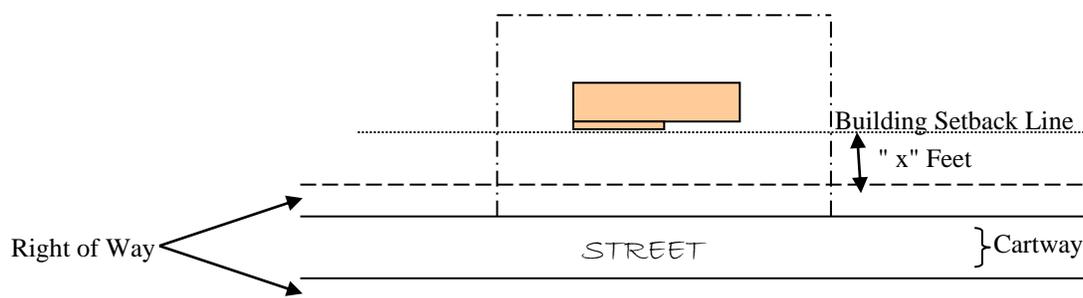
**Resort** – A group or groups of buildings containing guest rooms and furnishing services customarily provided by a hotel, including a restaurant and convention facilities and providing outdoor recreational activities on a large portion of the site such as horseback riding, tennis, skiing, swimming, shuffleboard, and golf.

**Resubdivision** – The subdivision or division of a tract or parcel of land that itself was part of a previously approved subdivision.

**Retention Basin** - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

**Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five years, or in other words it would have a four percent (4%) statistical probability of occurring in any given year.

**Right-of-Way** – A corridor of land reserved or dedicated, in whole or part, intended to be occupied as a street, alley, pedestrian way, or other means of public or private transportation and access; or for an electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other similar use. A right-of-way includes the entire area reserved or dedicated for the use.



**Rigid Pavement** – A pavement structure that distributes loads to the subgrade having as one course a Portland cement concrete slab of relatively high bending resistance.

**Riser** - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified return period (design storm).

**Rooftop Detention** - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building design.

**Runoff** - Any part of precipitation that does not enter the soil but runs across the surface of the land.

**Safe Passage** – The routing of peak runoff events, usually the 100-year design event, safely through a structure without failure of that structure.

**Screen** - Any combination of hedges, fences, architectural walls, trees, or earthen berms arranged to create a continuous visual barrier.

**Sediment Basin** - A barrier, dam, and retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

**Sediment Pollution** - The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

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

**Seepage Pit/Seepage Trench** - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

**Select Granular Material or 2 RC** – A material meeting the specifications in the Pennsylvania Department of Transportation Publication 408, when placed and compacted.

**Setback Line** – See Building Setback Line.

**Sewage Enforcement Officer** - The official of the local municipality who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the rules and regulations of the Pennsylvania Sewage Facilities Act, Act 537 of 1966 (35 P.S. 750.1, et seq.).

**Sewage System** – Facilities developed and approved by the municipal Sewage Enforcement Officer and the PA DEP for the treatment and/or disposal of sewage.

**Sewage System, Public or Community** – A sewer collection and treatment system which serves facilities on a community, area-wide, or regional basis in which sewage is collected from buildings and piped by means of a conveyance system to a sanitary sewage treatment plant that is designed, approved, and permitted in accordance with the requirements of the PA DEP. Such systems shall include municipal and public treatment facilities as well as those systems installed, owned and maintained by private developers.

**Sewage System, On-Lot** – A sewage system serving a single residence, building, or user located on the same lot as the residence, building, or user being served which must be approved by the municipal Sewage Enforcement Officer and the PA DEP.

**Shade Tree (Street Tree)** – Any tree with any part of its drip line or root system within the ultimate right-of-way along any public street or highway.

**Sheet Flow** - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

**Shoulder** – The improved or graded portion of the highway, contiguous to the traffic lanes, for accommodation of stopped vehicles, emergency use, or lateral support of base and surface courses or pavements.

**Sidewalk** - A level improved concrete surface built in accordance with Article V of this Ordinance that is typically separated from, but located adjacent to a roadway, intended for pedestrian travel.

**Sight Distance** – The amount of unobstructed distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. Sight distances shall be measured in accordance with PennDOT standards.

**Sinkhole** – A localized, gradual or rapid sinking of the land surface to a variable depth, occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a breaking of the ground surface and a downward movement of soil into bedrock voids.

**Soil-Cover Complex Method** - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

**Soil Group, Hydrologic** - A classification of soils by the Soil Conservation Service (now NRCS) into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

**Soil Survey of Union County** – The most recent edition of a series of aerial photographs on which soils are classified according to a variety of characteristics and accompanying explanatory text, prepared by the United States Department of Agriculture, Soil Conservation Service (now NRCS).

**Spillway** - A depression in the embankment of a pond or basin that is used to pass peak discharge greater than the maximum design storm controlled by the pond.

**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, times the width of a lot in feet ( $l \times w = \text{square footage area}$ ).

**Stabilization** – The proper placing, grading, and/or covering of soil, rock, or earth to insure their resistance to erosion, sliding, or other movement.

**Storage Indication Method** - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

**Storm Frequency** - The number of times that a given storm "event" occurs, is expected to occur, or is exceeded on the average in a stated period of years. See "Return Period".

**Storm Sewer** - A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

**Stormwater** - The total amount of precipitation reaching the ground surface.

**Stormwater Management Credits** - Incentive based non-structural stormwater management applications that can be incorporated into the site design process to promote water quality, groundwater recharge, volume control and other stormwater objectives. These include conservation of natural areas, disconnection of rooftop runoff, disconnection of non-rooftop runoff, sheet flow to buffers, grass channels and environmentally sensitive or low impact development.

**Stormwater Management Facility** - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, swales, and infiltration structures.

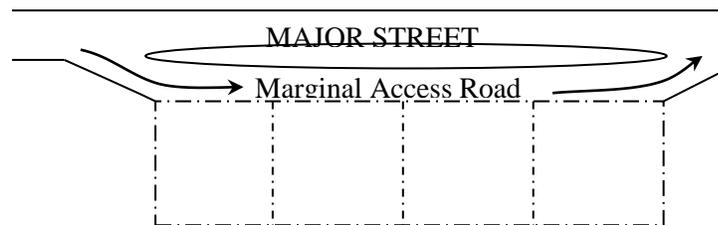
**Stormwater Management Plan** - The plan prepared by the Developer or her/his representative indicating how stormwater runoff will be managed, including data and calculations, at the particular site of interest according to this Ordinance.

**Stormwater Management Plan, Act 167** - The plan for managing stormwater runoff in a particular watershed adopted by the Borough of Mifflinburg and approved by the PA DEP as required by the Act of October 4, 1978, P.L. 864, Act 167 of 1978 (32 P.S. 680.1 et seq.).

**Stream Enclosure** - A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

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

- a. **Street, Alley** – A street, usually located to the rear or side of properties otherwise abutting a street, used primarily for vehicular service access and a secondary means of access to abutting lots.
- b. **Street, Arterial** – A major street with fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas.
- c. **Street, Collector** – A major street that carries traffic from local streets to arterial streets.
- d. **Dead-end Street** – A street with only one means of vehicular traffic ingress and egress.
- e. **Street, Local** – Any street that is not defined herein as either an arterial, collector street, or alley.
- f. **Street, Marginal Access** - A local street parallel and adjacent to a major street (but physically separated from it) which provides both access to abutting properties and control of intersections with the major street.



- g. **Street, Private** – All streets which are not public, including but not limited to, street maintained by private agreements, by private owners or association of property owners for which maintenance responsibility has been established; and including all private driveway access agreements or right-of-way for access.
- h. **Street, Public** – Streets ordained or maintained or dedicated and accepted by a municipality, state, or federal government and open to public use.

**Street Grade** – The overall slope of a street or road between two points typically expressed as a percentage.

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

**Subarea** - The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

**Subbase** – The layers of specified or selected material of designed thickness placed on a subgrade to support a base course. Refer to Article V, Section 512, Figure 3 for typical roadway section diagram.

**Subgrade** – The top surface of a roadbed upon which the pavement structure and shoulders including curbs are constructed. Refer to Article V, Section 512, Figure 2 for typical roadway sections diagram.

**Subdivider** – Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

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

- a. **Lot Addition/Consolidation Subdivision** – Any subdivision that creates a lot that is to be added to an existing contiguous lot of record of separate ownership and where no new building lot or land development is proposed. It is solely intended to convey a parcel of ground located immediately adjacent to other property owned by the intended grantee, which is being added to the grantee’s existing lot. The size of one lot will increase in an equal amount by which the size of an adjacent lot(s) will decrease. In the case of a Consolidation the entire area of one or more lots is added to an adjacent lot thereby in effect eliminating one or more original lots.
- b. **Major Subdivision** – Any subdivision as defined herein involving six (6) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities, or other improvements; all subdivisions not considered minor subdivisions for plan processing purposes.
- c. **Minor Subdivision** – Any subdivision abutting an existing public street or road, cumulatively involving no more than five (5) lots, parcels of land, or other divisions of land from the same parent tract as of the effective date of the County Subdivision and Land Development Regulations (June 10, 1969), which does not require a new street, access easements, or the installation of any other improvements.

**Subject Tract** – The lot, parcel, or site proposed for a subdivision or land development.

**Subordinate** – Of lesser importance or rank operating under the control or authority of another.

**Substantially Completed** – When, in the judgment of the Commission and/or municipality holding escrow, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final

approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

**Surface Course** – One or more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and the disintegrating effects of climate. The top layer is sometimes called: “Wearing Course”.

**Surveyor** – A licensed professional land surveyor registered by the Commonwealth of Pennsylvania authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

**Swale** - A low-lying stretch of land that gathers or carries surface water runoff.

**Tack Coat** – An application of bituminous material to an existing surface to provide bond with a superimposed course.

**Technical Release 20 (TR-20)** - Project Formulation-Hydrology , Computer Program. NRCS.

**Technical Release 55 (TR-55)** - Urban Unit Hydrology for Small Watersheds. NRCS.

**Time of Concentration (Tc)** - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**Topography** – The general configuration of a land surface or any part of the earth’s surface, including its relief and position of its natural and man-made features. The natural or physical surface features of a region, considered collectively as to its form.

**Tract** – See lot.

**Tract Residual** or **Tract Remainder** – The lot or parcel created through subdivision that is the remaining portion of the parent tract after subdivision occurs. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this Ordinance.

**Trip** – A single or one-directional vehicle movement.

**Unbuildable Site** – A portion of a tract of land which due to physical or environmental conditions cannot support or is inappropriate for construction of a road, structure, or any other man-made improvement. Examples include wetlands, flood prone areas, sinkholes, landslide prone areas, endangered species habitats, and hazardous waste dumps.

**Undeveloped Condition** – Land in its natural state before development.

**Watercourse** - A permanent or intermittent stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

**Water Quality Volume (WQ<sub>v</sub>)** - The storage needed to capture and treat the runoff from 90% of the average annual rainfall. For Union County the depth of rain associated with 90% capture rate is 1.2 inches. Meaning on average that 90% of all annual rainfall events are 1.2 inches or less in volume.

**Watershed** – The entire region or area drained by a river or other body of water, whether natural or artificial, a drainage basin or sub-basin.

**Waters of the Commonwealth** - Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**Water Supply System** – A system for the collection, treatment, storage and distribution of potable water from the source of supply to the consumer.

**Water Supply System, Public or Community** - A water collection, treatment and distribution system which serves facilities on a community, area-wide, or regional basis in which water is collected and treated by means of a treatment plant that is designed, approved, and permitted in accordance with the requirements of the PA DEP and from which treated water is then distributed to end users. Such systems shall include municipal and public treatment facilities as well as those systems installed, owned and maintained by private developers.

**Water Supply, On-Lot** - A water supply system serving a single residence, building, or user located on the same lot as the residence, building, or user being served. It typically takes the form of a well.

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

**Wireless Telecommunications Site** - A tract, parcel or leasehold of land that contains or is intended to contain a cellular communications antenna, its support structure, accessory buildings, parking, appurtenances, and other associated uses ancillary to cellular communications transmissions.

**Woodland** – A community of plants characterized by areas, groves, or stands of trees.

**Zoning Ordinance** – Ordinance 84-14 (12/18/1984), as amended by Ordinance 2008-1 (4/15/2008), known as the Mifflinburg Borough Zoning Ordinance.

## **ARTICLE III**

### **PROCESSING, REVIEW, APPROVAL AND RECORDING OF PLANS**

#### **23-300 GENERAL**

The procedures established in this Article shall apply to all subdivisions and land developments that require the approval of the Mifflinburg Borough Planning Commission.

#### **23-301 CLASSIFICATION**

Subdivisions and Land Developments are classified within this Ordinance and any Subdivision or Land Development must fall within one of the classifications prescribed herein. For each plan classification listed below please refer to Article IV for plan drafting requirements/contents and to Appendix A for a plan submission checklist.

- A. Minor Subdivision – A minor subdivision is any subdivision abutting an existing public street or road, involving no more than five (5) lots, parcels of land, or other divisions of land from the same parent tract which does not require a new street, access easements, or the installation of any other improvements.
- B. Major Subdivision – A major subdivision is any subdivision involving six (6) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities, or other improvements or a subdivision involving five (5) or fewer lots, parcels of land or other divisions of land that requires a new street, new access easements or the installation of any other site improvements. In effect all subdivisions not considered minor subdivisions for plan processing purposes.
- C. Lot Addition/Consolidation– Any subdivision creating a lot that is to be added to an existing contiguous lot of record of separate ownership and where no new building lot or land development is proposed. It is solely intended to convey a parcel of land located immediately adjacent to other property owned by the intended grantee, which is being added to the grantee’s existing lot. The size of one lot will increase in an equal amount by which the size of an adjacent lot(s) will decrease. In the case of a Consolidation the entire area of one or more lots is added to an adjacent lot thereby in effect eliminating one or more original lots. These plans are processed as Minor Subdivision Plans.
- D. Land Development – The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving: (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

The applicant should refer to the applicable Sections within this Article for the processing procedures that apply to the proposed activity. The applicant is also encouraged to meet with Mifflinburg Borough staff to determine which classification may be applicable to the proposed activity prior to the submission of an application.

### **23-302 EXEMPTIONS**

The following activities, with Mifflinburg Borough staff concurrence, shall be exempted from the requirements of this Ordinance. Mifflinburg Borough Staff shall determine whether the exemptions cited herein shall be applicable. The decision of the Mifflinburg Borough staff may be appealed to the Mifflinburg Borough Planning Commission.

- 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 that does not exceed 5,000 square feet or require a stormwater management plan, including farm buildings, on a lot or lots subordinate to an existing principal building.
- C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. This shall not apply to newly acquired acreage by an amusement park until proper authorities have approved initial plans for the expanded area.
- D. The division of land by lease for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings. Upon the request of the property owner and upon receipt of a signed statement or letter from the landowner and buyer stating that such lands to be leased shall be used solely for agricultural purposes and does/will not involve any new streets or easement of access or residential dwellings, the Commission will forward a statement of exemption to the above parties.
- E. When the replacement of a building is necessitated due to unpreventable “Acts of God” (e.g. including but not limited to fire, flood, storm damage) and meets the following conditions: (1) the structure has been left essentially uninhabitable; (2) repair of the damage to the existing structure is significantly more costly than to replace; (3) replacement of the structure will result in relatively the same size (does not increase by more than 15%), dimensions, layout, and lot access approved under a previous land development application; (4) the applicant can provide written confirmation from local governing officials to indicate that the proposal meets or exceeds all applicable land use controls regulated locally; and (5) the applicant provides written confirmation from appropriate State officials that the proposal meets or exceeds all applicable state regulations.

### **23-303 PRE-APPLICATION CONFERENCE AND REVIEW**

- A. The purpose of the Pre-Application Conference and Review is to afford an applicant opportunity to receive the advice and assistance of Mifflinburg Borough Planning Commission staff on subdivision and land development procedures, the requirements necessary to achieve conformity to the standards and provisions of this Ordinance, and to alert the applicant to other factors pertinent to the design and effectuation of the subdivision or land development.
- B. Although not required, a Pre-Application Conference and Review is strongly recommended before submission of a formal plan, particularly for proposals that involve the creation of new streets or storm water facilities, or plans for nonresidential structures.
- C. The Pre-Application Conference and Review shall not constitute the filing of an application for approval of a plat, and all such meetings and/or review shall be considered informal. At the discretion of the applicant a proposal may be presented at a Mifflinburg Borough Planning Commission meeting for informal review and comment.

### **23-304 PLAN SUBMISSION DEADLINES AND FILING DATES**

#### **A. Plan Submission Deadlines**

Minor, Major Subdivision and Land Development Plans – Minor, Major Subdivision and Land Development Plans and supporting documentation may be submitted to the Mifflinburg Borough Project Manager with a completed application form accompanied by all applicable fees at any time during normal office hours; however, plans submitted less than fourteen (14) calendar days prior to the next regularly scheduled Mifflinburg Borough Planning Commission meeting shall not be reviewed at that meeting, but will be reviewed at the succeeding meeting.

#### **B. Official Plan Filing Dates**

Minor, Major Subdivision Plans and Land Development Plans – Minor, Major Subdivision and Land Development Plans shall be considered officially filed at the next monthly meeting of the Mifflinburg Borough Planning Commission following the delivery of a completed application form, applicable fees, and the requisite number of plans and other supporting documents to the Mifflinburg Borough designee, once the Mifflinburg Borough designee acknowledges that the applications are complete. Should the next monthly meeting of the Mifflinburg Borough Planning Commission be more than 30 days following the delivery of the completed application to the Mifflinburg Borough designee, the date of plan receipt shall be the 30<sup>th</sup> day following the filing of the application.

- C. **Effect of Filing Date** - After an application has been officially filed in accordance with Section 23-304.B and while a decision is pending, no change in any zoning, subdivision, or other local governing ordinance or plan shall effect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the local governing ordinances and regulations effective on the official plan filing date.

### **23-305 SKETCH PLAN**

- A. **Sketch Plan Applications.** Applicants are encouraged to submit a Sketch Plan during or after the Pre-Application Conference and Review in order to present the overall development concept of a particular tract before preparing and submitting a formal preliminary or final plan.
- B. The Sketch Plan, like the Pre-Application Conference and Review, is not mandatory but is strongly recommended.
- C. Presentation of a Sketch Plan shall not constitute the filing of an application for approval of a plat. The applicant, or its representative, may present the Sketch Plan at a Mifflinburg Borough Planning Commission meeting for informal review and comment.
- D. No formal action will be taken on a Sketch Plan submission, but the Mifflinburg Borough staff may, after review and evaluation of the proposal, notify the applicant in writing of findings and recommendations regarding preparation of preliminary or final plans.

### **23-306 PRELIMINARY PLANS**

- A. **Preliminary Plan Applications.** A Preliminary Plan may only be used for proposed improvements: that include phasing of construction activities.
- B. **Application Requirements.** All Preliminary Plan Applications shall include the following:
1. Six (6) paper copies of the Preliminary Plan in either black on white or blue on white prints. An electronic copy shall be submitted to the Mifflinburg Borough designee. Additional copies shall be submitted if the proposed site fronts on or is intended to have a street access to a state highway or is a project of regional significance. The applicant is also responsible for providing the necessary copies for sewage planning review.
  2. Three (3) copies of all reports, deed covenants, notifications, regulatory permit applications and reviews, and certifications which are not provided on the Preliminary Plan, including but not limited to, traffic engineer reports, stormwater management narrative and calculations, maintenance and use agreements, and sewage percolation test results.

3. Applications must include one (1) completed “Mifflinburg Borough Subdivision and Land Development Application” form with all information legible and bearing the required signatures. An application form is contained in Appendix B.
4. Appropriate filing fee in the form of a check or money order made payable to the Mifflinburg Borough for an amount established by a fee schedule adopted by resolution of the Mifflinburg Borough Council, which is available from the Mifflinburg Borough Office.
5. **Incomplete Applications.** The Mifflinburg Borough Project Manager or the Mifflinburg Borough Project Manager’s designee shall have seven (7) days from the date an application was delivered to check the plans and accompanying documents to determine if on their face they are in proper form and contain all the information required by this Ordinance. If incomplete the application will be returned to the applicant with a statement that the application is incomplete within the seven (7) day period; otherwise the application shall be deemed accepted for filing. Acceptance shall not constitute a waiver of any deficiencies or irregularities. An applicant may appeal a decision by the Mifflinburg Borough Project Manager to the Mifflinburg Borough Planning Commission in accordance with Section 23-804.A of this Ordinance.

**C. Distribution of Copies.** Upon receipt of a completed application the Mifflinburg Borough Staff shall refer one (1) copy of the Preliminary Plan and any related documentation to the following individuals and agencies, as appropriate, for their review and report.

1. Mifflinburg Borough Planning Commission.
2. Mifflinburg Borough Zoning Officer
3. County Planning Commission.
4. Borough Engineer.
5. Sewage Enforcement Officer, if applicable.

**D. Phased Development.** If an applicant intends to develop land in phases, the Preliminary Plan application shall encompass the entire land area proposed for development and shall serve as a master plan.

**E. Mifflinburg Borough Planning Commission Action.** The Mifflinburg Borough Planning Commission shall review and render a decision to approve the preliminary plan as submitted, to approve the plan subject to conditions specified by the Mifflinburg Borough Planning Commission, or to disapprove the plan at a scheduled public meeting not later than ninety (90) days after such application for preliminary approval was officially filed, unless the applicant and the Mifflinburg Borough Planning Commission

mutually agree in writing to an extension of time or the applicant(s) voluntarily withdraws the plan from consideration.

**F. Written Decision.** The applicant shall be notified in writing of Mifflinburg Borough Planning Commission action within fifteen (15) consecutive days following the decision. Said notice will be mailed to the last known address on file at the Mifflinburg Borough Office with a copy of said notification provided as appropriate to the following:

1. Landowner if different from applicant.
2. Firm that prepared the plan.
3. Borough zoning officer.
4. Borough Sewage Enforcement Officer, if applicable.
5. Union County Planning Commission
6. Union County Conservation District
7. Other appropriate Federal, State, County and Local agencies.

**G. Acceptance of Conditions.** If an application for a Preliminary Plan is approved subject to conditions, such conditions shall be specified by the Mifflinburg Borough Planning Commission and shall be accepted by the applicant in writing within 15 days after the written decision of the Mifflinburg Borough Planning Commission was mailed or delivered to the applicant or the approval shall be automatically rescinded.

**H. Approval Pending Receipt of Additional Information.** When a Preliminary Plan is conditionally approved the applicant shall submit revised plans and necessary documents to the Mifflinburg Borough Planning Commission for approval by the staff within 45 days of acceptance of the conditions. Failure to meet the conditions of plan approval within 45 days shall constitute an automatic disapproval of the plan unless the Mifflinburg Borough Planning Commission and the applicant mutually agree upon a time extension. For plans conditionally approved, the date of official plan approval shall be the date on which all conditions are met.

**I. Specified Defects.** If an application for a Preliminary Plan is disapproved as filed, the decision shall specify the defects found in the application and shall identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

**J. Deemed Approval.** Failure of the Mifflinburg Borough Planning Commission to render a decision and communicate it to the applicant in the manner prescribed herein shall be deemed approval of the application as presented.

**K. Preliminary Plan Certification.** After receipt of Preliminary Plan approval and compliance with all conditions of approval, the Mifflinburg Borough Planning Commission will execute the plan approval certification with one (1) copy being retained by the Borough of Mifflinburg and one (1) copy for the applicant.

**L. Effect of Preliminary Approval.**

1. Approval of the Preliminary Plan application by the Mifflinburg Borough Planning Commission shall constitute approval of the proposed subdivision and/or land development in regard to general design, character and intensity of development, general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute final plan approval.
2. A Preliminary Plan shall not be accepted for recording in the office of the Union County Recorder of Deeds.
3. Preliminary Plan approval will be effective for a five (5)-year period from the date of the Mifflinburg Borough Planning Commission's approval of the Preliminary Plan application; thereafter Final Plan application(s) for the entire project shall be made within five (5) years of Preliminary Plan approval unless the Mifflinburg Borough Planning Commission grants a waiver by extending the effective time period of the approval.
4. After receipt of Preliminary Plan approval, the applicant must obtain approval of a Final Plan, in accordance with Section 23-307, for a phase of the approved Preliminary Plan before proceeding with the construction of the improvements that are part of the phase. The applicant shall indicate the intent to construct improvements in writing to the Mifflinburg Borough Planning Commission prior to the start of construction.
5. Preliminary Plan approval shall not authorize the sale of lots or occupancy of proposed buildings shown on the plan regardless of whether or not proposed improvements have been installed.

**23-307 FINAL PLANS**

**A. Final Plan Applications.** An application for Final Plan review and approval may be submitted when the following conditions have been met:

1. The applicant has unconditional Preliminary Plan approval from the Mifflinburg Borough Planning Commission.
2. Application is not required to be preceded by a Preliminary Plan in accordance with Section 23-306 of this Ordinance.
3. The improvements required by this Ordinance have been completed and acknowledged by the Mifflinburg Borough Planning Commission as having been

completed correctly as shown on the preliminary plan when said improvements are not assured by a type of guarantee as provided in Article VII of this Ordinance.

**B. Application Requirements.** All Final Plan Applications shall include the following:

1. Six (6) copies of the Final Plan in either black on white or blue on white prints. Additional copies shall be submitted if the proposed site fronts on or is intended to have a street access to a state highway or is a project of regional significance. The applicant is also responsible for providing the necessary copies for sewage planning review.
2. Three (3) copies of all reports, deed covenants, notifications, regulatory permit applications and reviews, and certifications which are not provided on the Final Plan, including but not limited to, traffic engineer reports, stormwater management narrative and calculations, improvements guaranty, maintenance and use agreements, and sewage percolation test results.
3. Applications must include one (1) completed “Mifflinburg Borough Subdivision and Land Development Application” form with all information legible and bearing the required signatures.
4. Appropriate filing fee in the form of a check or money order made payable to the Mifflinburg Borough for an amount established by a fee schedule adopted by resolution of the Mifflinburg Borough, which is available from the Mifflinburg Borough office.
5. **Incomplete Applications.** The Mifflinburg Borough Project Manager or the Mifflinburg Project Manager’s designee shall have seven (7) days from the date an application was delivered to check the plans and accompanying documents to determine if on their face they are in proper form and contain all the information required by this Ordinance. If incomplete the application will be returned to the applicant with a statement that the application is incomplete within the seven (7) day period; otherwise the application shall be deemed accepted for filing. Acceptance shall not constitute a waiver of any deficiencies or irregularities. An applicant may appeal a decision by the Mifflinburg Project Manager to the Mifflinburg Borough Planning Commission in accordance with Section 23-804.A of this Ordinance.
6. **Conformance with Preliminary Plan.** Final Plans shall conform in all-important respects with the approved Preliminary Plan; otherwise the plan submitted shall be considered as a revised Preliminary Plan.
7. **Improvements.** No Final Plan shall be approved unless the applicant has satisfactorily installed all improvements required by this Ordinance or has alternatively filed with the Mifflinburg Borough an adequate financial guarantee

in accordance with Article VII of this Ordinance to insure proper installation and construction of said improvements.

**C. Distribution of Copies.** Upon receipt of a completed application the Mifflinburg Borough Planning Commission Staff shall refer one (1) copy of the Final Plan and any related documentation to the following individuals and agencies, as appropriate, for their review and report.

1. Mifflinburg Borough Planning Commission.
2. Mifflinburg Borough Zoning Officer
3. County Planning Commission.
4. Borough Engineer
5. Sewage Enforcement Officer, if applicable

**D. Phased Development.** The Final Plan may be submitted in phases as long as the following conditions are met:

1. Each phase shall cover a reasonable portion of the entire proposed subdivision or land development as shown on the approved Preliminary Plan.
2. Each phase, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of units of occupancy as depicted on the approved Preliminary Plan unless the Mifflinburg Borough Planning Commission approves a lesser percentage for one of the phases.
3. A schedule shall be submitted indicating the intended submission of final plans for remaining phases.
4. Final Plan approval for all phases shall be within five (5) years of Preliminary Plan approval.

**E. Mifflinburg Borough Planning Commission Action.** The Mifflinburg Borough Planning Commission shall review and render a decision to approve the Final Plan as submitted, to approve the plan subject to conditions specified by the Mifflinburg Borough Planning Commission, or to disapprove the plan at a scheduled public meeting not later than ninety (90) days after such application for Final Plan approval was officially filed or after order of the court remanding an application, unless the applicant and the Mifflinburg Borough Planning Commission mutually agree in writing to an extension of time or the applicant(s) voluntarily withdraws the plan from consideration.

- F. Written Decision.** The applicant shall be notified in writing of Mifflinburg Borough Planning Commission action within fifteen (15) calendar days following the decision. Said notice will be mailed to the last known address on file at the Mifflinburg Borough Planning Department Office with a copy of said notification provided as appropriate to the following:
1. Landowner if different from applicant.
  2. Firm that prepared the plan.
  3. Borough zoning officer.
  4. Borough Sewage Enforcement Officer, if applicable.
  5. Union County Planning Commission
  6. Union County Conservation District
  7. Other appropriate Federal, State, County and Local agencies.
- G. Acceptance of Conditions.** If an application for a Final Plan is approved subject to conditions such conditions shall be specified by the Mifflinburg Borough Planning Commission and shall be accepted by the applicant in writing within 15 days after the written decision of the Mifflinburg Borough Planning Commission was mailed or delivered to the applicant, or the approval shall be automatically rescinded.
- H. Approval Pending Receipt of Additional Information.** When a Final Plan is conditionally approved the applicant shall submit revised plans and necessary documents to the Mifflinburg Borough Planning Commission for approval by the staff within 45 days of acceptance of the conditions. Failure to meet the conditions of plan approval within 45 days shall constitute an automatic disapproval of the plan, unless the Mifflinburg Borough Planning Commission and the applicant mutually agree upon a time extension. For plans conditionally approved, the date of official plan approval shall be the date on which all conditions are met.
- I. Specified Defects.** If an application for a Final Plan is disapproved as filed, the decision shall specify the defects found in the application and shall identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.
- J. Deemed Approval.** Failure of the Mifflinburg Borough Planning Commission to render a decision and communicate it to the applicant in the manner prescribed herein shall be deemed approval of the application as presented.
- K. Final Plan Certification.** After receipt of Final Plan approval and compliance with all conditions of approval, the Mifflinburg Borough Planning Commission will execute the plan approval certification with one (1) copy being retained by the Borough of

Mifflinburg. No Final Plan shall be recorded with the Office of the Union County Recorder of Deeds without bearing an original signature of the Planning Commission Chairperson denoting approval of the plan.

- L. Recording.** Approval of the Final Plan application by the Mifflinburg Borough Planning Commission shall entitle the applicant to record the plan in the Office of the Union County Recorder of Deeds once necessary approval signatures and certificates are executed. All Final Plans approved by the Mifflinburg Borough Planning Commission shall be recorded by the applicant in the Office of the Union County Recorder of Deeds within ninety (90) days of the Mifflinburg Borough Planning Commission approval date noted on the plan. Failure of the applicant to record the plan within this time shall render the plan null and void unless a time extension is requested by the applicant in writing and is granted by the Mifflinburg Borough Planning Commission in writing prior to the expiration date. Under no circumstances shall a plan be recorded as an attachment to or an exhibit of the instrument of conveyance.
- M. Sale of Lots.** The sale of lots and/or construction and occupancy of proposed buildings in a subdivision or land development shall not commence until the approved Final Plan is filed and recorded with the Union County Recorder of Deeds Office. The Mifflinburg Borough Planning Commission may seek preventive remedies, injunction or enforcement action in accordance with Article VIII, Sections 23-809, 23-810 and 23-811 of this Ordinance if lots are sold or occupancy of buildings occurs prior to Final Plan approval.
- N. Effect of Ordinance Changes on Approval.** When an application has been granted Final Plan approval, no change in this Ordinance or in any applicable municipal ordinance shall affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years. Where Final Plan approval is preceded by Preliminary Plan approval, the five (5) year period shall be counted from the date of Preliminary Plan approval.

### **23-308 REVIEWS BY ENGINEER OR OTHER QUALIFIED PERSON**

- A.** The Borough Engineer and/or other consultant experienced in a particular discipline shall review any application that involves engineering or other specialized considerations, and any comments received from said engineer and/or other consultants shall be considered a part of the application review and incorporated therein. Costs of such review by the Borough Engineer and/or other consultants shall be borne by the applicant.
- B.** Where a conflict of interest arises due to an application being filed by the Borough Engineer or other consultant or their office, the Mifflinburg Borough Planning Commission shall appoint an independent engineer or consultant to review said application.

## **23-309 SITE INSPECTIONS**

The Mifflinburg Borough Planning Commission and staff representatives may visit any site proposed for subdivision and/or land development before any action is taken to approve or disapprove a plan in order to evaluate a plan application on the basis of the information presented.

## **ARTICLE IV**

### **SUBDIVISION AND LAND DEVELOPMENT PLAN REQUIREMENTS**

#### **23-400 GENERAL**

All plans submitted for approval by the Mifflinburg Borough Planning Commission shall meet the requirements specified in the following sections. Applicants are encouraged to meet with the Mifflinburg Borough staff and representatives for advisory information and an explanation of these requirements prior to filing an application.

#### **23-401 SKETCH PLAN**

Sketch Plans should contain sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area it is to be located. Six (6) copies of the Sketch Plans should be submitted and include the following data and information, legibly drawn, but not necessarily to scale or showing precise dimensions:

- A. Location sketch with sufficient detail, showing roads and significant community facilities to enable the Commission to locate the property.
- B. Existing tract boundaries accurately labeled with the names of adjacent landowners.
- C. Title Block indicating the applicant and/or landowner, municipality, date, individual that prepared the plan, scale of the drawing or notation "Drawing Not to Scale".
- D. North Arrow
- E. Significant topographic and physical features (i.e. water bodies, floodplains, streets, structures)
- F. Proposed general street, parking, building and lot layout including the acreage of the area to be developed.
- G. Proposed land use; if multiple land uses are proposed the general location of each land use shall be shown.

H. Statement explaining the methods of water supply and sewage disposal to be used.

### **23-402 DRAFTING STANDARDS**

All plans shall be prepared in accordance with the following drafting standards: (Sketch Plans submitted under Section 23-401 of this Ordinance are exempt from the drafting standards prescribed herein)

- A. The preparation of all plans shall adhere to the laws of the Commonwealth of Pennsylvania, including but not limited to, the Engineer, Land Surveyor, and Geologist Registration Law, May 23, 1945, P.L. 913, No. 367 (63 P.S. 148 et seq.) and the Landscape Architects Registration Law, January 24, 1966, 1965 P.L. 1527, No. 535 (63 P.S. 901 et seq.) as from time to time reenacted and amended.
- B. Plans shall be either black on white or blue on white prints with a sheet size no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is drawn in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet with the match lines showing. All sheets shall be the same size and numbered to show the relationship to the total number of sheets in the plan, i.e. "Sheet 1 of \_\_\_\_, Sheet 2 of \_\_\_\_, Sheet 3 of \_\_\_\_, etc".
- C. The Plan shall be clearly and legibly drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. (1" = 50' or 1" = 100') or other suitable scale if approved by the staff.
- D. Dimensions shall be in feet and decimals to the nearest 100<sup>th</sup> of a foot; bearings shall be in degrees, minutes, and seconds.
- E. Lot line descriptions shall read in a clockwise direction.
- F. Surveys and other professional services associated with plan preparation shall be consistent with prevailing professional standards and the Laws of the Commonwealth of Pennsylvania.

### **23-403 PRELIMINARY PLANS**

All Preliminary Plan applications shall be prepared in accordance with this Section to provide sufficient design information to demonstrate conformance with the requirements of this Ordinance.

- A. **Project Description and Location** – For Preliminary Plan applications the following shall be shown on, or where appropriate accompany, the plan.
  - 1. A brief narrative describing the proposed project.
  - 2. Title Block containing the following:

- a. Project name or identifying title including the words "Preliminary Plan"
  - b. Municipality in which it is located
  - c. Plan date and dates of all revisions
  - d. Name and address of the owner or applicant
3. Name, address, and telephone number of individual or firm preparing the plan, assigned project number, name signature, registration number, and seal of engineer, surveyor or landscape architect involved in preparation of the plan.
  4. North arrow.
  5. Graphic and Written Scale.
  6. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities within ½ mile of the project area. May be taken from a U.S.G.S. quadrangle map with sheet name identified.
  7. Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.
  8. Total acreage of the entire existing tract.
  9. The entire tract boundary with bearings to the nearest second and distances to the nearest hundredth showing the relationship of the proposed development to the entire tract and all prior conveyances, including acreage made from the parent tract since the inception of the Mifflinburg Borough Subdivision and Land Development Ordinance.
  10. Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
  11. Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements. Show zoning for adjacent lands if different from tract to be subdivided or developed.
  12. List, with supporting evidence for the request, of any modifications that are requested in accordance with Section 23-803 of this Ordinance. Modifications granted shall be so noted on the Final Plan.

**B. Existing Site Characteristics** – The following existing conditions shall be shown on the plan:

1. Topographic contours shown at five (5) foot vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum, vertical intervals of ten (10) feet for slopes greater than 25%. One (1) or two (2) foot topographic contours may be required for more densely developed projects or when deemed appropriate by the Commission. Contours shall be accompanied by the location of the benchmark and notation indicating the datum used.
2. Steep Slopes delineated as those areas 16 to 25 percent and those areas greater than 25 percent.
3. Soil types and boundaries as shown in the Union County Soil Survey.
4. Prominent natural and topographic features including but not limited to watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory 100-Year floodplains and floodways, tree masses, plant and wildlife habitat for rare, threatened, or endangered species, areas identified in the Union County Natural Areas Inventory, and other pertinent elements that may influence design. Additionally the Preliminary Plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.
5. General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).
6. A note on the plan indicating whether the site is/is not underlain by carbonate geology (limestone and dolomite).
7. Location of quarry sites, solid waste disposal areas, illegal dumps, EPA Superfund sites, and other potentially hazardous conditions on the site and on adjacent tracts.
8. Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and within 200 feet on adjacent tracts.
9. All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width and condition of pavement and grades and, in the case of easements, the purpose for which it was created.
10. The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, storm and sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum or petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead

protection areas, and other significant man-made features on or adjacent to the site.

11. Location and material of all existing permanent monuments and lot line markers.

**C. Proposed Site Conditions** – The following proposed conditions shall be shown on the plan:

1. Tabulation of site data, including total acreage of land to be subdivided or developed, number of lots, proposed density, number of dwelling units, existing land use, proposed land use, acreage of any proposed open space or other public/common areas, amount of impervious area, and the amount of tract residual. Multi-Family and non-residential shall also show the total square footage of all proposed buildings, percent of lot coverage, number of parking spaces required, and the number provided.
2. All required yards and building setback lines, with distances from the street centerline or street right-of-way lines, whichever is required by this Ordinance or applicable municipal Ordinances.
3. Lot layout with lot lines, approximate dimensions, lot square footage and acreage.
4. Block and lot numbers in a consecutive and clockwise or left to right order.
5. Exact location, name, width, and grade of proposed streets, alleys, driveways, or other means of access.
6. Location and width of rights-of-way and cartways.
7. Delineation of clear sight triangles and sight distances.
8. Design information for horizontal curves (i.e. degree of curvature, point of tangents, radius, arc length, chords, etc.)
9. Length of tangents between reverse curves.
10. Curb radii at intersections and intersection equalities between streets.
11. Curbs and gutter location.
12. Location of sidewalks and/or trails showing width, grades, and ramps for ADA accessibility requirements.
13. Location of streetlights, street name signs, and traffic control devices and/or signs and pavement markings.

14. Location and type of vegetation to be planted between curb and shoulder and right-of-way line.
15. Location and species of shade trees within street rights-of-way.
16. Lighting plan in accordance with Sections 23-514 and 23-517 of this Ordinance indicating the types, size, quantity and location of light fixtures.
17. Proposed public buildings and areas, playgrounds, reserved areas, open space areas, and any related conditions or restrictions.
18. Identification of buildings and historic features proposed to be demolished.
19. Location, width, and intended use of utility, drainage, and all other proposed easements.
20. Location and pipe diameter (I.D.) of storm water, sanitary sewer, and water mains and laterals to each lot.
21. Location of fire hydrants and other operational water main infrastructure.
22. Location of all proposed stormwater management and erosion control facilities.
23. Deep-probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including the identification of applicable isolation distances.

**D. Other Required Information and Reports to be Submitted**

1. Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
2. Preliminary design of proposed bridges and culverts.
3. Typical street cross-section for each proposed street, and typical cross section for any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width and show materials for base and surfacing, and method of construction.
4. Street centerline profile for each proposed street showing finished grade at a scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical or other appropriate legible scales.
5. A grading plan showing all final topographic contours and cross sections for cut and fill areas for general site development activities including parking areas, buildings, stormwater facilities, etc.

6. Typical curb and gutter design, materials, and method of construction.
7. Typical sidewalk or trail design, materials, and method of construction.
8. A Sewage Facilities Plan and/or Engineering Feasibility Study and required documentation in accordance with Section 23-520 of this Ordinance.
9. A Water Facilities Plan and required documentation in accordance with Section 23-521 of this Ordinance.
10. For proposals to be served by an existing utility, water and/or sewer service provider(s), a letter of intent or an executed agreement to provide service shall be provided from the service provider(s).
11. A Stormwater Management and Drainage Plan and narrative including runoff calculations with complete hydrologic and hydraulic design and analysis of all conveyance and control facilities in accordance with Section 23-523 of this Ordinance.
12. When the Preliminary Plan covers only a part of the applicant's holdings, a sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract will be required.
13. Estimated cost of all improvements including an itemized list of components of work with quantities, unit cost, and total cost. See Appendix D for an example.
14. A schedule shall be filed detailing all proposed sections as well as deadlines when it is expected that applications for Final Plan approval for each section will be filed.
15. A landscaping plan in accordance with Section 23-518 of this Ordinance including the names, sizes, quantities, and approximate location of all proposed plant materials if required.
16. An Erosion and Sedimentation Pollution Control Plan and narrative showing all erosion and sedimentation control measures, temporary as well as permanent, and a letter from the Union County Conservation District stating that the proposed measures meet all state, federal and local requirements.
17. If any portion of the project is in a floodplain area, then documentation shall be submitted indicating compliance with all applicable laws and regulations of the municipality in which the project is located and of the Federal Emergency Management Agency (FEMA).

18. Copies of required permits from the PA DEP and/or other appropriate regulatory agencies for any proposed alteration, excavation, relocation, encroachment or obstruction of a watercourse or wetland.
19. A Community Impact Analysis, Natural Features Analysis and Traffic Engineering Study shall be submitted in accordance with Sections 23-510 and 23-532 of this Ordinance for all subdivision or land development proposals of 25 lots or more, or for a proposal that generates more than 200 vehicle trips per day.
20. When the tract contains a natural gas pipeline, petroleum or petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility stating the minimum setback distance and other requirements pertaining to such features. A valid occupancy permit from such utility provider would also be acceptable.
21. A letter of zoning compliance from the Mifflinburg Borough Zoning Officer.
22. A letter from the Union County GIS Department verifying approval of proposed subdivision and road names.
23. When the land included in the subject tract has agricultural, woodland, or other natural resource protection easement(s) located within the tract, the application shall be accompanied by a letter from the party holding the easement(s) stating any conditions on the use of the land.
24. For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit (HOP) or a letter from PennDOT indicating a HOP can be obtained shall be submitted. For lots requiring access onto a Borough street, the appropriate municipal Driveway Permit shall be obtained.
25. When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination a geotechnical report and a remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.
27. All applicable plan processing applications and review fees in accordance with Article III of this Ordinance.

**E. Certification and Notification**

1. Certificate, signature and seal, of the professional land surveyor certifying the accuracy of the survey. See Appendix C-2.

2. Certificate, signature, and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct. See Appendix C-3 and C-4.
3. Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix C-5.
4. Preliminary Plan Certification of Notification for Municipal Governing Body. This is required when improvements are being offered for dedication. See Appendix C-6.
5. Preliminary Plan Approval Certification block for Mifflinburg Borough Planning Commission and Union County Planning Commission.
6. Notation on the plan of any modifications granted by the Mifflinburg Borough Planning Commission pursuant to this Ordinance.
7. Notation on the plan of any variances granted in accordance with the applicable zoning ordinance.

#### **23-404 FINAL PLANS**

All Final Plan applications shall be prepared in accordance with Section 403 and the requirements of this Section to provide sufficient design information to demonstrate conformance with the requirements of this Ordinance.

- A. Project Description and Location** – See requirements of Section 403A.
- B. Existing Site Characteristics** – See Requirements of Section 403B.
- C. Proposed Site Conditions** – See requirements of Section 403C. and the following:
  1. Final vertical and horizontal alignment for sanitary sewer, water distribution system, and storm sewer drainage systems. Manhole locations, size and type of material shall be shown.
- D. Other Required Information and Reports to be Submitted** - See requirements of Section 403D. and the following:
  1. Final design of proposed bridges and culverts.
  2. Final cost of all improvements, including an itemized list of components of work, with quantities, unit cost, and total cost. See Appendix D for an example.
  3. A fully executed Improvements Guaranty Agreement, including required financial surety (i.e. irrevocable letter of credit), that sets forth the responsibilities of all

parties regarding the installation and inspection of the required improvements as per Article VII of this Ordinance. The financial security will not be released until a complete set of "as-built" drawings are delivered to and accepted by Mifflinburg Borough. See also Appendix D.

4. Letter(s) from the appropriate Union County agencies verifying approval of final subdivision or land development name and road names, assigned lot addresses and tax parcel identification numbers.

**E. Certification and Notification** – See requirements of Section 403E. and the following:

1. Final Plan Approval Certification block for Mifflinburg Borough Planning Commission. This is required when improvements are being offered for dedication. See Appendix C-1.
2. Final Plan Approval Certification block for Union County Planning Commission.
3. A four inch (4") x two inch (2") space in the upper left hand corner to accommodate the Certification Block of the Union County Recorder of Deeds Office.
4. A certificate of dedication of streets, sidewalks, and other public property.
5. A notification placed on the Plan indicating any area and/or improvement(s) that are not to be offered for dedication.

**23-405 MINOR SUBDIVISION PLANS**

All Final Plan applications for Minor Subdivisions as defined in this Ordinance may be prepared in accordance with this Section for those plans that demonstrate conformance with the requirements of this Ordinance and do not significantly alter the character of the area being subdivided.

**A. Project Description and Location** – For all Final Plan applications for Minor Subdivisions the following shall be shown on, or where appropriate, accompany the plan.

1. A brief narrative describing the proposed project.
2. Title Block containing the following:
  - a. Project name or identifying title including the words "Final Plan-Minor Subdivision"
  - b. Municipality in which it is located
  - c. Plan date and dates of all revisions
  - d. Name and address of the owner or applicant

3. Name, address, and telephone number of the individual or firm preparing the plan, including assigned project number, name signature, registration number, and seal of engineer, surveyor or landscape architect involved.
4. North arrow.
5. Graphic and Written Scale.
6. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities within ½ mile of the project area. May be taken from a U.S.G.S. quadrangle map with sheet name identified.
7. Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.
8. Total acreage of the entire existing tract.
9. The entire tract boundary with bearings to the nearest second and distances to the nearest hundredth showing the relationship of the proposed development to the entire tract and all prior conveyances, including acreage made from the parent tract since the inception of the Mifflinburg Borough Subdivision and Land Development Ordinance.
10. Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
11. Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements. Show zoning for adjacent lands if different from tract to be subdivided or developed.
12. List, with supporting evidence for the request, of any modifications that are requested in accordance with Section 23-803 of this Ordinance. Modifications granted shall be so noted on the Final Plan.

**B. Existing Site Characteristics** – The following existing conditions shall be shown on the plan:

1. Topographic contours shown at five (5) foot vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum, vertical intervals of ten (10) feet for slopes greater than 25%. One (1) or two (2) foot topographic contours may be required when deemed appropriate by the Commission. Contours shall be accompanied by the location of the benchmark and notation indicating the datum used. Interpolated U.S.G.S contours may be

utilized with the prior authorization of Commission staff. This requirement may be waived by staff.

2. Steep Slopes delineated as those areas 16 to 25 percent and those areas greater than 25 percent.
3. Soil types and boundaries as shown in the Union County Soil Survey.
4. Prominent natural and topographic features including but not limited to, watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory 100-Year floodplains and floodways, tree masses, plant and wildlife habitat for rare, threatened, or endangered species, areas identified in the Union County Natural Areas Inventory, and other pertinent elements that may influence design. Additionally the Plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.
5. General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).
6. Location of quarry sites, solid waste disposal areas, illegal dumps, EPA Superfund sites, hazardous waste contamination, and other potentially hazardous conditions on the site and on adjacent tracts.
7. Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract.
8. All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width and condition of pavement and grades and, in the case of easements, the purpose for which it was created.
9. The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, storm and sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum or petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas and other significant man-made features on or adjacent to the site.
10. Location and material of all existing permanent monuments and lot line markers.

**C. Proposed Site Conditions** – The following proposed conditions shall be shown on the plan:

1. Tabulation of site data, including total acreage of land to be subdivided or developed, number of lots, proposed density, number of dwelling units, existing land use, proposed land use, acreage of any proposed open space or other public/common areas, amount of impervious area and the amount of tract residual.
2. All required yards and building setback lines, with distances from the street centerline or street right-of-way lines, whichever is required by this Ordinance or applicable municipal Ordinances.
3. Lot layout with lot lines, exact dimensions, lot square footage, lot acreage and location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set.
4. Block and lot numbers in a consecutive and clockwise or left to right order.
5. Location and width of rights-of-way and cartways.
6. Delineation of clear sight triangles and sight distances.
7. Identification of buildings and historic features proposed to be demolished.
8. Location, width, and intended use of utility, drainage, and all other proposed easements.
9. Location of all proposed stormwater management and erosion control facilities.
10. Deep-probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed including applicable isolation distances.
11. Assigned tax parcel identification numbers from the Union County Tax Assessment Office and addresses for each parcel as issued by the Union County GIS Department.

**D. Other Required Information and Reports to be Submitted**

1. Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
2. A Sewage Facilities Plan, Engineering Feasibility Study and required documentation, in accordance with Section 23-520 of this Ordinance.
3. A Stormwater Management and Drainage Plan and narrative, in accordance with Section 23-523 of this Ordinance if applicable.

4. An Erosion and Sedimentation Pollution Control Plan and narrative showing all erosion and sedimentation control measures, temporary as well as permanent, and a letter from the Union County Conservation District stating that the proposed measures meet all state, federal and local requirements.
5. If any portion of the project is in a floodplain area, then documentation shall be submitted indicating compliance with all applicable laws and regulations of the municipality in which the project is located and of the PA DEP.
6. Copies of required permits from the PA DEP and/or other appropriate regulatory agencies for any proposed alteration, excavation, relocation, encroachment or obstruction of a watercourse.
7. When the tract contains a natural gas pipeline, petroleum or petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility stating the minimum setback distance and other requirements pertaining to such features. A valid occupancy permit from such utility provider would also be acceptable.
8. Letter of zoning compliance from the Mifflinburg Borough Zoning Officer is required for Final Plan approval.
9. Letter(s) from the appropriate Union County agencies verifying approval of final assigned lot addresses and tax parcel identification numbers.
10. When the land included in the subject tract has an agricultural, woodland, or other natural resource protection easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.
11. For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit (HOP) or a letter from PennDOT indicating a HOP can be obtained shall be submitted. For lots requiring access onto a Borough street, the appropriate municipal Driveway Permit shall be obtained.
12. When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination a geotechnical report and a remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.
13. All applicable plan processing applications and review fees in accordance with Article III of this Ordinance.

**E. Certification and Notification**

1. Certificate, signature and seal, of the professional land surveyor certifying the accuracy of the survey. See Appendix C-2.
2. Certificate, signature, and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct. See Appendix C-3 and C-4.
3. Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix C-5.
4. Final Plan Approval Certification blocks for the Mifflinburg Borough Planning Commission and Union County Planning Commission. See Appendix C-1.
5. A four inch (4") x two inch (2") space in the upper left hand corner to accommodate the Certification Block of the Union County Recorder of Deeds Office.
6. Notation on the plan of any modifications granted by the Mifflinburg Borough Commission pursuant to this Ordinance.
7. Notation on the plan of any variances granted in accordance with the applicable zoning ordinance.

**23-406 LOT ADDITIONS AND LOT CONSOLIDATIONS**

Lot Addition and Lot Consolidation Plans shall be subject to the plan requirements in this Section. In addition, surveys to correct survey errors of existing lots of record and/or for property transfer purposes, when no new subdivision or land development activity is proposed, shall be prepared in accordance with this Section.

**A. Project Description and Location** – For all Final Plan applications for Lot Additions and Lot Consolidations the following shall be shown on, or where appropriate, accompany the plan.

1. A brief narrative describing the proposed project.
2. Title Block containing the following:
  - a. Project name or identifying title including the words "Lot Addition or Consolidation"
  - b. Municipality in which it is located
  - c. Plan date and dates of all revisions
  - d. Name and address of the owner or applicant

3. Name, address, and telephone number of individual or firm preparing the plan, assigned project number, name signature, registration number, and seal of engineer, surveyor or landscape architect involved in preparation of the plan.
4. North arrow.
5. Graphic and Written Scale.
6. Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities within ½ mile of the project area. May be taken from a U.S.G.S. quadrangle map with sheet name identified.
7. Deed book and page number and tax parcel identification number of the subject tract(s) and/or those to be subdivided.
8. Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
9. Total acreage of the entire existing tracts.
10. The entire tract boundary with bearings and distances showing the relationship of the proposed development to the entire tract and all prior conveyances, including acreage made from the parent tract since the inception of the Mifflinburg Borough Subdivision and Land Development Ordinance.
11. Schedule or table of zoning district requirements indicating lot area, width and density.

**B. Existing Site Characteristics** – The following existing conditions shall be shown on the plan:

1. All existing or recorded streets, roads, alleys, or other means of access and easements on the subject tract(s); including name or number, jurisdiction of ownership, right-of-way or easement width, and in the case of easements, the purpose for which they were created.
2. Location and material of all existing permanent monuments and lot line markers.

**C. Proposed Site Conditions** – The following proposed conditions shall be shown on the plan:

1. Lot layout with lot lines, exact dimensions, lot square footage, acreage and location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set.

2. Assigned tax parcel identification numbers from the Union County Tax Assessment Office and addresses for each parcel as issued by the Union County GIS Department if applicable.

**D. Other Required Information and Reports to be Submitted**

1. Copies of private deed restrictions, covenants, grants of easements, homeowner association agreements or other restrictions.
2. Letter of zoning compliance from the Mifflinburg Borough Zoning Officer is required for Final Plan approval.
3. When the land included in the subject tract has an agricultural, woodland, or other natural resource protection easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.
4. Letter(s) from the appropriate Union County agencies verifying approval of final assigned lot addresses and tax parcel identification numbers where applicable.
5. All applicable plan processing applications and review fees in accordance with Article III of this Ordinance.

**E. Certification and Notification**

1. Certificate, signature and seal, of the professional land surveyor certifying the accuracy of the survey. See Appendix C-2.
2. Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix C-5.
3. Final Plan Approval Certification blocks for the Mifflinburg Borough Planning Commission and Union County Planning Commission. See Appendix C-1.
4. A four inch (4") x two inch (2") space in the upper left hand corner to accommodate the Certification Block of the Union County Recorder of Deeds Office.
5. Notation on the plan of any variances granted in accordance with the applicable zoning ordinance.
6. Appropriate notation for lot additions, lot consolidations, tract surveys, correction of previous survey errors, etc.
7. Notation that a permit for sewage disposal has neither been requested nor granted for the lot and that the grantee, his heirs and assigns, accept the responsibility for

obtaining a permit for sewage disposal facilities if, and at the time, same are necessary.

## **ARTICLE V GENERAL DESIGN STANDARDS AND REQUIREMENTS**

### **23-500 GENERAL REQUIREMENTS**

- A. The principles, standards, and requirements of this Article shall be applied by the Mifflinburg Borough Planning Commission in evaluating and reviewing proposed subdivision and land development plans, and shall be considered the minimum standards in the Borough. The Mifflinburg Borough Planning Commission may impose more restrictive standards where it is deemed appropriate or necessary in order to protect the public health, safety or welfare.
- B. Land shall be suited to the purpose for which it is to be subdivided or developed.

### **23-501 HAZARDOUS AREAS**

Those lands which are subject to hazards of life, health, or property as may arise from fire, flood, disease, geologic conditions, excessive slopes, contamination by hazardous materials and substances, unstable soils or soils of inadequate weight bearing strength, sites with very poor access, or considered to be uninhabitable for other reasons shall not be approved for development unless the hazards have been eliminated or adequate safeguards and/or remediation have been taken to the satisfaction of the Mifflinburg Borough Planning Commission to prevent further aggravation to and damage from such hazards.

### **23-502 PLANNING AND ZONING CONSISTENCY**

- A. The location and design of all subdivisions and land developments shall conform to, and be generally consistent with the Mifflinburg Borough Comprehensive Plan and any and all other plans and official maps duly adopted by the Mifflinburg Borough.
- B. New subdivisions and land developments shall be coordinated with all existing or proposed developments on adjacent properties in order to provide for the harmonious development of the entire area.
- C. The location and design of all subdivision and land developments shall conform to any applicable Mifflinburg Borough zoning ordinance. The Mifflinburg Borough Planning Commission shall not grant plan approval until the Mifflinburg Borough Zoning Officer certifies that the plan is consistent with local zoning requirements.

## **23-503 BLOCKS**

- A. Blocks for residential developments shall generally have a minimum length of 500 feet and a maximum length of 1,600 feet.
- B. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots. Exceptions to this may be permitted for double or reverse frontage lots that border an arterial or collector street or where a barrier such as a watercourse or railroad is present.
- C. The depth and width of blocks in nonresidential areas may vary from Sections 23-503.A and 23-503.B and shall be determined by the nature of the use in order to serve the public convenience. Nonresidential blocks shall be adequate to provide for safe and convenient traffic circulation, off-street parking and loading areas, setbacks, and landscaping, as required by this Ordinance and applicable municipal zoning ordinances.

## **23-504 LOT STANDARDS**

### **A. General Lot Standards**

- 1. Lots shall be laid out to provide buildable areas, reasonable access, usable yards and open space areas, with minimum disturbance to the site. The soil, geologic, and topographic conditions of the site should be compatible with proposed lot uses.
- 2. The configuration of lots shall be based upon the minimum and maximum lot area requirements, the salient natural features, existing improvements, proposed improvements, and the adjacent development pattern.
- 3. Lot configurations should provide for flexibility in building locations while providing safe vehicular and pedestrian circulation.
- 4. Lots that are two (2) or more times the minimum lot area requirements shall be designed with configurations that allow for additional subdivision.

### **B. Specific Lot Requirements**

- 1. Wherever feasible lot lines shall follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary the minimum standards of the each municipality shall apply.
- 2. Side lot lines shall be substantially at right angles or radial to street lines.
- 3. All lots shall front on and have access to an existing or proposed public street or a private street in accordance with Sections 23-509 through 23-516 of this Ordinance.

4. Lots that require access to an arterial or collector street shall be avoided. Where lots adjoin arterial or collector streets, access to said lots shall be from local streets, service or marginal access roads.
5. Lots shall be laid out and graded to provide proper drainage away from all buildings.
6. All portions of a tract being developed shall be taken up in lots, streets, public grounds, recreation areas or other proposed uses so that remnants and landlocked areas shall not be created.
7. Corner lots shall have additional width to permit sufficient setbacks from both streets.
8. Double frontage lots are prohibited except where provided as reverse frontage lots to reduce driveway intersections along a street with a high volume of vehicular movements.

#### **23-505 LOT OR AREA REQUIREMENTS**

- A. The minimum lot or area requirements shall be determined by the Mifflinburg Borough zoning ordinance.
- B. The prescribed minimum lot or area requirements may be increased by the Mifflinburg Borough Planning Commission in those areas with development limitations as described in Section 23-501 and elsewhere in this Ordinance in order to assure the health, safety, and general welfare of the public.

#### **23-506 BUILDING SETBACK LINES**

Building setback lines shall conform to the Mifflinburg Borough zoning ordinance.

- A. Setback criteria for special types of subdivisions and land developments (i.e. Open Space Subdivisions, and Mobile Home Parks) shall follow the provisions established in Article VI of this Ordinance.

#### **23-507 MONUMENTS AND MARKERS**

- A. All pins, monuments, and markers shall be established by a professional land surveyor licensed in the Commonwealth of Pennsylvania. The work shall be performed in accordance with criteria recognized by the professional licensing board. No existing property line evidence shall be disturbed or removed in the course of establishing and locating boundaries, but shall be located and identified on a property survey plan and labeled as is deemed necessary to delineate ownership.

- B. Monuments, pins, or markers shall consist of the following materials and dimensions and shall be embedded no less than thirty inches (30"):
1. Monuments - Concrete shall be at least 4" x 4" x 36" or similar circular area with a permanent distinguishing magnetic mark identifying the point on the property.
  2. Pins and Markers - Steel and other similar durable all weather permanent marker materials shall be at least 36" x 1/2" diameter. Railroad spikes or similar products can be used to locate intersections of streets and property corners within paved surfaces.
  3. For newly erected monuments it is recommended that a brightly colored wooden stake at least 1" x 2" x 36" be placed near the monument and/or colored flagging be placed on the monument. Survey caps and underground magnetic markers may also be utilized in conjunction with bars used for markers.
- C. It is encouraged that all boundary surveys and monuments be located in reference to the established control for the Union County GIS mapping. Surveys and subdivisions that are located within 1,500 feet of a Union County GIS Monument shall be tied to that monument with bearings to the nearest second and dimensions to the nearest 100th of a foot to identify the coordinates of at least two monuments and the remaining annotated property information.
- D. Monuments shall be placed at all newly established property corners and right-of-way lines to identify the intersection of adjoining properties, separately deeded properties of the same ownership, and access, utility, and drainage easements. Curved lines shall be identified at the points of tangent and changing degree of curvature.
- E. In subdivisions of 10 lots or greater, a minimum of two permanent reference monuments shall be established in the external boundary of the subdivision where the bar is set in concrete to meet the standards of a monument.
- F. Monuments for new subdivision or land development projects shall be set prior to Final Plan approval. Monuments disturbed during construction shall be re-established by the professional land surveyor promptly at the completion of construction activities, but in all cases prior to any lot sale or building occupation.
- G. Maintenance or Removal - It shall be the responsibility of the subdivider or developer to see that all monuments or markers are properly maintained until such time as the lot or tract is conveyed. Maintenance of such monuments or markers shall then become the responsibility of the new owner. Any monuments or markers that are removed shall be replaced by a registered professional land surveyor at the expense of the person(s) removing them.

## **23-508 EASEMENTS**

Easements for sanitary sewer, water supply, stormwater drainage facilities, public or private utilities, and pedestrian access shall meet the standards of this Section.

- A. Easements shall be adjacent to property lines and street right-of-ways to the fullest extent possible.
- B. Nothing shall be placed, planted, set or put within an area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- C. Utility Easements. The location and size of utility easements shall be reviewed and approved by the applicable utility company, but such easements shall not be less than 15 feet in width.
- D. Drainage Easements. Where a subdivision or land development is traversed by an existing or proposed watercourse, drainage way, channel, or stream, a drainage easement shall be provided that conforms substantially with the line of such feature at a width adequate to preserve the unimpeded flow of natural drainage without damaging adjacent property. The minimum width of drainage easements shall be 15 feet.
- E. Stormwater Facility Easements. Easements shall be reserved where stormwater drainage facilities exist or proposed and shall have a minimum width of 15 feet extending from the top of bank of any basin, channel, or berm. They shall be adequately designed to provide an area for the collection and discharge of water, the maintenance, repair, and reconstruction of the drainage facilities, the passage of machinery for such work, and provide ingress and egress from a public right-of-way. The easement shall remain unobstructed at all times and excavation, the placing of fill, buildings or other permanent structures or any other alterations that may adversely affect the flow of stormwater within any portion of the easement shall be prohibited.
- F. Right of Access and Maintenance. All easements shall clearly identify who has the right of access and the responsibility for maintenance.
- G. Easements, including easement maintenance provisions, shall be prepared in a format suitable for recording and shall be referenced in the deeds of the lots.

## **23-509 STREET SYSTEM GENERAL ARRANGEMENT**

The following criteria shall be considered in the design of streets (including private streets not dedicated) in all subdivisions and land developments:

- A. The arrangement of streets shall minimize congestion, avoid hazardous intersections, provide convenient and safe access to the property. They shall conform to the circulation plan of the County and Mifflinburg Borough comprehensive plan, to official maps, and to such Mifflinburg Borough and State road and highway plans as have been duly adopted.

- B. Proposed streets shall be coordinated with existing or proposed streets on adjacent properties and shall be planned and designed for the continuation of existing streets in adjoining areas, the proper projection of streets into adjoining undeveloped or unplatted areas and the continuation of proposed streets to the boundaries of the tract being developed. No subdivision or land development shall be approved that will result in a tract or parcel of land being landlocked.
- C. Streets shall be laid out to be harmonious with the existing and proposed site characteristics including, but not limited to, slope, best use, parcel layout, runoff, soil capacity, water table, floodplain, sight distance, traffic volume and safety, pedestrian use, traffic control, and parking.
- D. Curvilinear streets should be utilized only where their use will be consistent with adjoining development patterns, topography, and natural features of the site.
- E. Curvilinear streets shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and projects the historic grid.
- F. Streets shall be laid out to preserve the integrity of their design.
- G. Streets shall be laid out to conform as much as possible to the topography in order to permit efficient drainage and utility systems, to require the minimum number of streets necessary for convenient and safe access, and to result in usable lots and satisfactory street grades.
- H. Streets which provide ingress and egress to residential areas of single and multiple family dwellings shall be laid out to discourage and minimize their use by through traffic and to discourage excessive speeds; however, street connectivity into and from adjacent areas is encouraged and will generally be required.
- I. If lots resulting from a subdivision or land development, including the tract residual, are large enough for re-subdivision, adequate street right-of-way to permit further subdivision and land development shall be provided as necessary.
- J. Where a subdivision or land development abuts a collector or arterial street the Mifflinburg Borough Planning Commission may require an internal street system, marginal access street, rear service street, reverse frontage lots, shared driveways, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections and driveways with the collector or arterial street, and separation of local and through traffic. Direct individual driveway access to SR0045, SR0104 and SR0304 shall be prohibited except where the Mifflinburg Borough Planning Commission determines no feasible alternative exists for access, see Section 23-516.A.6.
- K. Adequate vehicular and pedestrian access shall be provided to all lots.

- L. Where streets continue into adjacent municipalities the applicant shall coordinate the design of the street with both municipalities in order to ensure uniform cartway widths, pavement cross sections, and other public improvements.
- M. All proposed connections to existing streets shall be approved by the Mifflinburg Borough Planning Commission.
- N. Streets shall be designed with drainage grates that are safe for crossing by bicycles and horse drawn vehicles.
- O. All streets being offered for dedication must meet the Pennsylvania Department of Transportation (Penn DOT) requirements for liquid fuel allocation.
- P. When streets are offered for dedication the applicant shall provide the required right-of-way, street geometry, street section, drainage facilities, and traffic control. Additional infrastructure may be required where design standards warrant further improvements based on traffic impact studies.
- Q. Proposed private streets (those not offered for dedication) shall meet all the design standards of this Ordinance, including but not limited to right-of-way, curbs, sidewalks, drainage, construction, traffic control, and setbacks.
- R. Where a subdivision or land development abuts or contains an existing street right-of-way of improper width or alignment, the Mifflinburg Borough Planning Commission may require the dedication or reservation of additional land sufficient to widen the street or correct the alignment. Where an additional dedication or reservation is required, all building setback lines will be measured from such dedicated or reserved right-of-way line.
- S. The Mifflinburg Borough Planning Commission shall have the right to determine the classification of roadway and street systems. This determination, if necessary, should be obtained prior to the design process.

### **23-510 TRAFFIC ENGINEERING REPORT**

- A. The applicant shall prepare a Traffic Engineering Report where any of the following conditions exist:
  - 1. It is estimated that the subdivision or land development will generate over two hundred (200) vehicle trips a day based upon the Institute of Transportation Engineers generation rates.
  - 2. The subdivision or land development will result in the creation of twenty-five (25) or more lots.

3. Current traffic problems exist in the local area, such as a high accident location, confusing intersection, or a congested intersection that directly affects access to the subdivision or land development.
  4. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.
  5. The proposed development alters the transportation patterns on a public street providing access to the development or proposes the removal or relocation of a street.
- B. The Traffic Engineering Report shall be prepared under the supervision of qualified and experienced transportation engineers with specific training in traffic and transportation engineering and at least two (2) years of experience in preparing Traffic Engineering Reports for existing or proposed developments.
  - C. The Traffic Engineering Report shall at minimum be prepared in accordance with PennDOT, Publication 201, "Engineering and Traffic Studies".
  - D. The scope of the traffic study shall be reviewed and approved by the Mifflinburg Borough Planning Commission and Mifflinburg Borough Planning Commission Engineer prior to commencement. The scope shall include the proposed intersection and roadway, as well as the surrounding impacted transportation facilities.

### **23-511 REQUIRED RIGHT-OF-WAYS AND CARTWAYS**

- A. Right-of-way and cartway widths contained in this Ordinance are the minimum required for public streets based upon the need to provide efficient movement of vehicles, serve utilities, accommodate ponding runoff, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance and accidents, and to accommodate future improvements.
- B. The applicant shall certify prior to final plan approval of a subdivision or land development that title to any street right-of-way is free and clear of all liens and encumbrances and that no prior right-of-way has been granted to any utility or any other person.
- C. Right-of-way and cartway widths should not be less than those required for all elements of the design cross sections, utility accommodation, and appropriate border areas, such as in cul-de-sacs, and by the PennDOT Liquid Fuels Regulations. All plans shall be designed to provide for the entire right-of-way and cartway widths. Refer to Table 512-1 of this Ordinance for the minimum local road requirements and PennDOT Publication 72 M for arterial and collector streets.
- D. The Mifflinburg Borough Planning Commission shall reserve the right to require a right-of-way width greater than PennDOT specifications and the standards set forth in Table

512-1 of this Ordinance for reasons of public safety and convenience, for acceleration and deceleration lanes into parking lots, streets, or high density residential developments, or to provide for future service roads.

- E. The right of way and cartway width of a new public street that is a continuation of an existing street shall in no case be continued at a width less than the existing street. Where the right-of-way and cartway width of the new street is greater than the existing street, a transition area shall be provided, the design of which is subject to Mifflinburg Borough Planning Commission approval.
- F. All of the right-of-way shall be graded similar to the street grade. The slope of banks along street centerlines shall be no steeper than the following:
  - 1. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
  - 2. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

Where a cut or fill abuts a sidewalk there shall be a two (2) foot level area adjacent to the sidewalk and the fill slope shall not exceed three to one (3:1) slope.
- G. Private right-of-ways shall be in accordance with those requirements prescribed for private streets in Section 512.L.5.
- H. Where a subdivision or land development adjoins undeveloped acreage, new streets or reserved rights-of-way shall be provided to the boundary lines of the development.

## **23-512 STREET IMPROVEMENTS**

### **A. Curbs and Gutter**

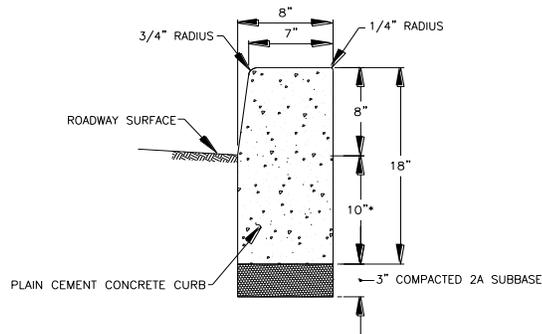
- 1. Curbing may be required by the Commission for:
  - a. Stormwater management;
  - b. Road stabilization;
  - c. To delineate parking areas;
  - d. Ten feet on each side of drainage inlets;
  - e. At intersections;
  - f. At corners; and
  - g. At tight radii.
- 2. Curbs shall be required on public and private streets in subdivisions and land developments having lots eighty (80) feet or less in width.

3. Curbs shall be constructed in accordance with PennDOT Form 408 specifications as from time to time amended and /or replaced.
4. Concrete curb shall be eighteen (18) inches high, eight (8) inches wide, and have an exposed face of eight (8) inches. Refer to Figure 4. Alternative types of concrete curb can be approved at the Commission's discretion with the concurrence of the municipality.
5. Terminal concrete curbs or terminal radii shall be provided at the start or cut-off locations as needed for streets to transition from one pavement section to another.
6. Curbing shall be designed to provide a ramp for bicycles and/or wheelchair access at each intersection, at the principal entrances to buildings which front on parking lots, and at all crosswalks.

**B. Shoulders**

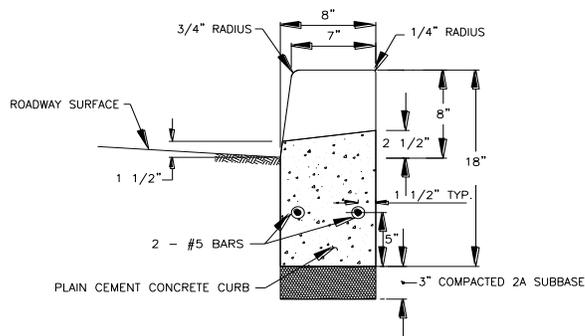
1. Paved shoulders and drainage swales shall be used instead of curbs when:
  - a. Shoulders are required by State or other law;
  - b. Soil or topographic conditions make the use of shoulders and drainage swales preferable; and
  - c. It is in the best interest of the community to preserve its rural character.
2. Shoulders shall be required on public streets where curbing is required. Refer to Figure 2.
3. The depth of shoulders shall be the combined depth of the surface and base courses. Refer to Figure 2 of Section 511 for the roadway pavement depths.

# CURBING DETAIL

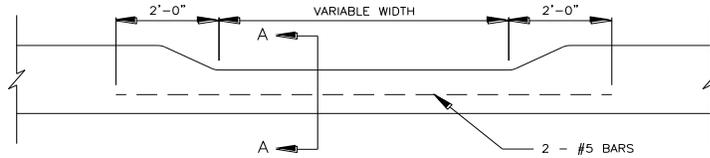


# CEMENT CONCRETE CURB DETAIL

NOT TO SCALE



# SECTION A-A



# PLAN DEPRESSED CEMENT CONCRETE CURB DETAIL

NOT TO SCALE

Figure 4

## C. Sidewalks and Pathways

1. Sidewalks shall be required for streets where any of the following are met:
  - a. Distance to the nearest school is within State limits, which requires students to walk rather than be transported;
  - b. To continue existing sidewalks from adjoining subdivisions or land developments;
  - c. To provide access to community facilities such as schools, shopping centers, recreation areas, etc.;
  - d. In subdivisions and land developments with lots less than 80 feet in width, including planned developments; and
  - e. Within planned business, commercial, and industrial developments, apartment complexes, townhouses, condominiums, and mixed-use developments.
2. Subdivisions and land developments not requiring sidewalks that are located adjacent to or within a reasonable distance of an existing or future rails to trails, rails with trails, greenway or other public trail system, shall consider access from the proposed development to the greenway or trail system through a network of pathways in the design and layout of the plan.
3. Pedestrian way easements ten (10) feet wide may be required by the Commission through the center of blocks more than six hundred (600) feet long, to provide circulation or access to schools, playgrounds, shopping, or other community facilities.
4. Sidewalks, where provided, shall be located within and be parallel to the street right-of-way; however, alternative locations will be considered to preserve topographic features or to provide visual interest, provided the applicant shows that an alternative systems maintains safe and convenient pedestrian circulation to the satisfaction of the Commission.
5. Sidewalks, where provided, shall be on both sides of the street in front of all residential units. In lieu of sidewalks the Commission may alternatively approve pathways as part of a greenway network.
6. The minimum width of all sidewalks and pathways shall be four (4) feet. Wider widths may be necessary near major pedestrian generators and employment centers and to accommodate federal Americans with Disability Act (ADA) requirements.

7. There shall be a minimum three (3) foot planting strip of grass between the curb or shoulder and the sidewalk. This planting strip may be used for the location of underground utilities, streetlights, and street signs but shall not be used for the planting of street trees unless approval is granted by the Borough of Mifflinburg.
8. The grades and paving of the sidewalks shall be continuous across driveways except in non-residential and high-density developments and in certain other cases where heavy traffic volume dictates special treatment.
9. Sidewalks shall be constructed to be consistent with the Requirements of Chapter 22 of the Mifflinburg Borough Code of Ordinances (Streets and Sidewalks).
10. Pathways may be constructed of other materials including pervious materials, provided that the proposed materials and construction are appropriate to the surrounding land use and to the expected volume of pedestrian traffic, and are approved by the Commission Engineer.
11. Sidewalks and pathways shall be laterally pitched at a slope toward the street not less than one eighth (1/8) inch per foot to provide for adequate surface drainage.
12. At corners and pedestrian street-crossing points, sidewalks shall be extended to the curb line with an adequate apron area for anticipated pedestrian traffic and curb cuts and ramps designed in accordance with ADA accessibility requirements.
13. Sidewalks and pathways shall not exceed a seven (7) percent grade. All sidewalks and ramps, e.g. slopes greater than five (5) percent, shall be designed in accordance with federal ADA accessibility requirements.
14. Minimum construction standards for sidewalks shall be in accordance with PennDOT Form 408 specifications.

**D. Street and Parking Lot Lighting**

1. Street and parking lot lighting shall be provided in accordance with an illumination plan designed in conformance with the standards of the local electric utility company and coordinated with the Borough of Mifflinburg.
2. Street lighting shall be provided by the applicant and shown on subdivision and land development plans as follows:
  - a. At all new intersections in commercial and industrial areas;
  - b. At all new intersections on existing arterial or collector streets;
  - c. At the driveway, access, or entrance of any new commercial or residential development with ten lots or more or which enters onto an arterial road.

3. A lighting plan shall be provided to illustrate the locations of all free standing and wall mounted luminaries and the photogrametric contours at 0.1 intervals of candlepower.
4. Street lighting shall be provided in parking areas, along sidewalks, and between buildings as needed for public safety and convenience.
5. The placement, height, and shielding of lighting standards shall provide adequate lighting without hazard to drivers or nuisance to nearby residents and the design of the lighting standard shall be of a type appropriate to the development and the Borough. Refer to Table 514-1 for the design requirements.
6. Lighting types and levels shall be designed based on recommended intensities specific to the area being lighted; however, in no case shall lighting leaving the property exceed 0.5 foot-candles intensity.
7. All light fixtures, standards, and foundations shall be approved by the Commission and all lighting plans shall be prepared by a person qualified in the design field.
8. All street and parking lot lighting shall conform to the requirements of the Zoning Ordinance (Ch. 29, § 518 – Outdoor Lighting).

**TABLE 514-1 - LIGHTING REQUIREMENTS**

DESCRIPTION	FIXTURE TYPE					
	NON-SHIELDED FIXTURES <sup>1</sup>		SHIELDED FIXTURES - 90° CUTOFF		SHIELDED FIXTURES - <90° CUTOFF	
	MAX. PERMITTED ILLUMINATION (FOOTCANDLES)	MAX. PERMITTED HEIGHT	MAX. PERMITTED ILLUMINATION (FOOTCANDLES)	MAX. PERMITTED HEIGHT	MAX. PERMITTED ILLUMINATION (FOOTCANDLES)	MAX. PERMITTED HEIGHT
RESIDENTIAL	0.20	10	0.30	15	0.50	15
AGRICULTURAL/ CONSERVATION	0.20	15	0.50	15	1.0	20
COMMERCIAL/ INDUSTRIAL	0.30	20	1.50	20	4.0	25
INSTITUTIONAL	0.30	20	1.50	25	4.0	30
STREET LIGHTING	AS PER PENN DOT REQUIREMENTS					

<sup>1</sup> To be used for decorative lighting only.

## E. Street Signs

1. Design and placement of traffic control, regulatory, and street signs shall be provided by the applicant as needed and shall follow the requirements specified in Penn DOT Publication 236M, Handbook of Approved Signs.
2. At least two street name signs shall be placed at each four-way street intersection and one at each "T" intersection. Signs shall be installed under light standards (where applicable) and be free from visual obstruction.
3. The design of street name signs shall be consistent, of a style appropriate to the municipality, of a uniform size and color, and erected in accordance with municipal standards.
4. Private streets shall be provided with street name signs in accordance with this Section and the plan shall note that it is the responsibility of the developer to install the street name signs for private streets.
5. The owner/developer shall be responsible to obtain and install all necessary street signs and posts in accordance with the materials and workmanship prescribed in PennDOT Publication 408 and all other applicable federal, state, county and local requirements.

## F. Street Trees

1. A minimum of two (2) street trees with a minimum caliper of two inches (2) shall be planted for every 100-feet of street on both sides of the street in an alternating manner in residential developments with densities greater than one (1) dwelling unit per acre and in commercial land developments.
2. The trees shall be of sound nursery stock and shall consist of species suitable for the site conditions and tolerant of roadside conditions. Native species are preferred and under no circumstances will any species recognized as invasive be permitted.

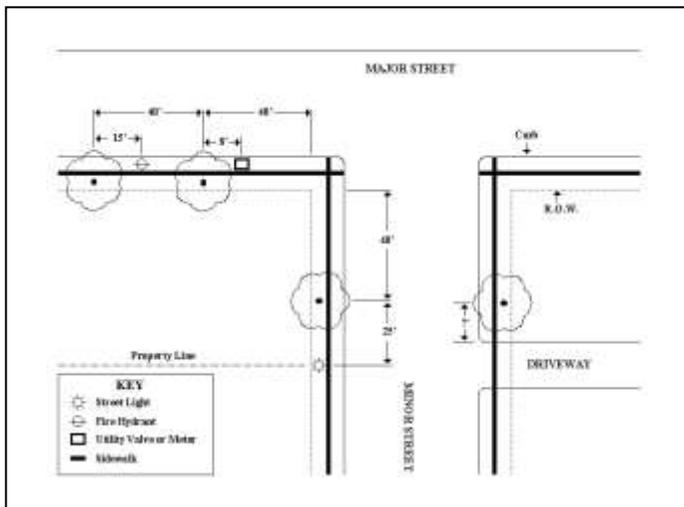


Figure 5

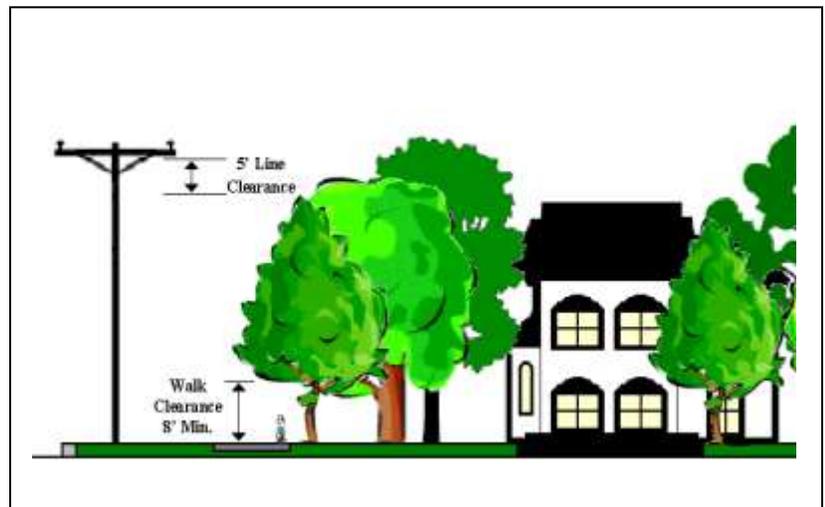


Figure 6

3. Tree selection shall follow the recommend selection criteria based on the site characteristics and species in Table 514-3 and Figures 5 and 6.
4. Trees shall be placed along right-of-way lines or setback from streets in a sufficient manner to maintain sight distance and safety.

### **23-513 STREET NAMES**

- A. All streets shall be named.
- B. Continuations of existing streets shall be known by the same name.
- C. Names for new streets shall not duplicate or closely resemble names of existing streets or approximate such names by the use of suffixes such as “lane”, “way”, “drive”, “court” or “avenue”.
- D. All new street names are subject to review and approval of the Union County GIS Department and shall be consistent with the County Street Naming and Addressing Ordinance, policies, rules and/or regulations.
- E. Notice from the Union County GIS Department that the proposed new street names are acceptable shall be submitted prior to plan approval.

### **23-514 LOT ACCESS AND DRIVEWAYS**

- A. **Lot Access** – Access to any lot, tract, parcel, subdivision or development shall be provided in a manner that promotes a safe and efficient ingress and egress to a public street, limits the number of driveways, and promotes common points of ingress and egress that are adequate for existing and future growth, and in accordance with the following:
  1. The Commission may disapprove any point of ingress or egress to any lot, tract, parcel, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
  2. The Commission may require the applicant to provide ingress and egress to a particular lot or tract through the remainder of his property or other properties over which the applicant has control.
  3. In approving ingress and egress from any State road or highway, the Commission can only approve those access points that are not in conflict with safety standards of PennDOT. A Highway Occupancy Permit is required for each access point onto a state highway.

4. The receipt of a Highway Occupancy Permit does not assume direct approval of the Commission. The Commission may require the applicant to reapply for a permit if the location of the PennDOT approved access is in conflict with any provision of this Ordinance or if the Commission feels the location of the access will hinder the safe and efficient movement on any State road or highway or the proper development of the site.
5. In instances where access onto a municipal street is proposed as part of a subdivision or land development proposal, in a municipality which has an access or driveway permit requirement, the applicant shall include a copy of such driveway permit as part of the plan submission, or a disclaimer signed by the applicant acknowledging this permit requirement shall be placed on the plans.
6. Direct individual driveway access to SR 0045, SR 0104, and SR 0304 is highly discouraged and in most cases will be prohibited. However on a case-by-case basis direct access may be allowed if, in the sole discretion of the Commission: no other feasible access is available, the proposed driveway complies with Table 516-1 of this Ordinance, there is adequate sight distance in accordance with Section 516.C.8 of this Ordinance, and unsafe conditions are not otherwise created.

**B. Access over the lands of others.** Generally the same road construction specifications should apply within the easement/right-of-way over lands of others as shall apply within the property being subdivided/developed. It shall be the applicant's responsibility to make any required improvements subject to obtaining the necessary rights to do so over lands of others. When a "landlocked" parcel exists which is proposed to be developed or subdivided, the applicant shall give notice to prospective buyers that the access is not a public street.

A notice shall be given in three (3) forms:

1. A letter shall be submitted from the developer's attorney and shall contain specific identification of the plan by name and number and a statement that the developer has authorized the letter. The letter should also specify the following:
  - a. Identify the location of the access road, describe the existing/proposed features: i.e. right-of-way width, length, cartway width, type of construction, etc.
  - b. A list of all construction and design standards as specified in this Ordinance that cannot be met and reasons why the normal and customary standards cannot be met.
  - c. A clear opinion of the developer's attorney that the applicant and all prospective purchasers will have either an easement or right-of-way across intervening lands of others. There must be a statement that access is not

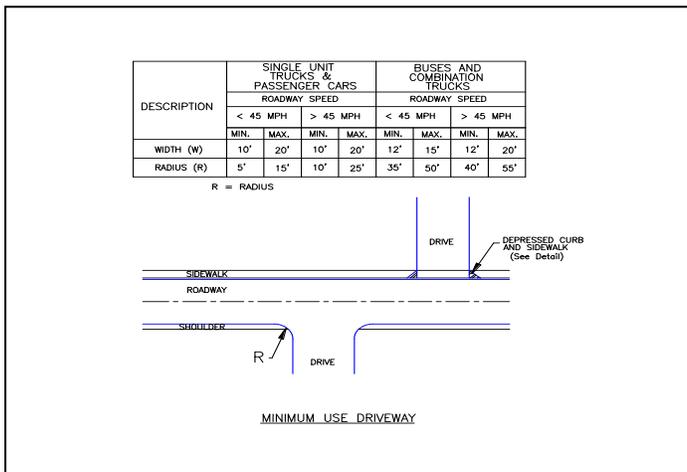
restricted in any manner, other than such limitation expressly contained in the letter.

2. Notation on the plan to be recorded shall reflect the above situation and be in a prominent location in larger and bolder type than customary plan notes. The note shall describe the location and design of the access road over land of others, identify all normal construction or design standards which are not met, and describe the legal nature of the applicant's use (i.e. easement or right-of-way). Such note shall also relieve the County and the Municipality of any liability with respect to the provision of an access road by a statement placing such responsibility on either the seller and/or the buyer.
3. Preparation of proper legal documentation concerning the easement rights and responsibilities for that portion of the access easement over lands of others, for recording in the Union County Recorder of Deeds Office.

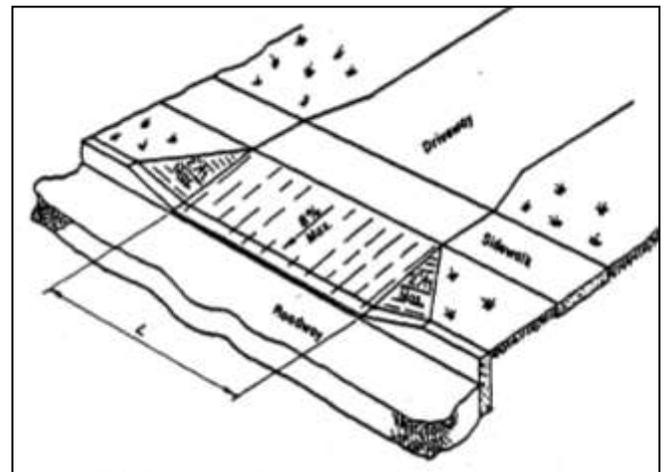
C. **Driveways** - Proposed driveways shall conform to the standards of the Borough of Mifflinburg that may exist within the applicable zoning ordinance or separately adopted driveway ordinance. Additionally, all driveways shall, at a minimum, be designed in accordance with the following:

1. All proposed lots shall be situated in such a fashion that safe and efficient driveway access can be provided onto a public or private street in accordance with this Section in order to facilitate the design of common points of ingress and egress that are adequate for existing and future growth.
2. Driveways shall not interfere with the normal traffic movement nor be inconsistent with the design, maintenance, and drainage of the street.
3. The Commission may require the joint or shared use of driveways to provide ingress and egress when such design would increase traffic safety by decreasing the potential for vehicular conflicts. In such cases a shared driveway maintenance and use agreement must be entered into by the respective property owners and recorded with the subdivision or land development plan.
4. In general all private driveway access shall be to a public street; however, private driveway access to private streets or across the lands of another shall only be permitted in the following circumstances:
  - a. Private driveway access shall be permitted to private streets when said streets are permitted under Section 512.L.5 of this Ordinance.
  - b. Private driveway access over lands of another shall be permitted only where:
    1. Not more than two (2) lots are involved;

2. A complete right-of-way or easement agreement is prepared in a form acceptable to the Commission;
  3. The total number of lots involved shall include all existing and/or proposed lots utilizing the private driveway for access; and
  4. All of the other requirements of this Ordinance are met.
5. Requirements for private driveway access agreement(s) are as follows:
- a. The private driveway access easement shall be designed to provide a driveway to accommodate traffic volumes of 25 vehicles per day or less and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water. In no case shall the materials have less than an eight (8) inch depth of 2A or 2RC aggregate subbase.
  - b. A private right-of-way agreement shall be properly executed between the landowner granting access and all affected parties abutting and adjoining said easement and shall create a private right-of-way which shall be covenant running with the land. This agreement shall, at a minimum, include the provisions contained in Appendix I of this Ordinance and shall be recorded with the Union County Recorder of Deeds as part of the Final Plan and subsequently reflected in the deeds of all future lot owners.
  - c. Additional design requirements shall be in compliance with Sections 511, 512, and 513 of this Ordinance.
6. **Driveway Classifications.** For the purposes of this Section driveways are separated into the following four classifications:
- a. **Minimum Use Driveway** – A driveway normally used by not more than 25-vehicles per day (See Figures 7 & 8), such as: Single family dwellings, duplexes; or apartments with five units or less.

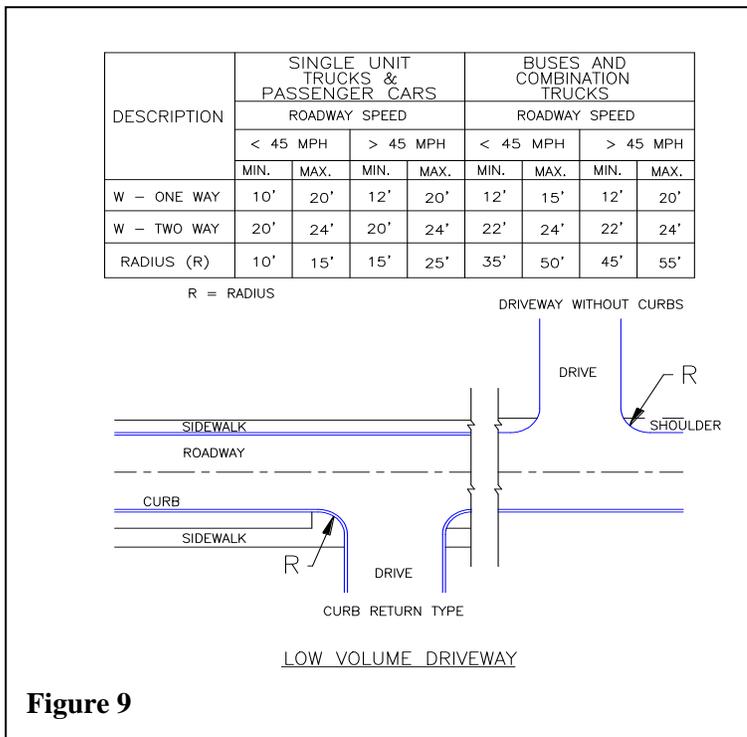


**Figure 7**

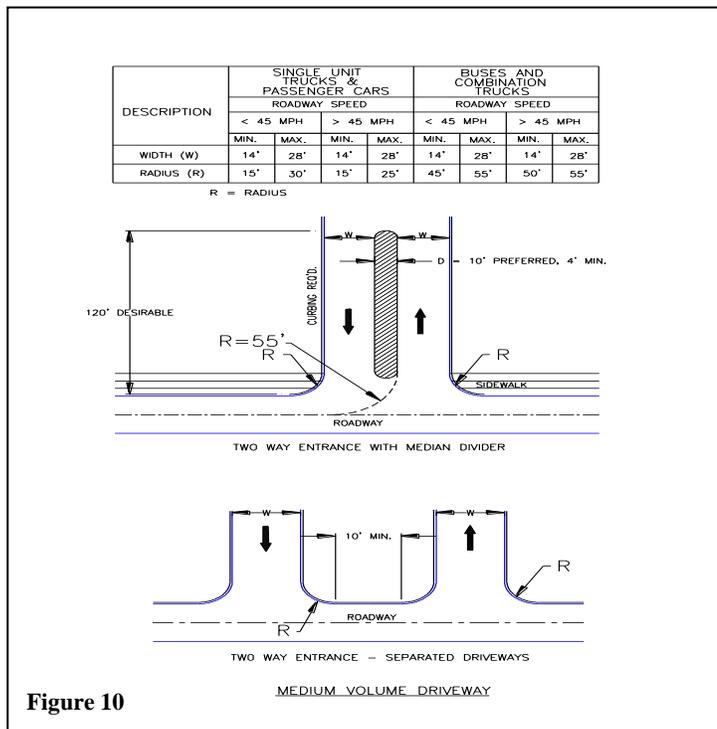


**Figure 8**

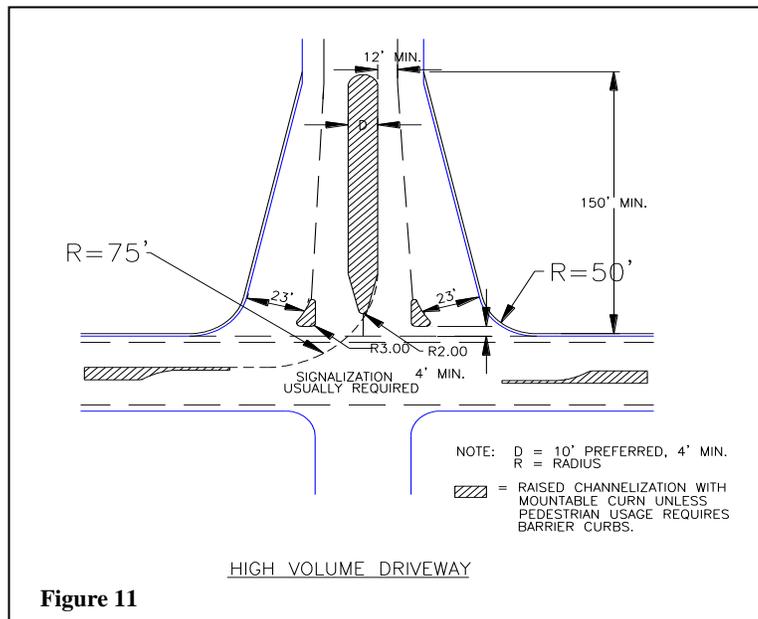
- b. Low Volume Driveway – A driveway normally used by more than 25 vehicles per day but less than 750 vehicles per day (see Figure 9), such as: office buildings; elementary and junior high schools; or car washes.



- c. Medium Volume Driveway – A driveway normally used by more than 750 vehicles per day but less than 1,500 vehicles per day, which does not normally require traffic signalization (See Figure 10), such as: motels; Fast food restaurants; or service stations and small shopping centers or F



- d. **High Volume Driveway** – A driveway normally used by more than 1,500 vehicles per day, which often requires traffic signalization (See Figure 11), such as: large shopping centers; or multi-building apartment or office complexes.

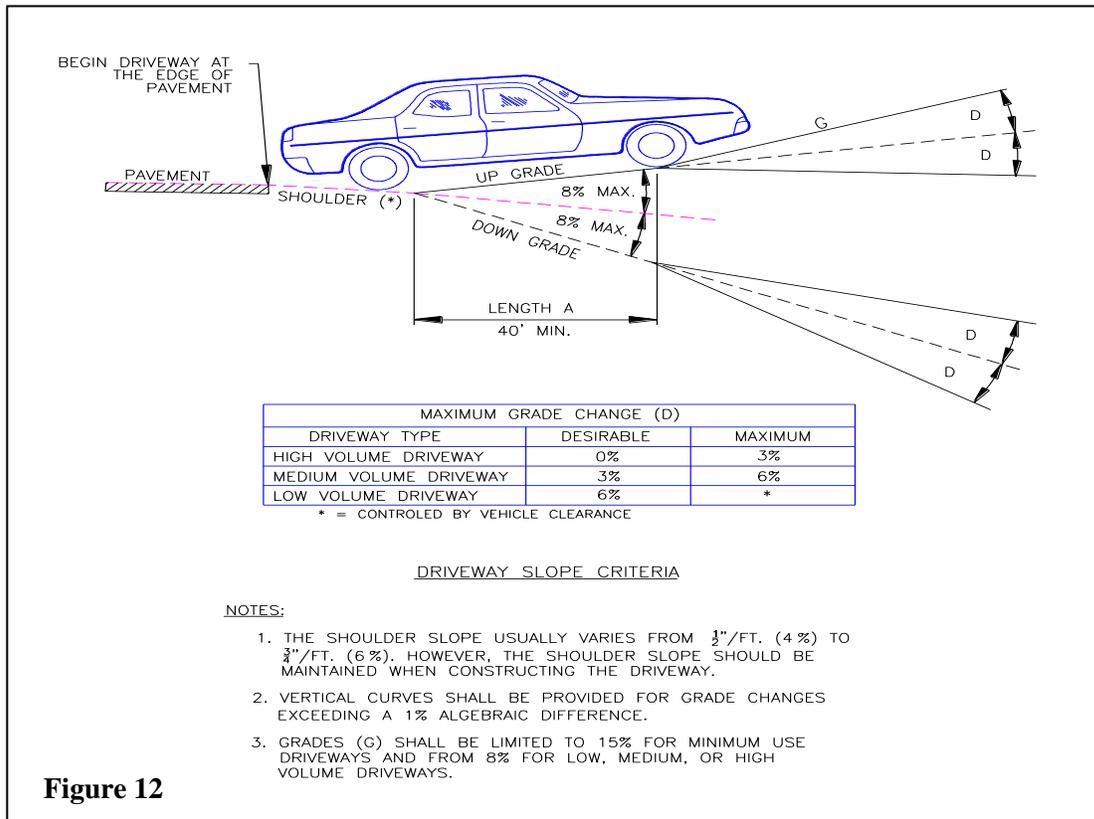


- 7. **Driveway Design Standards.** Driveways shall be designed in accordance with Table 516-1, Figure 12 and all other geometric design standards not presented in Table 516-1 shall be in accordance with Sections 511, 512, and 513 of this Ordinance.

- a. Driveways shall have a throat width, length, and curb return radii based on the volume and type of traffic and in accordance with Figures 7 through 11.

**TABLE 516-1 - DRIVEWAY REQUIREMENTS**

STREET DESIGNATION	MIN. DISTANCE BETWEEN DRIVEWAYS	MAX. DRIVEWAYS PER LOT	MINIMUM SETBACK	
			INTERSECTIONS	PROPERTY LINES
LIMITED ACCESS HIGHWAY OR PRINCIPAL ARTERIAL	600'	1	600'	10'
MINOR ARTERIAL	400'	1	400'	10'
MAJOR COLLECTOR	200'	1	200'	10'
LOCAL	100'	1	100'	10'



**Figure 12**

8. Driveways shall be located at a point within the property frontage that provides at least the minimum sight distance as prescribed below.
  - a. Sight distances shall be in accordance with this Ordinance and Ordinance 84-14 (12/18/1984), as amended by Ordinance 2008-1 (4/15/2008), known as the Mifflinburg Borough Zoning Ordinance, but in no case shall the sight distances be less than the minimum Safe Stopping Sight Distance as computed in accordance with Commonwealth of Pennsylvania, Title 67, Transportation, Chapter 441 as from time to time reenacted, amended, and/or replaced.
  - b. If sight distance requirements specified in this Section cannot be met, the Commission may:
    1. Prohibit left turns by exiting vehicles;
    2. Restrict turning movements to right turns in and out of a driveway;
    3. Require installation of a right turn acceleration or deceleration lane;
    4. Require installation of a separate left turn standby lane;
    5. Alter the horizontal or vertical geometry of the roadway;
    6. Require the removal of the physical obstruction from the line of sight; or
    7. Deny access to the highway.
  - c. Items in 516.C.8.b above shall be at the expense of the Applicant.
9. Driveways shall be constructed in the following manner:
  - a. All driveway cartways shall be constructed of a suitable stone base material appropriately compacted and graded to provide a permanent, sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water, designed to facilitate stormwater drainage patterns.
  - b. Driveways shall not be less than ten (10) feet in width and shall meet the design requirements depicted in Figures 7, 8, 9, 10, 11 and 12 and Table 516-1 of this Section.
  - c. All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area, or change the drainage of adjacent areas.

- d. Where a drainage ditch or swale exists the applicant shall install adequate pipe under the driveway in accordance with Penn DOT Publication 408. Drainage pipe installed under driveways shall meet the design requirements of applicable County and DEP approved Act 167 Stormwater Management Plans, municipal stormwater management ordinances, and/or stormwater management provisions contained in this Ordinance.
- e. The side slopes for driveway embankments within the right-of-way shall not be steeper than ten (10) to one (1).
- f. Driveways that are gated shall have gates located a minimum of thirty (30) feet from the public right-of-way and shall not open outward. Fire department personnel shall have ready access to locking mechanisms on any gate restricting access.

### **23-515 OFF STREET PARKING AND LOADING REQUIREMENTS**

Subdivisions and land developments shall provide off-street parking and loading areas designed to promote orderly and safe parking of vehicles and deliveries in accordance with Zoning Ordinance.

#### **A. General Design.**

- 1. To the maximum extent practical parking and loading areas shall be provided at the side or rear of buildings in order to eliminate the visual impact of vast areas of pavement.
- 2. Adequate provision shall be made for ingress and egress to all parking and loading spaces and areas.
- 3. Customer Parking and circulation shall be separated from delivery service drives and loading areas.
- 4. Parking and loading areas shall be located entirely on the lot being served except where shared parking facilities are developed to serve multiple adjacent lots.
- 5. Off-street parking and loading areas shall be designed so that vehicles do not back or park over or into public walkways, sidewalks, and rights-of-way.
- 6. Curb radii or aisle treatments in parking areas shall be four (4) feet or greater to promote efficient turning movements.
- 7. All dead end parking lots shall be designed to provide, when necessary, sufficient back-up at stalls.

8. **Setback Distance.** Parking and loading areas shall be set back a minimum of fifteen (15) feet from street right-of-way lines and a minimum of ten (10) feet from side and rear property lines.
  9. **Access.** Access to off-street parking areas shall be limited to a minimal number of well-defined entrance and exit lanes that are separated by dividers, planting islands, or in the case of low volume facilities, pavement markings. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted.
  10. Painted lines, arrows, dividers and signs shall be provided to delineate and control parking, loading areas and internal circulation.
  11. Any lighting used to illuminate off-street parking or loading areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.
  12. All parking and loading areas shall include a minimum landscaped buffer of five (5) feet between the parking or loading area and right-of-way in accordance with Landscaping and Buffer Requirements in Section 518 of this Ordinance.
  13. Where parking areas for nonresidential and multi-family uses contain five (5) or more spaces and are adjacent to residential or institutional developments, a solid screen of attractive fencing or evergreen vegetation shall be provided to a minimum height of five (5) feet.
  14. Large parking areas containing more than forty (40) spaces shall be broken down into sections, where possible. Landscaped dividing strips, berms, and similar elements shall separate large parking areas.
- B. **Construction Material.** Parking and loading areas, service drives, and exit and entrance lanes shall be designed and constructed in accordance with Section 512 of this Ordinance. The Commission may, on a case-by-case basis, permit parking areas for certain smaller land developments considered to have minimum use and low volume entrances to be surfaced with a dust free all weather material such as compacted limestone. In such cases the area within the street right of way or a length of 15 feet, whichever is greater, of exit and entrance lanes shall be paved.
- C. **Off-Street Parking Requirements.**
1. **Spaces Required.** The number of parking and loading spaces required shall be furnished in accordance with Chapter 29 of the Mifflinburg Borough Code of Ordinances (Zoning).
  2. **Parking Space Dimensions.** Individual off-street parking spaces shall be nine feet by eighteen feet (9'x18') with the following exceptions:

- a. Angled off street parking spaces shall measure nine (9) feet wide by nineteen (19) feet long (9' x 19').
  - b. Parallel parking spaces shall measure eight (8) feet wide and be a minimum of twenty-three (23) feet long (8' x 23').
  - c. Parking spaces for the physically handicapped shall be twelve (12) feet wide.
3. Parking facilities shall be located within the distances specified herein for the intended land use as measured from the furthest parking space, but in no case shall the distance exceed any requirements set forth by the Americans with Disabilities Act (ADA) or by the Pennsylvania Department of Labor and Industry (L&I).
- a. Commercial and Industrial Development - a maximum of one thousand (1,000) feet for employee parking and five hundred (500) feet for customer parking.
  - b. Single Family or Two-Family Structures - off-street parking shall be provided behind the right of way line and may take the form of attached or separate garage(s), carport(s), or driveway(s).
  - c. Multi-Family structures - off-street parking shall be located within one hundred (100) feet of the structure.

D. **Parking Facilities for Mixed-Use Developments.** For mixed-use developments the applicant can request approval from the Commission for shared parking following the methodology described in the publication *Shared Parking* by the Urban Land Institute and Barton Aschman-Associates, Inc. (Urban Land Institute, 1983) and *Shared Parking Planning Guidelines* by the Institute of Transportation Engineers, (1995).

E. **Phased Parking and Parking Oversupply.**

1. Where the total number of off-street parking spaces required may not be immediately required for a particular use, a phased parking plan may be permitted by the Commission, requiring that a portion of the parking area, not less than sixty-five (65 %) percent of the required spaces, be completed initially.
2. The site plan shall clearly indicate both the portion of the parking area to be initially paved and the remaining parking needed to provide the number of required spaces.
3. The site plan shall provide for adequate drainage of both the partial and total parking areas.

4. The portion of the parking area not to be paved initially shall be landscaped.
5. The applicant shall post a separate performance guarantee, in addition to the performance guarantee required for other improvements, which shall reflect the cost of installing the additional parking necessary to provide the total number of parking spaces required.
6. Prior to the expiration of a two (2) year period, the applicant may either install the additional parking shown on the site plan, or apply to the Planning Commission after the use has been in operation for eighteen (18) months for a determination as to whether or not the initial parking area provided is adequate. If the Planning Commission determines that the parking facility is adequate as originally constructed, the parking performance guarantee shall be released. If, however, the Planning Commission determines that the partial off-street parking area is not adequate, the applicant shall be required to construct the additional parking facilities in accordance with the terms of the performance guarantees. The Commission will require the applicant to provide a parking study prepared by a licensed professional engineer.
7. **Parking Oversupply.** Where the strict application of the parking space requirements presented in Chapter 29 of the Mifflinburg Borough Code of Ordinances (Zoning) would result in an oversupply of parking spaces, based upon a parking analysis conducted by a licensed professional engineer experienced in the construction and design of parking facilities, the applicant may request that the Commission, with approval of the Commission Engineer, permit a reduced number of parking spaces to be constructed, with the balance set aside in a natural state and a parking easement in place for future expansion if at some point it is necessary. As an alternative the applicant may request that a percentage of the parking area be delineated as peak or overflow parking, permitted to be constructed with a grass paver, reinforced turf grass, or other pervious construction methods approved by the Commission Engineer.

**F. Handicapped Parking Requirements.**

1. All non-residential and multi-family off-street parking areas shall provide spaces for use by motor vehicles that transport physically disabled persons in accordance with ADA standards.
2. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
3. All spaces shall be clearly identified with pavement markings and a sign that includes the international symbol for barrier free environments. The sign shall include a statement informing the public that the parking space is reserved for use

by physically disabled persons and what the fines are for illegally parking in spaces reserved for physically disabled persons.

4. **Space Dimensions.** Parking spaces reserved for use by the physically disabled shall be designed and constructed in accordance with ADA requirements but in no case shall they be less than twelve (12) feet in width.
5. **Required Spaces.** Where buildings are required to be accessible as per ADA or PA L&I requirements accessible spaces shall be provided in accordance with Table 517-1.

**Table 517 - 1**

<b>Total Spaces In Lot</b>	<b>Handicap Accessible Spaces Required</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1,000

G. **Bicycle Parking Facilities.** Non-residential land uses that could be visited by bicyclists or could have employees commute to work on bicycles shall provide bicycle-parking facilities in accordance with this section.

1. Five percent (5%) of the first fifty (50) vehicular spaces shall be for bicycle use. If more than fifty (50) spaces are to be provided, at least three percent (3%) of the number of spaces over fifty (50) shall be for bicycle use.
2. Each bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent bicycles to be attached or removed without moving other bicycles. The appearance of such devices shall be consistent with nearby urban design features.
3. Bicycle parking spaces shall be convenient to the structure for which they are provided and shall be visible from at least one (1) entrance to the structure.
4. Bicycle parking devices shall permit at least two (2) feet of free space between any device and the edge of the curb or sidewalk.

#### **H. Loading Area Requirements.**

1. All non-residential uses shall provide adequate loading area spaces to accommodate the intended needs of the proposed land use either inside or outside of a building.
2. All loading area spaces shall not be less than ten (10) feet in width nor less than fifty (50) feet in length and shall have an overhead clearance of not less than fourteen (14) feet.
3. Loading areas adjacent to residential or institutional land uses shall provide a solid screen of attractive fencing or evergreen vegetation to a minimum height of six (6) feet.
4. Loading areas shall be designed to accommodate easy ingress and egress of all delivery vehicles and shall be designed to prevent interference with the flow and safety of traffic and pedestrians.
5. Loading areas shall conform with all other requirements of the Zoning Ordinance (Ch. 29, § 511 – Off-Street Loading).

#### **23-516 LANDSCAPING AND BUFFER REQUIREMENTS**

##### **A. General.**

1. Suitable and attractive landscaping shall be required:
  - a. Around buildings
  - b. Within and around the perimeter of parking areas
  - c. As a buffer between adjacent roads
  - d. Between land uses of different intensities
  - e. As a buffer between a proposed use and adjacent land
2. Applicants shall submit a landscape plan that includes the botanical names, common names, size, quantity, and general remarks for each plant proposed.
3. All landscaping and buffer yards shall be installed on the subject tract at the time of its development. Existing plant material to be preserved may be counted as contributing to the requirements contained herein.
4. Open storage areas, exposed machinery, service loading and trash disposal areas (such as dumpster or compactor sites) shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such areas shall be screened with architectural masonry, fencing, or landscaping with a height of at least six (6) feet.

5. Buffer yards may be used for passive recreation and for pedestrian, bicycle, or equestrian trails, provided that adequate plant material is retained to achieve the buffer effect, the total width of the buffer yard is maintained, and all other Ordinance requirements are met. The buffer yard is the applicable building setback area plus any additional buffer requirements required by Section 518.D and Table 518-1.
6. All landscape plantings shall be selected, considering the proper species and growth characteristics, to ensure adequate health and character with the existing and proposed conditions, such as overhead utilities, light, moisture, tolerance of road salts, leaf and fruit litter and confinements.
7. Plant species utilized in parking lots shall be tolerant of urban conditions.
8. Where possible, a hardy mix of native tree, shrub, and grass species shall be utilized for landscaping, and in no case shall plants identified as invasive species be used.
9. Plantings and other landscape treatments (i.e. architectural masonry walls, fences, berms) shall be appropriately located, clustered and spaced at strategic locations along all property lines, road frontage and within parking areas to provide the maximum screening, buffering and aesthetic appeal. The exact placement of required plants and structures is the decision of each applicant, except that the following conditions shall be met:
  - a. Where a combination of plant materials and fencing is used the fence shall be located to the interior or toward the more intensive use, and the plant material shall be located toward the less intensive use.
  - b. Landscape plantings shall be installed in such a manner as to provide clear sight distance triangles at all road and driveway intersections.
  - c. The applicant may establish, through a written and recorded agreement, that the immediately adjacent property owner(s) agree to allow a portion or the entire required buffer yard or landscape treatment on immediately adjacent portions of their land.
10. Applicants are encouraged to integrate stormwater management into landscaping areas in the form of bio-retention and infiltration areas and other Best Management Practices (BMPs).
11. The requirements of this Section are in addition to applicable street tree requirements contained in Section 514 of this Ordinance.
12. All new plantings, and existing plant material credited toward meeting the requirements of this Section, shall be maintained and shall be replaced by and at

the expense of the developer or responsible maintenance entity when they become diseased, fail to deliver the intended landscaping and buffer effect, or die.

13. Landscaping and screening for agricultural uses shall be decided by the Borough Designee on a case-by-case basis. The Designee may consult the Mifflinburg Borough Planning Commission as needed.

**B. Classification of Plant Materials.** For the purposes of this Ordinance, plant materials are classified into four (4) types: deciduous trees, evergreen trees, deciduous shrubs and evergreen shrubs. The Penn State Cooperative Extension Office and the Pennsylvania Department of Conservation and Natural Resources Service Forester should be able to provide assistance in determining tree species compatible with the Borough climate and soil conditions that are suitable for buffer yard, parking lot and general landscaping use.

**C. Required Plantings** – The number and quality of trees and shrubs for each development site shall be determined as follows:

1. Deciduous trees shall have a minimum caliper measurement of two and one half (2 ½) inches, measured a minimum of six (6) inches above the soil line and shall have a minimum height of six (6) feet.
2. Evergreen trees shall have a minimum height of six (6) feet.
3. Evergreen shrubs, except for those used in low ground covers, shall have a minimum height of twenty-four (24) inches, except that where used in combination with an earthen berm approved by the Commission, the height may be reduced to eighteen (18) inches.
4. Deciduous shrubs shall have a minimum height of twenty-four (24) inches, except that where used in combination with an earthen berm approved by the Commission, the height may be reduced to eighteen (18) inches.
5. Each site shall have a minimum of twelve (12) deciduous or fifteen (15) evergreen trees and three (3) deciduous shrubs or six (6) evergreen shrubs for each one (1) acre of the development, or any combination of the above that meets the intent of this Section (e.g. 6 deciduous trees and 8 evergreen trees plus 2 deciduous shrubs and 2 evergreen shrubs per acre). As an alternative, ten (10) deciduous trees or twelve (12) evergreen trees for each one (1) acre of the development shall be required if deciduous trees are four (4) inches in caliper or greater and evergreen trees are nine (9) feet in height or greater. Sites less than one (1) acre shall provide a proportionate number of the required per acre plantings.
6. Five (5) deciduous shrubs may be substituted for one deciduous tree and/or five evergreen shrubs may be substituted for one evergreen tree for a maximum of twenty percent (20%) of the tree requirement. The preservation of existing trees

may also satisfy this requirement. A tabulation of this requirement shall be summarized on each landscape plan submitted.

7. Applicants may substitute the use of earthen berms and fencing for a portion of the required plantings, as permitted on a case-by-case basis by the Commission. Earth berms can vary in height and width, but should not be less than six (6) feet in height including planting types selected.
8. The Commission will require additional planting densities and structural treatments where appropriate, due to land use incompatibility and visual impacts resulting from the proposed development. The Commission will increase the required plantings specified in 518.C.5 as per Section 518.D of this Ordinance.

**D. Parking Lot Landscaping Standards.**

1. All residential and nonresidential parking lots with twenty (20) or more parking spaces shall contain a minimum amount of landscaping within the parking lot interior and adjoining entrance drives and circulation drives.
2. Parking aisles exceeding twenty (20) contiguous spaces shall be separated by a planting area.
3. 150 square feet of landscaped area shall be provided per twenty (20) parking spaces in the parking lot interior.
4. Parking and storage of vehicles in front yards of properties, other than lots in single-family subdivisions, shall be screened from the public right-of-way by an earthen berm and/or plant material which provides a dense visual screen.

**E. Landscaping and Buffer Yard Maintenance**

1. It shall be the responsibility of the developer, property owner or an association of property owners to permanently maintain required landscaping and buffer yards.
2. Any plant material that does not live shall be replaced within one (1) year.
3. In the event the developer, property owner, or an association of property owners, or their heirs, successors, and assigns fail to maintain the required landscaping and buffer yards, the Borough of Mifflinburg may enter the property and take necessary and prudent action to maintain said landscaping and buffer yards, and to charge the costs of maintenance and/or repairs to the developer, property owner, or association of property owners. However, the Borough of Mifflinburg is under no obligation to conduct said maintenance.

## **23-517 RESERVED**

## **23-518 SEWAGE FACILITIES**

### **A. General Requirements**

1. All subdivisions and land developments shall be provided with sanitary sewage facilities in accordance with the Borough of Mifflinburg's official Act 537 Municipal Sewage Facilities Plan and the laws of the Commonwealth of Pennsylvania.
2. Applicants shall submit all necessary plans and specifications for the entire sanitary sewage disposal system, including the facilities related to collection, conveyance, and treatment.
3. Plan applications shall not be approved until the applicant has received all necessary sewage planning approvals from the Borough and the PA DEP.
4. Subdivisions and land developments shall be connected to an existing public sewer system unless the applicant can clearly demonstrate that such connection is not feasible, or the PA DEP recognizes an alternate method of disposal. The Commission may require the applicant to have a feasibility study prepared by a registered professional engineer to show that a connection is not feasible.
5. In those areas presently served by on-lot sewage disposal but are to be served by municipal sewer service within five (5) years, the Borough may require capped sewers, if recommended by the Borough, sewer service provider, other local responsible agency and/or the PA DEP.
6. All plans for sanitary sewer systems (both public and private) shall be designed by a registered professional engineer in accordance with the requirements of the PA DEP or other governing rules and regulations, and shall be approved by the local sewer authority, the Borough Engineer, the Borough, and the PA DEP.
7. Subdivisions and land developments proposing no development of buildings or improvement of land for purposes requiring sewage facilities need not provide sanitary sewage facilities if the PA DEP has approved a non-building waiver request. Where a waiver is approved by the Sewage Enforcement Officer and PA DEP, the final plan for recording shall include the standard non-building notation. However, in all cases it shall be clearly demonstrated that either public sewer or on-lot sewage disposal can be achieved.
8. Lot additions and consolidations need not provide sanitary sewage facilities if the receiving tract(s) has an existing permitted method of sewage disposal or if the Sewage Enforcement Officer and PA DEP has approved a non-building waiver

request. Where a waiver is approved by the PA DEP, the final plan for recording shall include the applicable notation required by the PA DEP.

9. All subdivision and land development plans shall contain appropriate notation indicating the method of sewage disposal.
  10. All construction and design standards shall comply and be in accordance with the Borough's Construction and Design Standards for Sewage Facilities.
- B. Public Sanitary Sewer. Where connection to public sewer is proposed, the applicant shall obtain all required sewage planning approvals from the Borough of Mifflinburg and the PA DEP, and a letter from the Borough of Mifflinburg stating the following:
1. Capacity is for the entire development [partial capacity based upon phases of development will not be accepted]; and
  2. Statement indicating approval of the plans for design, construction standards, installation, and financial guarantees.
- C. Private Sanitary Sewer. Where connection to an existing public sewer system is not available, or has been determined to be unfeasible to the satisfaction of the Borough, the Borough may require the applicant to evaluate the installation of a privately owned sanitary sewer system. Where the use of a private sanitary sewer is proposed the applicant shall provide the following:
1. A detailed operations and maintenance plan;
  2. All required sewage planning approvals from the municipality and the PA DEP.
  3. Agreements or covenants, acceptable for recording, as deemed necessary by the Borough, and/or the PA DEP, to guarantee the maintenance and operation of said facility;
  4. A note on the plan and a clause in all deeds for lots referring to any maintenance agreements or covenants; and
  5. Any terms stipulating conditions of metering, inspection, rights of access, minimum standards for materials and workmanship, testing and enforcement.
- D. On-Lot Sewage Disposal. Where connection to an existing public sewer system or the installation of a private system is not feasible, the applicant may propose to utilize on-lot sewage disposal technology in accordance with this Section.
1. Applicant shall have soil percolation tests performed by the Mifflinburg Borough Sewage Enforcement Officer, with no less than one test pit per lot shown on the

plan, and where marginal conditions are discovered, satisfactory alternative sites shall be identified and preserved.

2. Each lot shall be of a size and shape to accommodate the necessary on-lot sewage disposal systems in accordance with setback and design standards established by the municipality or PA DEP. Such standards shall ensure safe distances from buildings, property lines, water supplies and other improvements affecting normal function. The on-lot sewage disposal system shall be located on and fully contained within the lot it is intended to serve.
3. The proposed on-lot sewage disposal system shall be approved by the PA DEP through the appropriate sewage planning review process, and written confirmation shall be received by the Borough prior to plan approval.
4. The Commission shall not approve any subdivision or land development where an application fails to meet the required on-lot sewage planning requirements of the Borough of Mifflinburg, the PA DEP, and this Ordinance and/or a sewage permit cannot be obtained.

## **23-521 WATER SUPPLY**

### **A. General Requirements**

1. All subdivisions and land developments shall be provided with an adequate and safe supply of water for all intended land uses, and said water supply shall meet all applicable federal, state, and local drinking water standards or be capable of economical treatment to attain such quality standards.
2. Applicants shall submit all necessary plans and specifications for the entire water supply system including the facilities related to sources, storage, treatment, and distribution.
3. For subdivisions and land developments not connecting to a public water supply, the Commission may require the applicant to demonstrate that a reliable, safe and adequate supply exists to support the water usage demands of the proposal without detrimental effects to future users and water sources of adjacent land uses. Such analysis would at a minimum contain information regarding estimated water demand, source of supply and capacity, source reliability, and source quality. The Commission reserves the right to require the applicant to drill a test well for the establishment of water quality and quantity in that area.
4. In areas where known groundwater problems exist, resulting from contamination or inadequate yields of potable supplies, the Commission may require the applicant to provide a feasibility study by a licensed professional engineer or hydrogeologist to evaluate the adequacy of water quality and quantity for the proposed development.

5. Applications for plan approval shall not be granted until the applicant has received all necessary water supply approvals from the Borough of Mifflinburg, the PA DEP, and/or the Susquehanna River Basin Commission.
  6. Subdivisions and land developments shall be connected to an existing public water supply unless the applicant can clearly demonstrate that such connection is not feasible. The Commission may require a feasibility study prepared by a registered professional engineer to show that a connection is not feasible.
  7. In those areas presently served by on-lot water supply wells, but proposed to be served by a public water supply within five (5) years, the Commission may require the installation of a capped water distribution system if recommended by the Borough of Mifflinburg, the water service provider, other local responsible agency and/or the PA DEP.
  8. All plans for water supply systems (both public and private) shall be designed by a registered professional engineer and shall conform to current regulatory requirements. The local water supplier, the municipal engineer and/or Commission Engineer, the Borough of Mifflinburg and the PA DEP shall approve them.
  9. Fire hydrants shall be installed as an integral part of any public or private water supply system and the placement, design, and construction of such shall meet the specifications of the local fire company, the public water supplier, and the municipality when applicable.
  10. Applicants shall present evidence that the subdivision or land development is to be supplied with water by a certified public utility, a bona fide cooperative association of lot owners, or a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or commitment or agreement to serve the area, whichever is appropriate, shall be acceptable evidence. In addition applicants shall be responsible for obtaining applicable Water Extension Permits from the PA DEP.
  11. All subdivision and land development plans shall contain appropriate notation indicating the method of water supply.
  12. All construction and design standards shall comply and be in accordance with the Borough's Construction and Design Standards for the Supply of Water.
- B. Public Water Supply. Where connection to public water supply is proposed the applicant shall provide a written statement from the public water supplier indicating that sufficient supply to serve the proposed development is available, and such notice shall:
1. Be dated within forty-five (45) days of the plan application;

2. Provide water supply for the entire development [partial supply based upon phases of development will not be accepted]; and
  3. Include a statement from the public water supplier indicating approval of the plans for design, construction standards, installation, and financial guarantees.
- C. On-Lot Water Supply. Where connection to an existing public water supply or the installation of a private water supply is not feasible the applicant may utilize on-lot water supply in the form of individual water wells in accordance with this Section.
1. Wells shall be installed according to applicable federal, state, and local well construction and permitting standards.
  2. Wells shall be adequately isolated from on-lot sewage treatment facilities in accordance with the requirements of the PA DEP and the Borough of Mifflinburg and shall be safely isolated and protected from other potential sources of contamination.

### **23-522 OTHER UTILITIES**

- A. Electric, telephone, television cable, and other utilities, both main and service lines, shall be placed underground within easements or dedicated public rights-of-way, but not under cartways unless approved in writing by the Borough of Mifflinburg.
- B. All utilities shall be installed in accordance with the prevailing standards and practices of the utility or other companies and authorities providing such services and the laws of the Commonwealth, including without limitation, the Pennsylvania Underground Utilities Act No. 50 of 2017 (73 P.S. § 176, *et seq.*).
- C. Underground utility installation shall not be required for the following:
  1. For a residential subdivision of less than five (5) lots bordering an existing street which is presently served by overhead utility service;
  2. For service to a commercial or industrial development; and
  3. For a project where the local utility service provider determines that the physical conditions render such underground installation unfeasible.
- D. Underground installation of the utility distribution and service lines shall be completed prior to street paving, storm drainage, and curbing and sidewalk installation.
- E. The Commission may require the installation of utilities prior to final plan approval where the cost of installation, including the cost of excavation for underground utilities, will not be completely paid by the utility company. In each case the Commission shall

also consider the procedures for the applicable utility company involved with the extension of services.

**23-523 STORMWATER MANAGEMENT AND DRAINAGE**

The purposes of this section are to control accelerated runoff, erosion and sedimentation; promote the utilization and preservation of desirable existing natural drainage systems; encourage groundwater recharge; maintain existing natural flows of streams, including quantity, peak flows, flow type, and quality; preserve and restore flood carrying capacity of streams; provide for proper maintenance of all permanent stormwater management structures; protection of wellhead areas and community water supplies, and protection of downstream properties from impacts resulting from increased development.

**A. Stormwater Management Districts**

For the purpose of managing Stormwater, the Borough of Mifflinburg includes the following Stormwater Districts:

1. Buffalo Creek Stormwater District - All subdivision and land development activity occurring within the Buffalo Creek watershed shall comply with the requirements of this Ordinance and the *Buffalo Creek Act 167 Stormwater Management Plan*, adopted by the County of Union and approved by the PA DEP.

**A.a Exemptions**

1. Any regulated activity that meets the following criteria:

Table 523 A-1 Exemption Criteria Table

Total Parcel Size	Minimum Distance (feet)*	Impervious Area Exemption (sq. ft.)
<10,000 sq. ft.	10 ft.	2,500 sq. ft.
<10,000 sq. ft.– 1 acre	10 ft.	5,000 sq. ft.
1-2 acres	50 ft.	10,000 sq. ft.
2-5 acres	100 ft.	15,000 sq. ft.
>5 acres	250 ft.	20,000 sq. ft.

\*The minimum distance between the proposed impervious are and/or stormwater control/structure discharge point to the downslope property boundary. Setback distances may be adjusted at the discretion of the Borough Engineer based on factors such as topography, soil conditions and location of structures.

2. This criterion shall apply to total development even if development is to take place in phases and the date of adoption of this ordinance shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and land developments respective impervious area computations shall be cumulatively considered.
3. Exemptions shall be at the discretion of the Mifflinburg Borough Planning Commission based upon a review and recommendation from the Commission Engineer that considers site conditions, topography, soils, and other factors deemed appropriate.
4. Prior to granting an exemption, the applicant must provide documentation that the increased flows from the site leaves the site in the same manner as the pre-development condition, and that there will be no adverse impacts to properties along the path of flow(s), or that the increased flow(s) will reach a natural watercourse or an existing stormwater management structure before adversely impacting any property along the path of flow(s). This documentation must include a signed statement by the landowner indicating the total impervious area constructed since the date of adoption of this ordinance.
5. If a drainage problem is documented or known to exist downstream of, or expected from the proposed subdivision or land development activity, then an exemption will not be granted and a stormwater management plan shall be required.
6. Under no circumstances shall an exemption be granted to the provisions contained in Sections 523.E, 523.F, and 523.G.
7. An exemption shall not relieve the applicant from implementing such measures as are necessary to protect the public health, safety, and property. An exemption shall also not relieve the applicant from providing adequate stormwater management to meet the purpose of this Ordinance; however, a Stormwater Management Plan will not have to be submitted.

**B. General Stormwater Management Requirements**

1. The management of stormwater on the site, both during and upon the completion of construction, and the construction and design of any temporary or permanent facilities or structures, and the utilization of a natural drainage system shall be in full compliance with this section and shall comply and be in accordance with the Borough's Construction and Design Standards for Stormwater Management Facilities.
2. Site designs shall minimize impervious surfaces and shall promote the infiltration of runoff through seepage beds, infiltration trenches, etc. where soil conditions permit, in order to reduce the size or eliminate the need for detention facilities.

3. Stormwater runoff generated from development, discharged directly into a wetland or other waters of the Commonwealth, shall be done in accordance with Federal and State regulatory requirements and shall be adequately treated to prevent water quality degradation of the receiving water body.
4. Annual groundwater recharge rates shall be maintained by promoting infiltration. At a minimum, annual recharge from the post development site shall mimic the annual recharge from the pre-development site conditions.
5. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. Mifflinburg Borough encourages applicants to consider alternative solutions, including Best Management Practices (BMP's) for stormwater management. Applicants should consult the Pennsylvania Stormwater Best Management Practices Manual. All stormwater designs are subject to the approval of the Commission Engineer. The Commission may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this Ordinance.
6. All storm water management facilities including detention basins, BMP's, sewers, and culverts shall be designed by an individual qualified and/or experienced in their design. These qualifications should be listed on the front cover of the plan narrative.
7. The anticipated peak rate of stormwater runoff from the site during and after full development shall not exceed the peak rate of runoff from the site prior to development activities, measured in accordance with the standards and criteria of this Ordinance.
8. Roof drains, to the greatest extent practical, shall drain to the land surface to promote overland flow and infiltration of stormwater but shall not discharge stormwater directly onto sidewalks, streets or neighboring property.
9. Existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
10. If existing diffused stormwater flow is to be concentrated the applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from concentrated discharge.
11. Storm sewers, swales, culverts, bridges, and related facilities shall be provided to:
  - a. Permit the unimpeded flow of natural watercourses;

- b. Insure the drainage of all points along the line of streets;
  - c. Intercept stormwater runoff along streets at reasonable intervals related to the extent and grade of the area drained, and to prevent the flooding of intersections and the undue concentration of storm water; and
  - d. Insure unrestricted flow of stormwater under driveways, and at natural watercourses or drainage swales.
- 12. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing conditions, unless an alteration is approved by the Commission and the Borough of Mifflinburg due to topographic conditions.
  - 13. All stream encroachment activities, including work in and adjacent to waters of the Commonwealth or wetlands, shall comply with applicable PA DEP requirements.
  - 14. Any stormwater facility located on a state or local highway right-of-way shall be subject to the approval of the PennDOT or the Borough of Mifflinburg.
  - 15. Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates; however, on-site drainage facilities shall be designed to safely convey off-site flows from up-slope areas through the development site.
  - 16. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Commission shall reserve the right to disapprove any design that would result in the continuation of an existing, or create a new, adverse hydrologic or hydraulic condition.
  - 17. The designer shall consider that the runoff from proposed sites graded to the subsoil will not have the same runoff conditions as the site under existing conditions, even after topsoil and seeding is placed. The designer shall increase the proposed condition “CN” or “C” to better reflect the proposed soil conditions.
  - 18. Plans shall contain a statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the Mifflinburg Borough Planning Commission.

### **C. Calculation Methodology**

- 1. Stormwater calculations to determine runoff, peak flow rates, peak discharge, hydrographs and to design storm water runoff rate reduction facilities shall use a generally accepted calculation technique based on the Natural Resource

Conservation Service (NRCS) Soil-Cover Complex method. Table 523-1 summarizes acceptable methods.

2. It is assumed that all methods selected by the design professional will be based on the individual limitations and suitability of each method for a particular site. The Commission may allow the use of the Rational Method to estimate **peak discharges** from drainage areas that contain 200 acres or less; however, the Rational Method shall not be used to generate **pseudo-hydrographs** for drainage areas greater than 10 acres.
3. For predevelopment flow rate determinations using the Soil Cover Complex Method, it shall be assumed that all undeveloped and pervious land shall be considered as “meadow” in good condition, unless the natural ground cover generates a lower curve number or Rational “C” value (i.e. forest) as listed in Appendix P-1 and P-2 of this Ordinance. For predevelopment flow rate determination using the Rational Method, it shall be assumed that all undeveloped and pervious land shall be considered “forest” as listed in Appendix P-2 of this Ordinance.
4. All calculations using the Soil Cover Complex method shall use the appropriate design rainfall depths for the various return period storms as presented by NOAA Atlas 14 point precipitation frequency estimates.
5. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from PennDOT Publication 584, current edition. Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's Equation.
6. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex method shall be obtained from the table in Appendix P-1 of this Ordinance.
7. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from the table in Appendix P-2 of this Ordinance.
8. Where uniform flow is anticipated the Manning Equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning’s roughness coefficient (n) shall be consistent with Appendix P-3 of this Ordinance.
9. Routing of hydrographs through detention/retention facilities for the purposes of designing those facilities shall be accomplished using the Storage-Indication

method or other recognized routing method subject to approval of the Commission Engineer. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Commission Engineer may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

10. Any method approved by the Pennsylvania Department of Transportation or the Pennsylvania Department of Environmental Protection may be used to design the waterway areas of bridges.

**Table 523-1: Acceptable Stormwater Management Computation Methodologies**

<b>Method</b>	<b>Method Developer</b>	<b>Applicability</b>
TR-20 (or commercial package based on TR-20)	USDA NRCS	Where use of full hydrologic computer model is desirable or necessary.
TR-55 (or commercial package based on TR-55)	USDA NRCS	For plans within limitations described in TR-55.
HEC-1, HEC-HMS	US Army Corps of Engineers	Where use of full hydrologic computer model is desirable or necessary.
PSRM	Penn State University	Where use of full hydrologic computer model is desirable or necessary.
Rational Method	Emil Kuichling (1889)	For sites less than 10 acres, or as approved by the Commission Engineer.
Other Methods	Varies	Other computations approved by Commission Engineer.

**D. Water Quality Requirements**

1. For water quality, the objective is to provide adequate storage to capture and treat the runoff from 90% of the average annual rainfall in accordance with the following where P represents the depth of rain associated with 90% of the total rainfall events over 0.11 inches.

- a. The size of the water quality facility shall be based upon the following equation:

$$WQ_v = \frac{(1.2)(R_v)(A)}{12} \qquad P = 1.2 \text{ inches of rainfall}$$

Where:  $WQ_v$  = water quality volume (in ac-ft)  
 $R_v$  =  $0.05 + 0.009(I)$  where I is percent impervious cover  
 $A$  = area in acres\*

\*Treatment of the  $WQ_v$  for offsite areas and areas not disturbed is not required.

- b. Treatment of the  $WQ_v$  shall be provided at all developments where stormwater management is required. A minimum  $WQ_v$  of 0.2 inches per acre shall be met at sites or in drainage areas that have less than 15% impervious cover.
  - c. The  $WQ_v$  shall be based on the impervious cover for the proposed site. Offsite existing impervious areas may be excluded from the calculation of the water quality volume requirements.
  - d. When a project contains or is divided by multiple drainage areas, the  $WQ_v$ , shall be addressed for each drainage area.
  - e. Drainage areas having no impervious cover and no proposed disturbance during development may be excluded from the  $WQ_v$  calculations. Designers are encouraged to use these areas as non-structural practices for  $WQ_v$  treatment.
  - f. Where structural practices for treating the Recharge Volume ( $Re_v$ ) are employed upstream of a BMP, the  $Re_v$  may be subtracted from the  $WQ_v$  used for design.
  - g. Where non-structural practices are employed in the site design, the  $WQ_v$  can be reduced with approval from the Borough Designee.
  - h. The design of the facility shall consider and minimize the chances of clogging and sedimentation potential. Orifices smaller than three (3) inches in diameter are not recommended. However, if the design engineer can provide proof that the smaller orifices are protected from clogging by use of trash racks, etc. smaller orifices may be permitted.
2. To accomplish adequate water quality treatment the final  $WQ_v$  shall be treated by an acceptable BMP from the list presented in the PADEP BMP manual or an equivalent practice approved by the Engineer. The applicant may submit original and innovative designs to the Commission Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs.
  3. The water quality requirement can be met by providing a 24-hour draw down of a portion of the  $WQ_v$  in conjunction with a stormwater pond or wetland system. Referred to as extended detention (ED), this is different from providing the extended detention of the one-year storm for the channel protection volume ( $Cp_v$ ). The ED portion of the  $WQ_v$  may be included when routing the  $Cp_v$ .

4. In selecting the appropriate BMPs or combinations thereof, the applicant shall consider the following:
  - a. Total contributing area.
  - b. Permeability and infiltration rate of the site soils.
  - c. Slope and topography.
  - d. Seasonal high water table.
  - e. Depth to bedrock.
  - f. Proximity to building foundations and wellheads.
  - g. Erodibility of soils.
  - h. Subgrade stability and susceptibility to sinkhole formation
  - i. Land availability and configuration of the topography.
  - j. Peak discharge and required volume control.
  - k. Stream bank erosion.
  - l. Efficiency of the BMPs to mitigate potential water quality problems.
  - m. The volume of runoff that will be effectively treated.
  - n. The nature of pollutants being removed.
  - o. Creation and protection of wildlife habitat.
  - p. Enhancement of aesthetic and property values.
  - q. Maintenance requirements.
  
5. Stormwater Hotspots - If a site is designated as a stormwater hotspot, as per Table 523-2, it has important implications for how stormwater is managed.
  - a. A greater level of stormwater treatment is required at hotspot sites to prevent pollutant wash off after construction.
  
  - b. For areas designated as hotspots design and implementation of a Stormwater Pollution Prevention Plan may be required containing operation practices at the site to reduce the generation of pollutants by preventing contact with rainfall.
  
  - c. Stormwater Pollution Prevention Plans shall follow the requirements of the U.S. EPA NPDES stormwater program.
  
  - d. The following land uses and activities are not normally considered hotspots: residential streets and rural highways, residential development, institutional development, commercial and office developments, non-industrial rooftops, pervious areas except for golf courses and nurseries. Large highways and retail gasoline outlet facilities are not designated as hotspots, though it is important to ensure that stormwater plans for these facilities adequately protect groundwater.

**Table 523-2: Stormwater Hotspots**

Vehicle Salvage Yards and Recycling Facilities*
Vehicle Service and Maintenance Facilities
Vehicle and Equipment Cleaning Facilities*
Fleet Storage Areas (bus, truck, etc)*
Industrial Sites
Marinas (service and maintenance)*
Outdoor Liquid Container Storage
Outdoor Loading/Unloading Facilities
Public Works Storage Areas
Facilities that Generate or Store Hazardous Materials*
Commercial Container Nursery
Golf Courses
Other land uses and activities as designated.

\* Stormwater Pollution Plan implementation may be required for these land uses or activities under the U.S. EPA NPDES stormwater program.

**E. Groundwater Recharge (Infiltration/Recharge/Retention) Requirements**

1. Design of the infiltration/recharge stormwater management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. These measures are encouraged particularly in hydrologic soil groups A and B, and shall be utilized wherever feasible.
2. The criteria for maintaining recharge is based on the USDA average annual recharge volume per soil type divided by the annual rainfall in Union County (40 inches per year) and multiplied by 90%. This keeps the recharge calculation consistent with the  $WQ_v$  methodology. Thus, an annual recharge volume requirement shall be specified for a site as follows:

- a. Percent Volume Method

$$Re_v = [(S)(R_v)(A)]/12$$

Where:  $R_v = 0.05 + 0.009(I)$ , where I is percent impervious cover  
A = site area in acres

- b. Percent Area Method

$$Re_v = (S)(A_i)$$

Where:  $A_i$  = the measured impervious cover

<u>Hydrologic Soil Group</u>	<u>Soil Specific Recharge Factor (S)</u>
A	0.40
B	0.27
C	0.14
D	0.07

- c. The recharge volume is considered part of the total  $WQ_v$  that must be provided at a site and can be achieved either by a structural practice (e.g., infiltration, bioretention), a non-structural practice (e.g., buffers, disconnection of rooftops), or a combination of both.
  - d. Drainage areas having no impervious cover and no proposed disturbance during development may be excluded from the  $Re_v$  calculations. Designers are encouraged to use these areas as non-structural practices for  $Re_v$  treatment.
  - e. The  $Re_v$  and  $WQ_v$  are inclusive. When treated separately, the  $Re_v$  may be subtracted from the  $WQ_v$  when sizing the water quality BMP.
  - f. Recharge/infiltration facilities may be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management practices.
  - g. Where pervious pavement is permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, pavement construction specifications shall be noted on the plan.
3. Basis for Determining Recharge Volume
- a. If more than one Hydrologic Soil Group (HSG) is present at a site, a composite soil specific recharge factor shall be computed based on the proportion of total site area within each HSG. **The recharge volume provided at the site shall be directed to the most permeable HSG available.**
  - b. **The “percent volume” method is used to determine the  $Re_v$  treatment requirement when structural practices are used to provide recharge.** These practices must provide seepage into the ground and may include infiltration and exfiltration structures (e.g., infiltration, bioretention, dry swales or sand filters with storage below the under drain). Structures that require impermeable liners, intercept groundwater, or are designed for trapping sediment (e.g., forbays) may not be used. In this method, the volume of runoff treated by structural practices shall meet or exceed the computed recharge volume.
  - c. **The “percent area” method is used to determine the  $Re_v$  treatment requirements when non-structural practices are used.** Under this method, the recharge requirements are evaluated by mapping the percent of impervious area

that is effectively treated by an acceptable non-structural practice and comparing it to the minimum recharge requirements.

- d. Acceptable non-structural practices include filter strips that treat rooftop or parking lot runoff, sheet flow discharge to stream buffers, and grass channels that treat roadway runoff.
  - e. The recharge volume criterion does not apply to any portion of a site designated as a stormwater hotspot or any project considered as redevelopment. In addition, the Commission, with the concurrence of the Commission Engineer, may alter or eliminate the recharge volume requirement if the site is situated on unsuitable soils (e.g. marine clays), on karst, or in an urban redevelopment area. In this situation, non-structural practices (percent area method) shall be implemented to the maximum extent practicable and the remaining or untreated  $Re_v$  included in the  $WQ_v$  treatment.
  - f. If  $Re_v$  is treated by structural or non-structural practices separate and upstream of the  $WQ_v$  treatment, the  $WQ_v$  is adjusted accordingly.
4. Soils Evaluation
- a. **A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities.** The evaluation shall be performed by a qualified professional, and at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability.
  - b. **Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas.** Extreme caution shall also be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant and it may contaminate the groundwater. It is also extremely important that the design professional evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and recommend that a hydrogeologic justification study be performed if necessary. Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation.
  - c. The Commission may require the installation of an impermeable liner in stormwater management facilities underlain by limestone or in areas of karst topography. A detailed hydrogeologic investigation may be required. The developer may also be required to provide safeguards against groundwater contamination for uses that may cause groundwater contamination, should there be an accident or spill.

5. All recharge/infiltration facilities shall be designed to completely drain within 72 hours of reaching maximum capacity.

**F. Channel Protection Storage Volume (Stream Bank Erosion) Requirements**

1. Stream Channel Protection shall be considered in implementing the standards of Section 523.G of this Ordinance. If a stormwater storage facility needs to be constructed then, to protect channels from erosion, the outflow structure shall be designed to provide **24 hour extended detention of the one-year; 24-hour storm event**. The method for determining the Channel Protection Storage Volume ( $C_{p_v}$ ) requirement is detailed in Appendix P-4 of this Ordinance.
2. For discharges to streams having verified naturally reproducing wild trout or currently being stocked with trout (based upon the most recent resource classification or other appropriate documentation of the Pennsylvania Fish and Boat Commission or other appropriate agency), only 12 hours of extended detention shall be provided. The rationale for this criterion is that runoff will be stored and released in such a gradual manner that critical erosive velocities during bankfull and near-bankfull events will seldom be exceeded in downstream channels.
3. Basis for Determining Channel Protection Storage Volume
  - a. The models HEC-HMS, TR-55 and TR-20 (or an equivalent approved by the Commission Engineer) shall be used for determining peak discharge rates.
  - b. The rainfall depth for the one-year 24-hour storm event in Union County is 2.4 inches.
  - c. Off-site areas shall be modeled as present land use in good condition for the one (1) year storm event.
  - d. The length of overland flow used in time of concentration ( $t_c$ ) calculations is limited to no more than 150 feet.
  - e. The  $C_{p_v}$  storage volume shall be computed using the detention lag time between hydrograph procedures outlined in Appendix P-4 of this Ordinance. The detention lag time (T) for a one-year (1) storm is defined as the interval between the center of mass of the inflow hydrograph and the center of mass of the outflow hydrograph.
  - f.  $C_{p_v}$  is not required at sites where the one-year post development peak discharge ( $q_i$ ) is less than or equal to 2.0 cfs. A  $C_{p_v}$  orifice diameter ( $d_o$ ) of less than 3.0 inches is subject to approval by the Commission Engineer and is not recommended unless an internal control for orifice protection is used.

- g.  $Cp_v$  shall be addressed for the entire site. If a site consists of multiple drainage areas,  $Cp_v$  may be distributed proportionately to each drainage area.
- h. Extended detention storage provided for the  $Cp_v$  does not meet the  $WQ_v$  requirement (i.e.  $Cp_v$  and  $WQ_v$  shall be treated separately).
- i. The stormwater storage needed for the  $Cp_v$  may be provided above the  $WQ_v$  storage in stormwater ponds and wetlands; thereby meeting all storage criteria except  $Re_v$  in a single facility with appropriate hydraulic control structures for each storage requirement.
- j. Infiltration is not recommended for  $Cp_v$  control because of large storage requirements.

**G. Overbank and Extreme Event Flood Protection Requirements**

For a site located within two or more districts, the peak discharge rate from any sub-area shall be the pre-development peak discharge for that sub-area. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by sub-area.

- 1. Buffalo Creek Watershed – The Buffalo Creek Watershed Runoff Control Districts Map in Appendix Q-2 of this Ordinance illustrates the three (3) major Runoff Control Districts; shown as “A”, “B”, and “C”. Development sites located in the “A”, “B”, and “C” Districts must control post-development runoff rates to pre-development runoff rates as shown in Table 523-3. In addition to the table below, post-development runoff rates shall not exceed pre-development runoff rates for the 5-, 25-, and 100-year storm events.

**Table 523-3: Buffalo Creek Watershed Release Rates**

Runoff Control Districts	Subareas	Post-Development Design Storm	Pre-Development Design Storm
		A	1-4 16 28-39 58-59
B	5-15	2-Year 10-Year 50-Year	1-Year 5-Year 25-Year
	17-27		
	40-55		
	60-65		
	70-75		
C	79-81	2-Year 10-Year 50-Year	1-Year 10-Year 50-Year
	56-57		
	66-69		
	76-78		
	82-92		

2. General Stormwater Management Requirements- In those areas without an approved Act 167 Stormwater Management Plans runoff shall be controlled so that post-development runoff rates shall not exceed pre-development runoff rates for the 2-, 5-, 10-, 25-, 50-, and 100-year storm events. All other standards of this Ordinance shall also apply.

**H. Design Considerations**

1. All storm sewers shall be able to convey the post-development runoff from a 10-year design storm without surcharging inlets, and shall be constructed using PennDOT Form 408 Specifications, Standard Details, unless otherwise directed by the Commission. All stormwater conveyance pipes shall be a minimum of 15” diameter dual wall HDPE, or approved equal.
2. Storm water roof drains shall not discharge into any municipal sanitary sewer line or over a sidewalk.
3. Inlets shall be placed at the curb line where a curbed section is installed. Inlets required for parallel or cross drainage without a curbed section shall be set at the centerline of the ditch.
4. Structures shall be PennDOT pre-cast concrete or cast-in-place Class A concrete. Brick or block structures shall not be permitted. Solid concrete block or brick may be incorporated into a structure only for grade adjustment of the casting.
5. All water obstructions (bridges, culverts, outfalls or stream enclosures) shall have ample waterway opening to carry expected flows, based on a minimum post

development peak storm frequency of twenty-five (25) years and shall have a minimum of one (1) foot of freeboard measured below the lowest point along the top of the roadway.

6. Bridge and culvert construction shall be in accordance with the Pennsylvania Department of Transportation specifications and shall meet the requirements of the Pennsylvania Department of Environmental Protection.
7. Any drainage conveyance facility and/or channel that does not fall under PA DEP Chapter 105 Regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 10-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e detention basins) shall be designed to convey the design flow to or from that structure.
8. Roadway crossings located within designated floodplain areas shall be able to convey runoff from a 100-year design storm.
9. Any stormwater management facility designed to store runoff and requiring an earthen berm or embankment shall be designed with an emergency spillway to handle flow up to and including the 100-year post-development conditions. The height of the embankment must be set to provide a minimum of one (1) foot of freeboard when the spillway functions for the 100-year post-development inflow. The spillway elevation shall be set higher than the 100-year event routed through the primary outlet structure. Stormwater management facility berm cross sections must be at least five (5) feet wide at the top of berm.
10. Stormwater management facilities that require a dam safety permit under PA DEP Chapter 105 shall meet the applicable dam safety requirements, which may require the facility to pass storms larger than the 100-year event.
11. Adequate erosion protection shall be provided along all open channels and at all points of discharge.
12. Detention basins for stormwater peak discharge storage shall comply with the following criteria:
  - a. Basins shall be installed prior to any earthmoving or land disturbance in contributing drainage areas the basin will serve. The phasing of their construction shall be noted in a narrative and on the plan.
  - b. Basins located in an area underlain by limestone may require a geologic evaluation to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. The Commission may require basins located over limestone to have an impermeable liner.

- c. Soils used in construction of basins shall have low erosion factors ("K factors").
- d. Energy dissipators and/or level spreaders shall be installed at points where pipes or drainage ways discharge to or from basins. Discharge from basins shall be into a natural waterway or drainage way unless a discharge acknowledgment has been obtained from the downstream properties. All emergency spillways shall be permanently armored through the spillway embankment slope. Armor shall extend 10' past the toe of slope.
- e. For fill embankments, the side slopes shall be no steeper than 3:1 on the inside of the facility and 2:1 on the outside of the facility. For cut slopes, the side slopes shall be no steeper than 2:1.
- f. Where concrete, stone, or brick walls are used for steeper interior slopes, the basin shall be fenced with a permanent wire fence at least forty-two inches (42") in height, and a ramp of durable, non-slip materials for maintenance vehicles shall be provided for basin access.
- g. Primary outlet structures within basins must be designed to pass all design storms (up to and including the 100-year event) without discharging through the emergency spillway. The maximum water depth within any stormwater management facility shall be no greater than eight (8) feet when functioning through the primary outlet structure. Trash racks must be provided for all orifices equivalent to twelve (12) inches or smaller in diameter.
- h. Where weirs will be used to control peak discharges in lieu of riser structures, control weirs shall be constructed of concrete of sufficient mass and structural stability to withstand the pressures of impounded waters and outlet velocities.
- i. Concrete outlet aprons shall be designed as level spreaders and shall extend at a minimum to the toe of the basin slope. The incorporation into the concrete apron of any large stone found on the site is encouraged to provide a more natural appearance.
- j. Inlet and outlet structures shall be located at maximum distance from each other. The Commission may require a rock filter berm or rock-filled gabions between inlet and outlet areas when the distance is deemed insufficient for sediment trappings.
- k. Temporary and permanent grasses or stabilization measures shall be established on the sides of all earthen basins within fifteen (15) days of initial construction.

- l. Basin outfall culverts shall be a minimum of 15” diameter with anti-seep collars provided in accordance with the latest PA DEP E&S Manual.
- m. Basin bottom elevations must be higher than adjacent FEMA defined floodplain elevations.
- n. A cutoff and key trench of impervious material shall be provided for all embankments four (4) feet or greater in height.
- o. Basins must empty over a period of time not less than 24 hours and not more than 72 hours from the end of the facility inflow. Infiltration tests performed at the facility location and appropriate depth must support time-to-empty calculations if infiltration is a factor in sizing the basin. Where groundwater may be an issue, operable basin underdrains are recommended for maintenance purposes.

**I. Drainage Plan Contents** - In addition to the Plan Requirements required in Article IV of this Ordinance Applicants are required to submit the following additional materials for the purposes of evaluating stormwater management.

1. Narrative describing the overall general stormwater management concept.
2. General description of permanent stormwater management techniques and construction specifications.
3. Complete hydrologic, hydraulic and structural computations for all stormwater management facilities.
4. Complete calculations for determining compliance with Sections 523.C, 523.D, 523.E, 523.F and 523.G of this Ordinance.
5. Horizontal and vertical profiles of all open channels, including hydraulic capacity.
6. Total of upstream drainage flowing through the site.
7. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project.
8. Overland drainage paths.
9. A Declaration of Adequacy and Highway Occupancy Permit from PennDOT when the utilization of a PennDOT storm drainage system is proposed.
10. Plan for long-term maintenance of all stormwater management facilities,

including an approved standard Stormwater Facilities Maintenance Agreement, as contained in Appendix R.

11. A note on the plan indication the location and responsibility for maintenance of proposed permanent stormwater management facilities.
12. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that cannot be altered or removed unless approved by the Borough.
13. The signature block for the design engineer:
  - a. “(Design Engineer) on this date (date of signature) has reviewed and hereby certifies that the drainage plan meets all design standards and criteria of the Stormwater Management Ordinance, including all applicable Act 167 Plan requirements.”
14. A note signed and sealed by the developers engineer/surveyor/geologist verifying if the site is located in a karst area. The signature block for the design engineer:
  - a. “I \_\_\_\_\_, certify that the proposed detention basin is / is not underlain by limestone, dolomite, or other karst features.”
15. (Design Engineer) on this date (date of signature) has reviewed and hereby certifies that the drainage plan meets all design standards and criteria of the Stormwater Management Ordinance, including all applicable Act 167 Plan requirements.”

### **23-524 EROSION AND SEDIMENTATION POLLUTION CONTROL AND GRADING**

Subdivision and land development activities shall be conducted in strict accordance with this Section in order to prevent accelerated erosion and resulting sedimentation.

- A. No changes shall be made in the contour of the land, no grading, excavating, removal, or destruction of topsoil, trees or other vegetative cover shall be commenced until a plan for minimizing erosion and sedimentation has been reviewed and approved by the Union County Conservation District as part of an application for Preliminary or Final Plan approval.
- B. All applications for subdivision and land development approval will be required to submit an Erosion and Sedimentation Pollution Control Plan and obtain necessary approvals from the Conservation District where land disturbance is proposed. This shall include small projects that are proposing disturbance greater than 5,000 square feet of disturbance.

- C. All subdivision and land development applications shall conform to applicable municipal ordinances and the requirements of Chapter 102 of Administrative Code, Title 25, "Erosion Control Rules and Regulations", as amended or replaced, and to the requirements of the Pennsylvania Department of Environmental Protection.
- D. The Erosion and Sedimentation Pollution Control Plan shall be prepared by a person trained and experienced in erosion and sedimentation pollution control methods and techniques.
- E. No grading, removal of vegetation, construction or other disturbance shall be permitted on soils that are classified as slide-prone or unstable in the Union County Soil Survey or on any other areas of a proposed development that exhibit signs of instability or subsidence except in accordance with the provisions of this section
- F. The following measures shall be taken to effectively minimize erosion and sedimentation and shall be included where applicable:
  - 1. Stripping of vegetation and grading shall be kept to a minimum.
  - 2. Vegetation to be retained shall be protected during the construction process and trees and other vegetation shall be marked and roped off to protect them from damage by construction equipment. Filling around trees shall also be avoided.
  - 3. Topsoil from areas where cuts and fills have been made shall be stockpiled and uniformly redistributed after grading, to aid in the revegetation process.
  - 4. Development plans shall preserve significant natural features, cut and fill operations shall be kept to a minimum, and plans shall conform to the topography so as to create the least erosion potential and to handle adequately the volume and velocity of surface water runoff.
  - 5. Whenever feasible natural vegetation shall be retained, protected and supplemented.
  - 6. The disturbed area and the duration of the exposure shall be kept to a minimum.
  - 7. Disturbed soils shall be stabilized by permanent vegetation and/or by engineered erosion control and drainage measures.
  - 8. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
  - 9. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary the rate of surface water runoff shall be structurally retarded during development.

10. Sediment in water runoff shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt fence, hay bales, rock filter berms, and/or similar measures.
- G. The following additional erosion and sedimentation control design standards and criteria shall be applied where infiltration Best Management Practices (BMP's) are proposed as part of the stormwater management plan:
1. Areas proposed for infiltration BMP's shall be protected from sedimentation and compaction during construction phases so as to maintain their maximum infiltration capacity.
  2. Infiltration BMP's shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.
- H. The applicant shall be responsible for protecting adjacent and downstream properties from any damage that occurs as a result of earth disturbance on the development site.
- I. Fill areas shall be prepared by removing organic material such as vegetation and rubbish and any other material determined by the engineer to prevent proper compaction and stability of the soil.
- J. Maximum steepness of graded and cut slopes shall be no greater than two (2) horizontal units to one (1) vertical unit (2:1) except when the Commission approves alternatives under the following conditions:
1. Where the height of a proposed slope will not exceed ten (10) feet, then a maximum slope steepness of one to one (1:1) may be allowed where the soil and geologic conditions permit, and if doing so will help to preserve existing vegetation or other significant natural features. The cut or fill shall be located so that a line having a slope of two (2) horizontal to one (1) vertical and passing through any portion of the slope face will be entirely inside the property lines of the proposed development.
  2. Where a concrete or stone masonry retaining wall, designed to sound engineering standards, sealed by a registered professional engineer, and approved by the Commission Engineer, is constructed to support the face of the slope.
  3. The material in which the excavation is made is sufficiently stable to sustain a slope steeper than two (2) horizontal to one (1) vertical (2:1), and a written statement is provided by a licensed civil engineer experienced in erosion control and slope stability that is acceptable to the Commission Engineer and the local municipality. The statement shall state that the site has been inspected and that the deviation from the slope specified in this Ordinance will not result in injury to persons or damage to property.

4. All fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys, or structures.
- K. Graded slopes of twenty (20) or more feet in height shall be benched every twelve (12) feet.
1. Benches shall have a minimum width of six (6) feet and a maximum slope of five (5) percent.
  2. Benches shall be planted with trees at a rate of one (1) tree per thirty (30) lineal feet of bench. Tree plantings shall meet the requirements of Section 518 of this Ordinance.

### **23-525 STEEP SLOPES**

- A. Structures and grading of land shall be located on portions of a development site where the slope is less than twenty-five percent (25%).
- B. A limited amount of disturbance, up to twenty-five percent (25%) of the steep slope area with grades between twenty-five percent (25%) and thirty-five percent (35%), may be approved if evidence of the safety of any proposed disturbance has been documented. Such evidence of the safety of any proposed disturbance shall require a site investigation and certification in writing, by a registered professional soils engineer, engineering geologist, or civil engineer with demonstrated competency and experience in soils engineering, that the proposed activity will not create or exacerbate unsafe conditions.

### **23-526 FLOODPLAIN MANAGEMENT**

The requirements of this Section are intended to protect property owners from increased flood hazards resulting from inappropriate development in the floodplain and to protect potential buyers from purchasing land which may not be suitable for development. Plans shall also comply with the applicable Federal Emergency Management Agency (FEMA) and Borough floodplain management regulations.

- A. The inclusion of a floodplain within lots in order to meet the minimum lot area and/or yard requirements is allowed provided each lot contains sufficient area exclusive of the 100-Year regulatory floodplain for buildings and, when applicable, for on-lot sanitary sewage disposal systems and replacement areas.
- B. The Commission may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing floodplain areas:

"NOTE: Lot(s) No. \_\_\_ are completely or partially within the regulatory floodplain and any development on such lots shall occur in accordance with all federal, state, and

municipal floodplain management regulations. In addition, lending institutions may require the mandatory purchase of flood insurance for home mortgages. "

- C. All public and private utilities and facilities shall be designed and constructed to preclude flood damage and shall be floodproofed up to the Regulatory Flood Elevation in accordance with the Federal Emergency Management Agency (FEMA) floodproofing guidelines. Documentation by a Professional Engineer or Architect shall be provided indicating compliance with FEMA guidelines in regard to the following minimum conditions: (1) a flood elevation certificate shall be provided for all building construction; (2) a determination of the structural adequacy against pressure, velocity, uplift, siding, overturning, and impact; and (3) a statement of the types of materials and safeguards incorporated to prevent leakage, spillage or contamination.
- D. Final street elevations shall not be less than the 100-Year regulatory base flood elevation.
- E. When a site is adjacent to or traversed by a watercourse that does not have a 100-Year regulatory floodplain delineated, all structures shall be setback at least 50 feet from the top of the nearest stream bank.

### **23-527 WETLANDS**

- A. No subdivision or land development shall involve uses, activities, or improvements that would result in encroachment into, regrading of, or placement of fill in wetlands in violation of state and/or federal regulations.
- B. Activities shall be prohibited that will alter, diminish, or eliminate hydrologic conditions, existing hydric soil conditions, or wetland plant species.
- C. If wetlands are to be altered by the proposed activity the Commission shall require copies of appropriate permits and approvals granted by state and/or federal regulatory agencies prior to plan approval.
- D. The Commission may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing wetland areas:  
  
"NOTE: Wetlands exist on Lot(s) No.\_\_\_\_. Wetlands are protected under state and federal law and caution should be exercised to ensure that any development proposed for Lot No.\_\_\_\_ does not disturb the wetlands."
- E. A jurisdictional wetland delineation by the United States Army Corps of Engineers is strongly encouraged and may be required where wetlands exist and could be impacted by development activities.

- F. Development activities are encouraged to avoid wetland impacts by design with the natural environment. Wetlands should be used to compliment development by integrating stormwater management and water quality management activities where practical.

### **23-528 SOLUTION PRONE CARBONATE GEOLOGY AND SINKHOLES**

- A. All subdivisions and land developments in areas underlain by carbonate geology shall be designed and constructed to minimize any impacts which may affect, increase, diminish, or change any natural drainage, natural springs, water quality, geological stability or groundwater table.
- B. Subdivisions and land developments that pose significant risks of stimulating the formation of sinkholes or of causing hydrologic connection of contaminated surface water with subsurface aquifers shall not be approved without certification, from a professional engineer and/or other qualified individual with demonstrated competency in geology or hydrogeology, that such proposed use and design is safe and environmentally sound.
- C. When the Commission determines there is probability that a project will affect or be affected by carbonate geologic hazards, the Commission may require the submission of a hydrogeologic report.
- D. In making a determination whether or not a project will affect or be affected by carbonate geologic hazards, the Commission shall consider the carbonate features in the vicinity, testimony of qualified experts (i.e. professional geologist, hydrogeologist, or engineer with documented expertise of carbonate geology), recommendation by the municipality, and such other reasonable information as may be available.
- E. All sinkholes shall be posted by permanent and clearly visible on-site notices prohibiting any disposal of refuse, rubbish, hazardous wastes, organic matter or soil into the sinkhole. Concrete liners, rockfill or other acceptable capping procedures may be permitted in the sinkhole for purposes of preventing dumping of said materials with the approval of the Borough Engineer.
- F. All sinkholes shall have a buffer as determined necessary for public safety. The buffer size will vary based upon site conditions and an analysis of drainage in the sinkhole area by a professional engineer or other qualified individual with demonstrated competency in geology or hydrogeology.
- G. No stormwater management basins shall be placed in or over sinkholes, closed depressions, lineaments in carbonate areas, fracture traces, caverns, ghost lakes, or disappearing streams.
- H. New sinkhole formation, as a result of construction activities or natural causes, shall be reported to the Commission and the PA DEP. Emergency repairs may be required under

the supervision of the PA DEP or the Commission's Engineer to prevent groundwater contamination.

- I. Improvements necessary to safeguard against groundwater contamination, or structural instability for proposed development, or construction activities as a result of the hydrological investigation, will be a condition of final subdivision or land development plan approval.

## **23-529 NATURAL FEATURES**

### **A. Habitats and Natural Features of Special Concern**

1. Where the presence of natural features and habitats of special concern (i.e. those areas listed in the Natural Areas Inventory of Union County or habitats of rare, threatened and endangered species) is known or suspected, or where required by the PA DEP or other permitting agency, the applicant shall notify the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) of the proposed subdivision or land development and request a determination concerning the presence of significant resources from the Pennsylvania Natural Diversity Index (PNDI).
2. Where a proposed subdivision or land development includes an identified natural feature and/or habitat of special concern, such as rare, threatened or endangered species which are regulated by municipal, state, or federal law, the applicant shall provide evidence of compliance with any applicable regulation.
3. The Commission will impose conditions it deems reasonable and appropriate in order to protect such habitats and to prevent degradation of natural features.

### **B. Existing Wooded Areas**

1. Subdivisions and land developments shall be designed to avoid unnecessary removal or destruction of trees and understory vegetation, particularly in undeveloped tract areas.
2. At least twenty-five percent (25%) of the number of trees that exist at the time of plan approval shall be maintained or replaced immediately following construction. Replacement trees shall be a mix of native species with a minimum trunk caliper of two (2) inches and a minimum height of six (6) feet. They shall be planted at a density equivalent to that existing before development.
3. Development activities are encouraged to integrate wooded areas into stormwater management design to promote natural infiltration of runoff where practical.
4. Priority shall be given to the preservation of trees and vegetation in 100-year floodplains, wetlands, stream corridors and steep slopes.

5. Any tree that may be noteworthy because of its species, age, uniqueness, rarity or status as a landmark due to historical or other cultural associations shall be preserved unless removal is deemed necessary determined by a professional arborist, forester, or landscape architect or if the tree is likely to endanger the public or an adjoining property.
  6. Trees to be preserved shall be protected during construction and the critical root zones shall be clearly staked and protected by fencing to prevent damage.
- C. **Stream Corridors** - In order to prevent increased erosion, stream bank instability, non-point source and thermal pollution, the removal of trees and vegetation shall be not be permitted within fifty feet (50') of the top bank of any watercourse. Invasive species, however, may be removed if replaced with native vegetation and, selective timber harvesting is permitted as part of the development if accompanied by a certified forest resources and timber management plan prepared by a qualified professional forester.

### **23-530 CULTURAL AND HISTORIC RESOURCES**

- A. **Archaeological Investigations.** Where the presence of archaeological features is known or suspected, or where required by the PA DEP or other permitting agency, the applicant shall notify the Pennsylvania Historic and Museum Commission (PHMC) of the proposed subdivision or land development and request a determination concerning the presence of significant resources from PHMC.
- B. **Historic Resource Preservation.** Subdivisions and land developments shall be designed to preserve, adaptively reuse, or otherwise provide for the historic features of the Borough of Mifflinburg, and new construction shall be designed to be visually complimentary to historic structures and sites. If due to size, scale, construction material, or type of proposed use, a subdivision or land development would jeopardize the historic value of a site or structure, such new construction shall be screened or otherwise visually buffered.
- C. **Historic Resource Demolition.** No historic feature as defined in this Ordinance shall be infringed upon, demolished, or moved from its original foundations without approval of the Commission. The applicant shall submit to the Commission letters from the PHMC and from the Union County Historical Society with their review and recommendation. In evaluating any request for demolition of a historic feature the Commission shall take into account the significance of the property, the condition of the feature and the potential for repair, restoration, stabilization and reuse, the impact of the feature in relation to the total project, and the hardship, if any, on the applicant.
- D. **Retention of Local Names.** Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area in which a project is located, rather than proposing project names that are not consistent with the traditions and/or culture of the Borough of Mifflinburg.

## 23-531 COMMUNITY AND NATURAL FEATURES IMPACT ANALYSIS

- A. All subdivisions and land development applications that involve the creation of 25 or more dwelling units, generate 200 vehicle trips or more per average weekday, or are considered a development of regional significance, shall be required to include a Community Impact and Natural Features Analysis in accordance with this Section.
- B. **Community Impact Analysis.** The Community Impact Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on community facilities and shall include but not be limited to a detailed examination of the following:
1. Water supply analysis, including the volume of water needed to support the proposed use, source(s), source viability, source quality, and impact of proposed use on surface water flows, groundwater levels, and adjacent wells.
  2. Sewage collection and treatment.
  3. Accessibility to and adequacy of emergency services (ambulance, fire and police).
  4. Surface, ground, and storm water management including potential for contamination of surface and groundwater supplies.
  5. A Visual Impact Assessment which shall include (i) a Zone of Visibility Map to determine the locations from which the facility may be observed, (ii) pictorial representations of key viewpoints as may be appropriate, including but not limited to public roads, public parks, public lands, historic districts and sites, and other locations where the site is visible to large numbers of persons, and (iii) an assessment of the visual impact of the facility as it relates to appropriate screening.
  6. Air quality impacts, including a description of proposed emissions and specific information related to impacts upon human health and the environment.
  7. Other community facilities that may be impacted.
  8. A comparison shall be made and submitted of the estimated costs for services to the municipality versus the estimated revenues to be generated from the subdivision or land development.
  9. The applicant shall demonstrate that the appropriate providers of utility services, including but not limited to, electric, sewer, water, telephone, and refuse removal have certified that services will be provided to the site.
  10. A Traffic Engineering Study shall be prepared as part of the Community Impact Analysis in accordance with Section 510 of this Ordinance.

11. A market analysis that shall demonstrate a sufficient market exists for the specific types of development proposed.

C. **Natural Features Analysis.** The Natural Features Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on natural features on the subject tract and the surrounding area. This analysis shall include but not be limited to the following:

1. An analysis of natural drainage patterns and water resources, including streams, natural swales, ponds, lakes, wetlands, floodplain areas and permanent and seasonal high water table areas.
2. An analysis of the site geology that considers characteristics of underlying rock formations, shallow bedrock, aquifers, karst features, and factors that may cause the rock formations to be unstable.
3. An analysis of soil types present on the site including a delineation of prime agricultural soils, hydric soils, unstable soils, soils most susceptible to erosion, and evidence that the soil is suitable for the intended uses.
4. An analysis of topography.
5. An analysis of existing vegetative cover emphasizing the location of woodland and meadowland areas. Dominant tree and plant species shall be identified and certification shall be given that no vegetation on the site is classified as Rare, Threatened or Endangered or listed as worthy of special protection in the Union County Natural Areas Inventory. A PNDI search shall be conducted.
6. An analysis of impacts on wildlife and wildlife habitat and certification shall be given that no species of wildlife or wildlife habitat on the site is classified as Rare, Threatened or Endangered or listed as worthy of special protection in the Union County Natural Areas Inventory.

D. The Community Impact and Natural Features Analyses shall contain proposals to minimize any adverse impacts identified, including, where appropriate, alternative solutions or proposals.

## **23-532 COMMUNITY FACILITIES**

The Planning Commission may require the reservation of appropriate land for community facilities in order to serve the proposed subdivision or land development.

## ARTICLE VI

### REQUIREMENTS FOR SPECIAL SUBDIVISIONS AND LAND DEVELOPMENTS

#### 23-600 GENERAL

- A. The standards in this Article shall be applied *in addition to* the other requirements of this Ordinance in evaluating applications for special types of subdivisions and land developments. Special subdivisions and land developments include, but are not limited to, open space subdivisions, traditional neighborhood developments, mobile home parks, waste storage, processing, treatment and disposal facilities wireless telecommunications facilities and power generation facilities.
- B. Applicants shall be responsible for obtaining all necessary permits and approvals from the Pennsylvania Department of Labor and Industry, Department of Environmental Protection, Department of Health, and other applicable local, state, and federal agencies.

#### 23-601 MOBILE HOME PARKS

##### A. **Density, Dimensional and General Standards**

- 1. Mobile Home Parks shall be designed to serve the long-term placement of mobile homes.
- 2. The minimum depth of individual lots within a Mobile Home Park shall not be less than one hundred four (104) feet.
- 3. The minimum distance between mobile homes in the Mobile Home Park shall not be less than twenty-five (25) feet.
- 4. Mobile Homes within the Mobile Home Park shall be situated so that no mobile home will be placed less than seventy-five (75) feet from any exterior boundary of the park.
- 5. Each lot shall include a fifteen (15) foot set back, in which no mobile home or other structure may be placed.
- 6. Each lot in a Mobile Home Park shall have a number placed on the lot in the form of a sign or directly on the mobile home, that is clearly visible from the road on which the structure fronts.
- 7. The longitudinal gradient and cross slope of any Mobile Home Park shall not exceed five percent (5%) and the slope of the individual mobile home lot pad areas shall not exceed three percent (3%).
- 8. All Mobile Home Parks shall be landscaped in accordance with Article V, Section 23-518 and all zoning requirements, including Section 23-403.2D(6) requiring a

landscaped buffer along all external boundaries adjoining single or double-family residential uses and other residential districts.

9. All Mobile Home Parks shall conform to the requirements of the Zoning Ordinance (Ch. 29).

**B. Site Layout**

1. Mobile homes placed on individual lots within the Mobile Home Park are preferably to be placed off-center on the lots so as to provide a larger usable open space in one section of the lot.
2. Groups or clusters of units shall be placed, whenever feasible, to create interior spaces and courtyards.
3. There shall be variety in the arrangement and orientation of mobile homes, with particular attention given to topography and existing trees.
4. Mobile Home Parks shall be designed so that all lots and streets are well drained and free of standing water, and designed in accordance with the stormwater management requirements of Article V, Section 23-523.

**C. Streets and Access**

1. All mobile home lots shall abut on the internal street system of the Mobile Home Park.
2. All streets within a Mobile Home Park shall be centered in a minimum fifty (50) foot right-of-way.
3. Where mobile home lots are created having frontage on an existing street, the Mobile Home Park street pattern shall provide reverse frontage access to an interior street within the Mobile Home Park.
4. All streets within Mobile Home Parks shall be constructed and paved in accordance with the applicable design standards of Article V, Sections 23-509 through 23-516, as determined by the Mifflinburg Borough Planning Commission and Borough Engineer.
5. All streets shall be private, and the maintenance, repair, and rehabilitation for adequate and safe ingress and egress shall be the responsibility of the Mobile Home Park owner(s).
6. Speed bumps shall be installed and maintained every two hundred fifty (250) feet.

**D. Off Street Parking Areas and Sidewalks**

1. All mobile homes shall have 2 off-street parking spaces.
2. Additional parking spaces for vehicles of non-residents shall be provided at the rate of one (1) space for every three (3) mobile home lots. Such parking spaces shall be provided through off-street common parking areas and shall be in locations that are sufficiently dispersed throughout the Mobile Home Park to serve all mobile home lots.

**E. Sewage Disposal, Water Supply and Other Utility Requirements**

1. All utilities (water, sewer and electric) will be provided in accordance with current requirements in all other Borough ordinances.
2. All utilities within a Mobile Home Park shall be provided underground to each lot.
3. The Mobile Home Park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of adequate utilities to each mobile home lot.
4. All utilities must be placed in either the lot set back or the street.

**F. Illumination Standards**

1. All Mobile Home Parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries to provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians.
2. Lighting shall be designed in accordance with Section 23-514.D of this Ordinance.
3. The Mobile Home Park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of adequate lighting fixtures for each mobile home lot.

**G. Common Opens Space Requirement**

1. A minimum of ten percent (10%) of the gross area of the Mobile Home Park shall be set aside and provided as open space area available for the use and enjoyment of residents for varied outdoor recreational uses. Unusable land (wetlands, land over 20% grade or other unusable condition) cannot be included to meet this requirement.

2. Common open space shall be substantially free of structures except for those designed for recreational purposes, and shall be in addition to those areas devoted to meeting the buffer yard requirements of this Ordinance.
3. Common open space areas shall be located and designed so they are easily accessible to residents and so that natural features are preserved.

**H. Service Buildings and Facilities**

1. Cluster mailboxes shall be installed where approved by the U.S. Postal Service.
2. Where Liquified Petroleum Gas (LPG) and/or fuel oil supply systems are on site to supply mobile home lots such outside fuel storage tanks or cylinders shall be securely fastened in place and adequately protected from physical damage.

**I. Fire Protection**

1. All Mobile Home Parks shall be provided with fire hydrants that meet the requirements, standards, and recommendation of the Borough and fire company.

**J. Solid Waste Collection and Disposal**

1. Each individual occupant of a lot shall be responsible for solid waste removal, unless the Mobile Home Park Operator agrees, in writing, to be responsible for the same.

**K. Miscellaneous Structural Requirements**

1. Each mobile home lot shall be improved to provide an adequate frost-free foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand which shall be equal to the length and width of the mobile home to be used at the site.
2. Each mobile home pad or stand shall have adequate provision such as anchor bolts and tie-down straps for both “over the top” and “frame tie downs” to assure that each mobile home has available a means of securing the structure to the site.
3. Each mobile home shall have a skirt installed that is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.
4. If a hitch or towbar is attached to a mobile home for transport purposes it shall be removed and remain removed from the mobile home when it is placed on its mobile home foundation.

L. **Plan Notes** - The following note shall be placed on all plans for Mobile Home Parks:

"It shall be the responsibility of the Mobile Home Park owner to maintain all improvements and facilities including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection."

### **23-603 CLUSTER HOUSING DEVELOPMENTS**

A. **Purpose.** The following standards and requirements are intended to permit the clustering of detached and attached structures on reduced sized lots with the reservation of open spaces. This type of development shall be designed to achieve:

1. A characteristic of design and site planning in which houses are grouped together on a tract of land and each cluster of homes is set off from others like it by an intervening space that helps give visual definition to each individual cluster.
2. The preservation and utilization of unusual and important physical features of undeveloped land that is held for the common recreational enjoyment of the adjacent residents or the Borough at large.
3. More efficient use of the land and of the public facilities required to serve new residential developments.
4. All cluster housing developments shall conform to the requirements of the Zoning Ordinance (Ch. 29, § 519 – Cluster Subdivision).

## **ARTICLE VII**

### **IMPROVEMENTS**

#### **23-700 GENERAL**

All applications for subdivision and land development that include improvements shall be made in accordance with this Section. This Section applies to all improvements, regardless of whether they are to be dedicated to a public entity or not.

#### **23-701 COMPLETION OF IMPROVEMENTS**

No application for Final Plan approval of a subdivision or land development shall be approved by the Mifflinburg Borough Planning Commission, nor shall any plan be considered in compliance with this Ordinance, until all required improvements, including but not limited to, streets, sidewalks, curbs, gutters, street signs, street lights, street trees, fire hydrants, water mains, sanitary sewers, storm sewers and drainage facilities, survey monuments, lot line markers, and shade trees and landscaping have been installed in accordance with this Ordinance.

### **23-702 IMPROVEMENT GUARANTEE IN LIEU OF CONSTRUCTION**

In lieu of the construction and completion of improvements required by this Ordinance prior to plan approval and recording of the plan, the applicant or developer may enter into a Developer's Agreement with the Borough and deposit a financial security with the Borough in a form acceptable to the Mifflinburg Borough Planning Commission and the Borough and follow the procedures contained herein.

### **23-703 AMOUNT OF IMPROVEMENT GUARANTEE**

- A. The amount of the financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer.
- B. Annually the Mifflinburg Borough Planning Commission 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 as of the expiration of the 90<sup>th</sup> day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to such adjustment, the Mifflinburg Borough Planning Commission may require the developer to post additional security in order to assure that the financial security equals said 110%. The developer in accordance with this Ordinance shall post any additional security.

### **23-704 BASIS OF IMPROVEMENT GUARANTEE AMOUNT**

- A. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by the engineer to be a fair and reasonable estimate of such cost. The Mifflinburg Borough Planning Commission, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown.
- B. If water mains and sanitary sewer lines, or both, along with apparatus or facilities related thereto are to be installed under the jurisdiction and pursuant to the rules and regulations of the Borough or its successors, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the Borough or its successors and shall not be included within the financial security as otherwise required by this section. The applicant or developer shall provide evidence that financial security in an amount sufficient to secure the completion of all sewer and/or water facilities to be dedicated to the Borough or its successors has been provided and accepted by such entity.
- C. If the applicant or developer and the Mifflinburg Borough Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Mifflinburg Borough Planning Commission and the applicant or

developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid by the applicant or developer.

## **23-705 ACCEPTABLE FORMS OF FINANCIAL SECURITY**

The following are acceptable forms of financial security.

- A. **Surety Performance Bond.** A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Borough and shall be in a form satisfactory to the Mifflinburg Borough Planning Commission.
  
- B. **Escrow Account.** A deposit of cash with the Borough in escrow with a Federal or Commonwealth chartered financial institution. In the case of an escrow account, the applicant or developer shall file with the Mifflinburg Borough Planning Commission an agreement between the financial institution and the applicant or developer guaranteeing the following:
  - 1. That the funds of the escrow account shall be held in trust until released by the Borough and may not be used or pledged by the developer as security in any other matter during that period.
  - 2. In the case of a failure on the part of the developer to complete the said improvements, the institution shall immediately make the funds available to the Borough for use in the completion of those improvements.
  - 3. Withdrawals from the account to pay for completed improvements shall be pursuant to Section 23-810 of this Ordinance.
  
- C. **Letter of Credit.** An irrevocable commercial letter of credit provided by the applicant and/or developer from a Federal or Commonwealth chartered financial institution. This letter shall be deposited with the Borough and shall certify the following:
  - 1. The amount of credit.
  - 2. In the case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement between the Borough, the creditor shall pay to the Borough such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
  - 3. The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until released or partially reduced by the Borough.

- D. **Certified Check.** A certified check payable to the Borough drawn on a Federal or Commonwealth chartered financial institution.
- E. **Other Forms of Security.** Any other form of guarantee acceptable to the Borough.

### **23-706 IMPROVEMENTS NOT COMPLETED IN FIRST YEAR**

If the party posting the financial security requires more than one (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% for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above established estimating procedure in Section 23-704.

### **23-707 INDEMNIFICATION**

The applicant and/or developer shall protect, defend, indemnify, and save harmless the Borough and the Mifflinburg Borough Planning Commission, their officers, employees, appointees, and agents thereof from all claims, suits, actions, and proceedings of every nature and description which may be or on account of any injuries or damages to persons, including wrongful death, to public or private property, because any materials or appliances used in the work, or by or on account of improper materials or workmanship, or for or on account of any accident or any other act, negligence or omission of said applicant and/or developer or his officers, employees, appointees, and agents thereof and the Borough shall not in any way be liable therefore, during the period of the work progress and for a period of eighteen (18) months following the acceptance of work.

### **23-708 IMPROVEMENT CONSTRUCTION**

During construction of improvements the applicant and/or developer shall be responsible for the following:

- A. Constructing all improvements in strict accordance with the approved subdivision and land development plan and all applicable Borough Ordinances.
- B. Implementing all necessary plans to control, mitigate, and eliminate any forms of pollution, disturbance, or destruction resulting from noise, odor, stormwater, and/or excessive loads or repetitions of loads that may occur during construction.
- C. **Work Zone Traffic Control.** The applicant and/or developer shall furnish the necessary guards, watchmen, warning lights and similar items necessary to maintain state highway and other street traffic in accordance with PennDOT Publication 203 requirements. When traffic cannot be detoured, a minimum of one half (1/2) the roadway shall be open at all times with traffic control. In limited and unique

circumstances, with the approval of the Mifflinburg Borough Planning Commission, local municipality and/or Penn DOT limited closure might be warranted.

### **23-709 IMPROVEMENT INSPECTION DURING CONSTRUCTION**

- A. The Mifflinburg Borough Planning Commission and the applicant or developer shall mutually agree upon a schedule of inspections by the Borough Engineer and/or other necessary consultants during construction, which shall be made part of a Developer's Agreement executed between the Borough and the applicant and/or developer. At a minimum the Mifflinburg Borough Planning Commission will require inspections at critical stages of construction determined by the Mifflinburg Borough Planning Commission and Borough Engineer and/or other consultants. See Appendix E for example Developer's Agreement.
- B. The applicant or developer shall notify the Borough of the construction schedule at least forty-eight (48) hours prior to commencement of the work stages identified in 23-709.(A) above.
- C. The applicant and/or developer shall correct any portion of the work that does not comply with the approved plan and this Ordinance. No work may proceed on any subsequent phase of the construction until necessary corrections have been made.
- D. Site improvements shall not advance to subsequent stages of construction until authorized to do so after the satisfactory inspection of the previous stage.

### **23-710 PARTIAL RELEASE OF IMPROVEMENT GUARANTEE**

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, such portions of the financial security as are necessary for payment to the contractor or contractors performing the work. Any such requests shall be made in writing addressed to the Borough, and the Borough shall have 45 days from receipt of such request to allow the Borough Engineer to certify, in writing, that a portion of the work upon the improvements has been completed in accordance with the approved plan. Upon certification the Borough shall authorize release by the bonding company or lending institution of an amount estimated by the Borough Engineer to be the value of the improvements completed. If the Borough fails to act within the 45-day period, the Borough shall be deemed to have approved the release of funds as requested. The Borough may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of 10% of the estimated cost of aforesaid improvements.

### **23-711 AS BUILT PLAN**

After Final Plan approval and upon completion of all required improvements, the applicant or developer shall submit an As Built Plan showing the location, dimension, and elevation of all improvements. As-Built Plans are required for all constructed improvements and developed conditions. The As Built Plan shall specify all deviations from the previously approved

drawings. Five (5) copies of the As Built Plan shall be submitted to the Mifflinburg Borough Planning Commission. Depending on the severity of the deviations from the approved plan shown by the As Built Plan a full subdivision and land development plan revision may need to be submitted and approved.

### **23-712 FINAL IMPROVEMENT INSPECTION AND RELEASE FROM GUARANTEE**

- A. **Notice of Completion.** When the developer has completed all of the agreed-upon improvements, the developer shall notify the Mifflinburg Borough Planning Commission in writing, by certified or registered mail, of the completion of the improvements, and shall send a copy also to the Borough Engineer. The Borough shall, within ten (10) days after receipt of such notice, direct the Borough Engineer to inspect all of the improvements. The Borough Engineer shall file a written report with the Mifflinburg Borough Planning Commission and the Borough or Borough Engineer shall promptly mail a copy of it to the developer by certified or registered mail. The report shall be mailed within thirty (30) days after receipt by the Borough Engineer of the authorization from the Mifflinburg Borough Planning Commission; the report shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part. If the Borough Engineer does not approve the improvements, or any portion of them, the report shall contain a statement of reasons for such non-approval or rejection.
- B. The Borough shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the decision to accept or not accept the improvements.
- C. If the Borough fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- D. If any portion of the improvements shall not be approved or shall be rejected by the Mifflinburg Borough Planning Commission, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined in this Section shall be followed.
- E. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise, any determination of the Mifflinburg Borough Planning Commission, the Borough or Borough Engineer.

### **23-713 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS**

In the event that any improvements that may be required have not been installed as provided in this Ordinance, or in accord with the approved Final Plan, the Borough is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of the improvements bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the

subdivision or land development and may institute appropriate legal proceedings, whether resulting from the security or from any legal or equitable action brought against the developer, or both. All monies drawn against the improvements bond or other security shall be used solely for the installation of the improvements covered by such security, and not for any other purpose.

### **23-714 IMPROVEMENT MAINTENANCE GUARANTEE**

Where the Borough has accepted dedication of certain improvements, it may, at its discretion, require the applicant or developer to post financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. The financial security shall be of the same type as otherwise required in this Section and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

### **23-715 DEDICATION AND ACCEPTANCE OF IMPROVEMENTS**

If the Borough shall desire to accept dedication of improvements for public ownership, the Borough shall adopt a resolution accepting the deed or other formal document of acceptance. The Borough shall not be responsible for accepting dedication, and improvements shall be deemed private, until the following items are satisfied:

- A. The Borough and/or Borough Engineer conducts a final inspection certifying that all improvements have been satisfactorily installed according to the approved Final Plan.
- B. All inspection fees are paid.
- C. An appropriate improvement maintenance guarantee has been posted.
- D. A deed of dedication is provided.

### **23-716 IMPROVEMENTS NOT DEDICATED OR NOT ACCEPTED FOR DEDICATION**

All improvements constructed as required by this Ordinance that **will not** be publicly dedicated or accepted for dedication shall also meet the following requirements:

- A. **Ownership and Maintenance Responsibility/Entity.** A viable entity responsible for ownership and maintenance of all non-dedicated improvements shall be established by the developer and approved by the Mifflinburg Borough Planning Commission. Ownership and maintenance responsibilities may be assigned to either the developer or among the property owners or an association of property owners within the subdivision or land development through the use of a Declaration and other documents approved by the Mifflinburg Borough Planning Commission. Such documents shall be in conformance with the Uniform Planned Community Act of December 19, 1996, No. 180 (68 Pa. C.S.A. 5101) as amended.

- B. **Improvements Benefiting Multiple Lots.** For all non-dedicated improvements that will not be owned and maintained by the developer and are situated on an individual lot or a series of contiguous lots but serve multiple lots, units or the entire subdivision or land development (e.g. stormwater management ponds), the responsibility for ownership and maintenance of such improvements shall be borne by all lot owners benefiting or served and not solely the lot owner on whose lot the improvements are situated.
- C. **Ownership and Maintenance Agreement.** A private agreement suitable for recording in the Union County Recorder of Deeds Office shall be prepared, properly executed, and recorded with the final subdivision or land development plan, shall run with the land, and shall clearly identify the individual or entity responsible for the ownership and maintenance of non-dedicated improvements. The agreement shall be reviewed and approved by the Mifflinburg Borough Planning Commission, Borough Engineer and the Borough and, at a minimum, shall stipulate the following:
1. That the owners, an association of property owners, successors and assigns shall keep all improvements in a safe and attractive manner, and the owners shall convey to the Borough easements and/or rights-of-way to assure access for periodic inspections by the Borough, and maintenance if required.
  2. That if the owners, association of property owners, successors and assigns, fail to maintain the improvements following due notice by the Borough to correct problems, the Borough may perform the necessary work or corrective action. The owners or association of property owners shall reimburse the Borough for these services and any administrative costs. The Borough shall have the authority to assert a judgment lien against the said owners or association of property owners for failure to make the reimbursement(s).
- D. **Deed Reference.** All deeds created for lots that contain non-dedicated improvements shall make clear and specific reference as to the following:
1. Description of all improvements not dedicated;
  2. The individual(s) or entity responsible for ownership and maintenance of the improvements in accordance with Sections 23-716.A, 23-716.B, and 23-716.C of this Ordinance;
  3. The Ownership and Maintenance Agreement as required by Section 23-716.C of this Ordinance.
  4. Terms and conditions of the required maintenance;
  5. Provision that no improvements shall be eliminated or altered without the written approval of the Mifflinburg Borough Planning Commission and the Borough.

6. Provision that in the event improvements are altered, eliminated, or improperly maintained the Borough may prescribe necessary corrective measures and a reasonable time period to perform such work, and that if such action is not taken in the time period specified, the Borough may cause the work to be performed and invoice the ownership and maintenance entity, including the assertion of a judgment lien against it.
7. Provision that all improvements not offered for dedication may be offered in the future if the improvements meet the minimum standards of this and/or applicable Borough ordinances in effect at the time the offer of dedication is made. If the improvements do not conform to the minimum standards in effect, the Borough shall have no obligation to accept the improvements until the improvements are improved to meet the standards, all costs of which shall be borne by the owner, association of property owners, or their successors and assigns.

## **ARTICLE VIII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **23-800 GENERAL**

This Section outlines the procedures for administration and enforcement of this Ordinance as well as procedures for challenges and appeals of decisions rendered under this Ordinance.

#### **23-801 FEES**

- A. The Mifflinburg Borough Council shall establish by Resolution the required subdivision and land development plan application review fees to cover costs incurred by the Borough of Mifflinburg for reviewing and processing applications submitted and determining compliance under this Ordinance.
- B. Review fees shall include but not be limited to covering the expenses and costs of the following:
  1. The Borough of Mifflinburg administrative and technical staff employees involved in the review;
  2. Charges by the Borough of Mifflinburg's professional consultants, including but not limited to expert witnesses, attorneys, engineers, planners or other required specialists for undertaking reviews, reports, field trips, and recommendations, including attendance at necessary meetings and public hearings, for the preparation of any legal or other documents required by the proposed Plan, and also for the inspection of improvements installed by the Applicant;

3. Fees charged to the Borough of Mifflinburg to cover the cost of any review, report or recommendation or application submitted to other appropriate agencies shall also be paid by the applicant; and
  4. Advertising, notices or other expenses incurred in the processing of the proposed Plan.
- C. An initial application fee is due at the time of plan submission and a plan will not be accepted without the applicable review fee. A copy of the most recent Fee Resolution is available from the Planning Commission.
- D. Additional review fees may be required to cover the costs of additional services in excess of the initial fees collected at the time of plan application and may include, but not be limited to the following:
1. Cost of preparation and advertisement of necessary legal or other public notices or ads;
  2. Cost of required stenographic services;
  3. Cost of retaining professional advisors and consultants; and
  4. Cost of the Mifflinburg Borough Engineer and/or other special consultants to review plans and to monitor and inspect improvements both during and after construction.
- E. All fees shall be payable to the Borough of Mifflinburg. A copy of the most recent Fee Resolution is available from the Commission.
- F. Applicable review fees shall be submitted at the time of plan application, and engineering and/or consultant review or inspection fees shall be submitted immediately upon receiving an invoice for such fees.
- G. Fees shall be reasonable, and shall include charges for staff, Borough of Mifflinburg Engineer or other consultants necessary to review plans and to monitor construction and inspect improvements.
- H. An applicant may dispute the amount of review and inspection fees in accordance with the procedures for fee dispute resolution contained in Sections 503(1) and 510(g) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101, et seq.) as from time to time reenacted and amended.

### **23-802 PAST DUE OR UNPAID FEES**

- A. The Mifflinburg Borough Planning Commission shall not accept new applications for subdivision or land development proposals from applicants with past due or unpaid fees until all such payments in arrears are made in full including any accrued interest.
- B. The Mifflinburg Borough Planning Commission shall not approve applications for subdivision or land development submitted by applicants with past due or unpaid fees until all such payments in arrears are made in full including any accrued interest.

### **23-803 MODIFICATIONS**

- A. An applicant may request the grant of a modification by the Mifflinburg Borough Planning Commission to any mandatory provision(s) of this Ordinance.
- B. All modification requests shall be in writing on a Modification Request Form and shall accompany the application for subdivision or land development.
- C. All modification requests shall include the following:
  - 1. Provision(s) of the Ordinance involved.
  - 2. The grounds and facts of unreasonableness or hardship on which the request is based, justification for the modification, and/or evidence of equal or better results.
  - 3. The minimum modification necessary.
- D. The Mifflinburg Borough Planning Commission shall grant modifications if the applicant demonstrates that all of the following criteria which apply are met:
  - 1. That literal compliance with the mandatory provision(s) of the Ordinance is unreasonable or causes unique and undue hardship as it applies to the particular land being developed or subdivided.
  - 2. The need for the modification is not a self-created hardship.
  - 3. The modification request is not based upon an economic justification.
  - 4. The granting of the modification will not detract from the character of the surrounding area and will not be contrary to the public interest.
  - 5. The modification is the minimum necessary.
  - 6. The modification can be demonstrated to provide equal or better results.

- E. In granting modifications, the Commission may impose such conditions as will, in its judgment, encourage innovative design and/or secure substantially the objectives of the standards and requirements of this Ordinance.
- F. The applicant shall note all modifications granted on the plan.
- G. Mifflinburg Borough Planning Commission staff shall not have the authority to grant modifications to this Ordinance.

### **23-804 RIGHT TO CHALLENGE AND APPEAL**

- A. **Appeal of Staff Decisions.** Any applicant or person aggrieved by a finding, decision, or recommendation by staff with respect to approval or disapproval of a plan may appeal the action to the Mifflinburg Borough Planning Commission at its next scheduled meeting if a Staff Action Appeal Form is filed fifteen (15) days prior to the meeting date.
- B. **Appeal of Commission Decisions.** Any applicant or person aggrieved by a finding, decision, or recommendation of the Commission with respect to the approval or disapproval of a plan or modification request may appeal to the Union County Court of Common Pleas as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 11001-A, et seq.) as from time to time reenacted and amended.
- C. **Mediation.** As an alternative to an adjudicatory appeal of a Mifflinburg Borough Planning Commission decision, an applicant may request the use of mediation as an aid in resolving the dispute. The Mifflinburg Borough Planning Commission is not obligated in any manner to approve the mediation option, and the merits of such requests shall be evaluated on a case-by-case basis. Participation in mediation shall be wholly voluntary by the parties, and shall not be interpreted as expanding or limiting police powers or as modifying any principles of substantive law. Mediation, when approved by the Mifflinburg Borough Planning Commission, shall be conducted as follows:
  - 1. The parties must develop and agree to terms and conditions of funding mediation.
  - 2. The selected mediator shall be agreed upon by both parties and at a minimum shall have a working knowledge of subdivision and land development procedures and demonstrated skills in mediation.
  - 3. The parties shall agree on time limits for completing mediation.
  - 4. The parties may negotiate and agree upon suspending time limits otherwise authorized by this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101, et seq.) as from time to time reenacted and amended.

5. All parties with an interest in the mediation shall be identified and afforded an opportunity to participate.
6. Subject to legal constraints, the parties shall determine whether some or all of the mediation sessions shall be open or closed to the public.
7. Parties shall assure that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Mifflinburg Borough Planning Commission.
8. Parties agree that offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceeding.

### **23-805 RECORDS**

The Mifflinburg Borough Planning Commission shall keep for the public record a written record of all activity related to plans upon which action is taken, including all requests for and action taken on modification.

### **23-806 RIGHT OF ENTRY**

Upon presentation of proper credentials, duly authorized representatives of the Borough of Mifflinburg and/or Mifflinburg Borough Planning Commission may enter at reasonable times upon any property under jurisdiction of this Ordinance to inspect the condition of the properties, facilities, and improvements in regard to any aspect regulated by this Ordinance.

### **23-807 ORDINANCE VIOLATIONS**

- A. **Discovery of Violation.** Upon discovery of an alleged violation of this Ordinance, the Mifflinburg Borough Planning Commission shall notify the municipality in which the affected property is located of the unlawful action and shall request that the Borough of Mifflinburg refuse to issue any permit or grant any approval necessary to further improve or develop the property.
- B. **Written Notice.** The Mifflinburg Borough Planning Commission shall notify an applicant, developer, and/or property owner of violations of this Ordinance in writing, by certified mail “return receipt requested” or by hand carried delivery, immediately upon being made aware of such violations. Notices of violation issued by the Mifflinburg Borough Planning Commission shall state the facts pertaining to the violation, cite those provisions of the Ordinance in violation, specify a time within which the violation shall be corrected in order to prevent further enforcement action, and indicate the applicants’ right to an appeal.

- C. **Cease and Desist.** Any person, partnership, or corporation notified of a violation of this Ordinance shall immediately cease and desist such activity until the matter is resolved by the Mifflinburg Borough Planning Commission's satisfaction.

### **23-808 PREVIOUS VIOLATIONS**

- A. Where an application is proposed for a tract of land, portions of which have previously been subdivided or developed in violation of this Ordinance or the Borough of Mifflinburg Land Subdivision and Development Ordinance of June 17, 1969, as amended, such application shall include a description and plan detailing all previous lots sold or transferred without proper approval.
- B. The Mifflinburg Borough Planning Commission reserves the right to require that all lands subdivided or developed without proper approval of the Mifflinburg Borough Planning Commission meet the minimum standards of this Ordinance.
- C. The Mifflinburg Borough Planning Commission further reserves the right to review, approve, or disapprove all subdivisions and land developments already recorded in the Union County Recorder of Deeds Office located in the Borough of Mifflinburg if such plans do not meet the minimum requirements of this Ordinance, were recorded without prior review or approval of the Commission, and/or do not meet applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101, et seq.) as from time to time reenacted and amended.

### **23-809 PREVENTIVE REMEDIES**

- A. **Authority to Initiate Court Action.** In addition to other remedies the County may institute and maintain appropriate actions in law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure or premise. The description by metes and bounds in the instrument of transfer, or other documents used in the process of selling or transferring, shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. As provided by Section 515.1(b) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10515.1(b), et seq.) as from time to time reenacted and amended, the Mifflinburg Borough Planning Commission may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or the Borough of Mifflinburg Land Development and Subdivision Ordinance of June 17, 1969 as amended. This authority to deny such permit or approval shall apply to any of the following applicants:
  - 1. The owner of record at the time of such violation.

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

### **23-810 INJUNCTIONS**

The Mifflinburg Borough Planning Commission and staff shall have the power and authority to seek legal redress by an action for injunction brought before the appropriate court of equity, jurisdiction to enjoin such transfer, sale or agreement to transfer or sell, and/or to enjoin any type of construction or improvement by an applicant or landowner where a violation of this Ordinance has occurred, and to enjoin the Register and Recorder of Deeds from the recordation of any unapproved subdivision or land development plan or deed of sale made in violation of this Ordinance.

### **23-811 ENFORCEMENT REMEDIES**

- A. Any person, partnership, or corporation who or which has violated any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough of Mifflinburg, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Borough of Mifflinburg as a result thereof.
- B. No judgment shall commence or be imposed, levied, or payable until the date of determination by a District Justice.
- C. If the defendant neither pays nor appeals the decision in a timely manner, the Borough of Mifflinburg, by or through its agent the Mifflinburg Borough Planning Commission, may enforce the judgment pursuant to the applicable rules of civil procedure.
- D. Each day that a violation continues shall constitute a separate violation, unless the District Justice or the Judge of the Union County Court of Common Pleas, determining

that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation. In that event, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the District Justice or the Judge of the Union County Court of Common Pleas, and thereafter each day that a violation continues shall constitute a separate violation.

- E. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Borough of Mifflinburg.
- F. The Union County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending final adjudication of the violation and judgment.
- G. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough of Mifflinburg and its agent, the Mifflinburg Borough Planning Commission, the right to commence any action for enforcement pursuant to this Section.