

CHAPTER 22 OF THE CODE OF FOUNTAIN HILL

SUBDIVISION AND LAND DEVELOPMENT

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Part 1

General Provisions

§101. Title.

An ordinance providing for the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots, or replots of land laid out in building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on all streets and required dedications; the administration of this Chapter by the Fountain Hill Planning Commission and the Fountain Hill Borough Council; and, enforcement remedies for the violation of this Chapter pursuant to the authority set forth in the Pennsylvania Municipalities Planning Code, as reenacted December 21, 1988, P.L. 1329, No. 170, as amended, (hereinafter referred to as the "MPC").

§102. Short Title.

This Chapter shall be known, and may be cited as, the "Fountain Hill Borough Subdivision and Land Development Ordinance" and shall serve as Chapter 22 of the Codified Ordinances of Fountain Hill. When referenced as part of the Codified Ordinances, "22 -" should appear before each section number.

§103. Purpose.

The purpose of this Chapter is to create conditions favorable to the health, safety, morals and general welfare of the citizens of Fountain Hill Borough by:

- A. Ensuring sites suitable for building purposes and human habitation.
- B. Providing for the harmonious development of the Borough.
- C. Securing adequate sites for recreation, conservation, historic, scenic and other open space purposes.
- D. Providing for proper distribution of population.
- E. Facilitating the efficient movement of traffic.
- F. Encouraging well-planned subdivisions by establishing adequate standards for design and improvement.
- G. Improving land records by establishing standards for surveys and plans.
- H. Safeguarding the interests of the public, the homeowner and the subdivider.
- I. Ensuring the equitable handling of all subdivision and land development plans by providing uniform procedures and standards.
- J. Providing for the submittal and processing of plats and specifications for such plats, including provisions for sketch plan reviews, preliminary and final plan approvals and the processing of final approval by stages or sections of development.
- K. Providing regulations for ensuring that the layout or arrangement of the subdivision or land development conforms to the Comprehensive Plan and

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to regulations or maps adopted in furtherance thereof; streets in and bordering a subdivision or land development shall be coordinated, and be of such width and grades and in such locations as deemed necessary to accommodate traffic, and facilitate fire protection; adequate easements or rights-of-way shall be provided for drainage and utilities; reservations, if any, by the developer of any area designated for use as public grounds shall be of suitable size and location for their designated uses; and 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 such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.

- L. Providing regulations governing the standards by which streets shall be graded and improved, and the manner in which walkways, curbs, gutters, street lights, fire hydrants, water distribution, storm and sanitary sewerage system facilities and other improvements shall be installed as a condition precedent to final approval of plats.
- M. Providing regulations which take into account land development not intended for the immediate erection of buildings where streets, curbs, gutters, street lights, fire hydrants, water distribution, storm and sanitary sewerage system facilities and other improvements may not be possible to install as a condition precedent to final approval of plats, but where final approval may be given after the developer provides the Borough with acceptable financial performance security in an amount sufficient to cover the costs of all required improvements for the phase of the proposed development which is under consideration for final approval.

§104. Application.

1. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer or water main, gas, oil, or electric transmission line, 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 this Chapter.
2. No lot in a proposed subdivision or land development may be sold, transferred or otherwise conveyed, and no final permit to erect any building upon land in a subdivision or land development may be issued unless and until:
 - A. A final plan has been approved and recorded; and,
 - B. Either:
 - (1) The Borough has been assured by means of a developer's improvement, maintenance, security and indemnification agreement, and acceptable financial security has been posted with the Borough that the improvements will subsequently be installed.
 - (2) The required improvements in connection therewith have been actually constructed and approved by the Borough.
3. The regulations of this Chapter shall apply to any subdivision or land development.

4. No subdivision or land development shall be granted preliminary, preliminary/final or final approval unless and until the subdivision or land development complies with all applicable provisions of the Borough Zoning Ordinance, or any required zoning approvals or zoning variances have been granted by the Borough Zoning Hearing Board. Any zoning variances or zoning approvals granted by the Borough Zoning Hearing Board shall be noted on the subdivision or land development plan.

§105. Approved Subdivision and/or Land Development.

1. From the time an application for approval of a plan, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the Borough zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect 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 years from such approval.
2. If final plan approval is preceded by preliminary plan approval, the five year period shall be counted from the date of the preliminary plan approval.

§106. Interpretation.

1. Standards.
 - A. The provisions of this Chapter shall be interpreted and applied as minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
 - B. Where provisions, standards, and specifications of this Ordinance conflict with those of any Federal or State statute, other ordinance or regulation of the Borough, the greater restriction shall be controlling unless specified to the contrary.
2. Illustrations. The illustrations in this Chapter are not a part of the Ordinance, but are included for purposes of explanation and clarification.

§107. Revised Plans, Alternate Plans, Resubdivisions and Lot Consolidation Plans.

1. Revised Plans Submitted Prior to Plan Approval or Rejection.
 - A. Until a submission is approved or rejected by the Planning Commission, the applicant may withdraw the submission (or a part thereof) and submit a revised plan following the submission and review procedures which apply to that plan.
 - B. No submission fee shall be charged for any revised plan, provided that the revised plan submission substantially follows the scheme and layout of the original submission and/or is being submitted in order to comply with conditions and recommendations suggested or imposed by the Borough. The Borough may require that an escrow account be replenished if additional funds are needed for reviews.
 - C. Any revised plan (and any subsequent revised plan) which is substantially different from the original plan submission with respect to, among other things, lot layouts, street layouts, etc., and is not being submitted in order to comply with conditions and recommendations suggested or imposed by the

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Borough, shall be considered a new plan submission requiring the payment of a new submission fee and an additional deposit into the escrow account.

2. Revised Plans Submitted After Plan Approval. Any revised plan that is submitted after Borough approval of the original plan submission and is not substantially different from the original plan shall be labeled a revised plan. Any such revised plan, however, shall follow the review procedures for a new plan submission and shall require the payment of a new submission fee and payment into an escrow account.
3. Alternate Plan. If the applicant submits a plan for the subdivision or development of the same lands which are the subject of a pending submission and the applicant does not withdraw the pending submission, the newly submitted plan shall be considered an alternate plan for which a new submission fee shall be required and payment into an escrow account.
4. Resubdivision. Except as hereinafter provided, the revision of a recorded or final subdivision or land development plan approved by the Planning Commission which involves only a change in any existing lot line and does not involve the creation of any new street or any extension of or improvements to an existing street or any municipal water, sewer or other facility, shall not be considered a new subdivision, but rather, shall be deemed a resubdivision. Any replatting of land on an approved and/or recorded final subdivision or land development plan resulting in the creation of new lots, the creation of any new streets or access easements, any extensions or improvements to an existing street, or any changes to or extensions of public facilities, shall be considered a new subdivision or land development plan which shall be subject to the requirements of this Chapter.
5. Lot Consolidation Plan. When the intent of a plan is to consolidate two or more lots into one lot and when no new lot lines or easements or changes to existing easements are proposed and when no new streets or extensions or improvements to any existing streets or public improvements are proposed, then the applicant in lieu of a resubdivision plan may submit the proposed lot changes in a lot consolidation plan. A lot consolidation plan is a simplified plan reviewed and approved by the Planning Commission.

§108. Keeping of Records.

The Borough Planning Commission and the Borough staff shall keep a record of their findings, decisions and/or recommendations relative to all subdivision, land development, resubdivision and lot consolidation plans filed for review. Such records shall be made available to the public for review.

§109. Responsibility.

The applicant, subdivider or land developer shall be responsible for observing the procedures established in this Chapter, and for submitting all plans and documents as may be required in order to comply with this Chapter and applicable State law.

Part 2
Definitions

§201. Definitions.

1. General Interpretation. For the purposes of this Part, words and terms used herein shall be interpreted as follows:
 - A. Words in the present tense shall include the future tense.
 - B. The singular shall include the plural, and the plural shall include the singular.
 - C. The masculine gender shall include the feminine and the neuter, and vice-versa.
 - D. The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
 - E. If a word is not defined in this Part, but is defined in the Borough Zoning Ordinance, as amended, the definition in that ordinance shall apply. If a word is not defined in this Part, but is defined in the Borough Stormwater Management Ordinance, as amended, the definition in that ordinance shall apply.
 - F. Any word or term not defined in this Chapter, the Zoning Ordinance or the Stormwater Management Ordinance shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary may be consulted.
 - G. The terms "person," "subdivider," "developer" and "landowner" shall include an individual, a corporation, an unincorporated association, a partnership, an organization or other legal entity which is recognized by law as the subject of rights and duties.

2. Definitions. When used in this Chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

ACCESS DRIVE or ACCESSWAY – a privately owned, constructed and maintained vehicular access roadway accessing more than one dwelling unit or more than one commercial, institutional, or industrial principal use. See also "Driveway."

ACCESS EASEMENT – a length of land that is designated for vehicle and/or pedestrian access to a lot and that is not a public street, and that legally and permanently guarantees the right for occupants of a certain lot(s) or building(s) to traverse such easement across property that such occupants may not own in order to reach a street.

ALLEY – a private minor right-of-way providing secondary access to the side or rear of one or more properties but which shall have a maximum right-of-way width of 20 feet.

APPLICANT – a landowner or developer, as hereinafter defined, who has filed an application for a subdivision, resubdivision, lot consolidation or land development, including his heirs, successors and assigns.

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BLOCK – property bounded on one side by a street, and on the other three sides by a street, railroad right-of-way, public park, watercourse, Borough line, tract of land held in separate ownership, or any combination thereof. The length shall be measured from centerline to centerline of intersecting streets.

BOROUGH – the Borough of Fountain Hill, Lehigh County, Pennsylvania.

BOROUGH COUNCIL – the Borough Council of Fountain Hill Borough, Lehigh County, Pennsylvania.

BUILDING – any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials that has a total volume under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a porch with a permanent roof or carport) that is attached to a principal building shall be considered to be a part of that principal building.

BUILDING SETBACK LINE – see "Setback Line."

CARTWAY (ROADWAY) – the paved portion of a street right-of-way intended for vehicular use and on-street parking, but not including the shoulder of the street.

CLEAR SIGHT TRIANGLE – an area to be kept free of visual obstruction. Refer to §803(3) of the Fountain Hill Borough Zoning Ordinance for specific requirements.

COMPREHENSIVE PLAN – a general plan for the future growth, protection and development of a municipality, County or region. The document titled "Fountain Hill Comprehensive Plan," or any part thereof, adopted by the Borough Council.

CONSTRUCTION – includes the placing of construction materials in a permanent position and fastening in a temporary or permanent position, or the demolition of a pre-existing building.

COUNTY – Lehigh County, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION – the Lehigh Valley Planning Commission of Lehigh-Northampton Counties, Pennsylvania.

CROSSWALK (INTERIOR WALK) – A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

DEDICATION – an offer or tender of title to land by its owner for any public use.

DEP – the Pennsylvania Department of Environmental Protection.

DESIGNATED STAFF PERSON – the Borough Staff person who is given the primary responsibility of administering this Ordinance.

DEVELOPER – any landowner, or agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision, a land development or a resubdivision of land including the deletion of any lot line.

DEVELOPER'S IMPROVEMENTS AGREEMENT – an agreement, in a form and manner acceptable to the Borough, requiring a developer to install and, for an 18 month period after installation as approved by the Borough, to maintain the

improvements required by this Chapter and any improvements or amenities which appear on the plan in accordance with the requirements of this Chapter, and, further, to provide financial security for the construction of the improvements and to provide indemnification to the Borough.

DRIVEWAY -- a privately owned, constructed, and maintained vehicular access from a street or access drive to only one dwelling unit, commercial unit, institutional or industrial principal use. See also "Access Drive."

DWELLING (RESIDENCE, RESIDENTIAL STRUCTURE) -- a building used as non-transient living quarters and containing one or more dwelling units. The term dwelling shall not be deemed to include recreational vehicle, rooming or boarding house, bed and breakfast home, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house. Refer to the Zoning Ordinance of Fountain Hill Borough for definitions of specific types of dwellings or dwelling units.

EASEMENT -- authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

ENGINEER -- a licensed professional engineer registered in the Commonwealth of Pennsylvania.

GRADE -- describing the elevation of the finished surface of an Engineering project, and also the rise or fall in 100 feet of horizontal distance.

LAND DEVELOPMENT -- any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for, the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) The following shall be excluded from the definition of "Land Development":
 - (a) The conversion of an existing single family dwelling or a single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - (b) Commercial communication towers and their accessory structures.
 - (c) The addition of an accessory building on a lot subordinate to an existing principal building.

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

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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. Refer to the Zoning Ordinance of Fountain Hill Borough for specific definitions of "lot area," "lot depth," "corner lots," "interior lots," "flag lots," "through lots" and "reverse frontage lots."

LOT CONSOLIDATION – the deletion of a lot line for the purpose of joining or annexing a lot to an adjacent lot, parcel, or tract of land shall be deemed a lot consolidation. For any lot consolidation plan, a unification or consolidation deed, containing one perimeter property description of the united lots, shall be recorded at the County Recorder of Deeds following approval of the lot consolidation, and evidence of the recording shall be submitted to the Borough.

LOT LINES – the property lines bounding the lot. See the Zoning Ordinance for specific definitions of "front, side, and rear lot lines," "lot width."

LVPC – the Lehigh Valley Planning Commission, or its successor organization that serves as the Planning Commission for Lehigh County.

MAINTENANCE AGREEMENT – an agreement, in a form and manner acceptable to the Borough, requiring the developer of public improvements to make any repairs or reconstructions and to maintain such improvements for a period not to exceed 18 months from the date of the developer's completion of such improvements to Borough standards and the Borough's inspection and certificate of acceptance of such improvements.

MAINTENANCE GUARANTEE – the financial security which is acceptable to the Borough (including, but not limited to, irrevocable letters of credit, restrictive or escrow accounts) to secure the promise made by a developer in the maintenance agreement that dedicated improvements shall be maintained by the developer.

MONUMENT – a stone or concrete monument with a flat top at least four inches in diameter or square and at least 24 inches in length. Stone monument shall contain an indented cross or 1/4 inch drill hole. Concrete monuments shall contain a copper or brass dowel (plug).

MPC - the Pennsylvania Municipalities Planning Code, as amended.

OPEN SPACE – the area of a lot unoccupied by principal or accessory structures, driveways, or parking areas, but may include areas occupied by walkways, patios and porches without roofs, and other areas occupied by outdoor recreation or play apparatus, gardens and trees.

OPEN SPACE COMMON – a parcel or parcels of land, or an area of water, or a combination of land and water within a tract:

- (1) Designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- (2) Which has an approved system for perpetual maintenance.
- (3) Is deed restricted to permanently prevent the use of land for uses other than common open space.
- (4) Which does not include any of the following:
 - (a) Street rights-of-way as approved or to be dedicated.

- (b) Accessways.
- (c) Buildings, (other than accessory buildings and pools clearly intended for non-commercial recreation).
- (d) Off-street parking, (other than clearly intended for non-commercial recreation).
- (e) Any area needed to meet a requirement for an individual lot.
- (f) Any area deeded over to an individual property owner for their own use or land within 25 feet of overhead electrical transmission lines or towers of 35 kilovolts or greater capacity.

ORDINANCE – this Chapter and any provisions or amendments thereof, enacted by the Borough Council.

PADEP - the Pennsylvania Department of Environmental Protection.

PARCEL -- a tract, lot or area of land.

PARKING FACILITIES – outdoor areas or specially designed buildings or garages used for the parking or temporary storage of vehicles.

PERFORMANCE GUARANTEE – financial security which is acceptable to the Borough (including, but not limited to, irrevocable letters of credit, restrictive or escrow accounts) to secure the promise made by a developer in the development improvement agreement that certain improvements shall be made by the developer.

PLAN (or PLAT) – a map of a land development, a subdivision, a resubdivision of land, or a lot consolidation or lot line deletion.

- (1) SKETCH PLAN. An informal plan, identified as such with the title Sketch Plan on the map, indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development.
- (2) PRELIMINARY PLAN. A complete plan, identified as such with the title Preliminary Plan, accurately showing proposed streets and lot layout and such other information as is required by this Chapter.
- (3) FINAL PLAN. A complete and exact plan, identified as such with the title Final Plan, prepared for official recording as required by this Part to define property rights and proposed streets and other improvements.
- (4) PRELIMINARY/FINAL PLAN. A complete and exact plan, identified as such with the title Preliminary / Final Plan, prepared for official recording and review by the Planning Commission as required by this Part for minor subdivisions, resubdivisions or lot consolidation plans.
- (5) RECORD PLAN. The copy of the final plan which contains all the original required endorsements and certifications and which is recorded with the Lehigh County Recorder of Deeds.
- (6) AS-BUILT PLAN. A complete and exact plan, identified as such with the title "As-Built Plan," prepared for the Borough's permanent streets, water lines, sanitary sewer, storm sewer mains and lines, and drainage facilities and any other public utilities which are to be conveyed or transferred to the Borough.

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PLANNING COMMISSION or BOROUGH PLANNING COMMISSION - the Planning Commission of the Borough of Fountain Hill, Lehigh County, Pennsylvania.

PROPERTY LINE - has the same meaning as "lot line."

RESUBDIVISION - any replatting of land which involves a change of any existing lot line and does not involve the creation of any additional lot or lots, the creation of any new street or any extension of or improvements to an existing street.

RIGHT-OF-WAY - land reserved for the public or others for future use as a street or other public purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line that is dedicated or approved to be dedicated.

RIGHT-OF-WAY, EXISTING or LEGAL - the area within an established official street right-of-way that is owned by the Borough or PennDOT, or will be owned by such entity after the completion of any proposed subdivision, land development or development of a use under this Chapter.

RIGHT-OF-WAY, FUTURE - land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way," "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. If a future right-of-way is not required to be defined, then "future right-of-way" shall have the same meaning as "existing right-of-way."

ROADWAY - see "cartway."

SANITARY FACILITIES - all of the following: sink with piped water, a toilet, and a bathtub or shower with piped water.

SANITARY SEWAGE DISPOSAL, ONLOT - any privately owned structure designed to biochemically treat and dispose of sanitary sewage within the boundaries of an individual lot.

SANITARY SEWAGE DISPOSAL, CENTRALIZED COMMUNITY - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant generally serving a neighborhood area or development.

SANITARY SEWAGE DISPOSAL, CENTRALIZED PUBLIC - a sanitary sewerage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant operated via a public agency.

SANITARY SEWER CONNECTION - the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of a dwelling or building to the inlet of the street or main collector sewer pipe of the sewerage system serving the subdivision or land development.

SEPTIC TANK - a covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid and gaseous states to facilitate further treatment and final disposal.

SETBACK LINE -

- (1) The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent street right-of-

way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the lot line.

- (2) Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way or lot line from which the setback is being measured. See exceptions in the Zoning Ordinance.
- (3) Unless otherwise stated, setback distances are for both accessory and principal structures.
- (4) Private Streets. For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

SIDEWALK – a pedestrian accessway which is adjacent to a street, access drive, or driveway and conforms to the regulations of this Chapter.

SIGHT DISTANCE – the distance along a roadway that an object of specified height is continuously visible to the driver. This distance is dependant on the height of the driver's eye above the road surface, the specified object height above the road surface, and the height of sight obstructions within the line of sight.

SITE ALTERATION – includes regrading existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

SOIL CONSERVATION DISTRICT – the Soil and Water Conservation District for Lehigh County.

SOIL PERCOLATION TEST – a field test conducted to determine the absorption rate of the soil at a given location and depth for onlot sanitary sewage disposal facilities.

SOIL SURVEY – a scientific survey of soil conditions and characteristics prepared by an engineer or soil scientist and approved or certified by the U.S. Soil Conservation Service.

SOIL TEST PROBE – an excavation to determine whether sufficient suitable soils are present for an onlot sanitary sewage disposal facility.

STREET – a public or private thoroughfare which affords the principal means of access to abutting property, including any avenue, boulevard, parkway, lane, highway, freeway, road and any other ways, used or intended to be used by vehicular traffic or pedestrians. This term shall not include an "alley."

STREET, PUBLIC – a street that is owned and maintained by Fountain Hill Borough or PennDOT.

STREET CLASSIFICATION:

- (1) **ARTERIAL STREET.** A street designed to carry large volumes of through traffic for the connection of residential areas and for circulation outside the residential area. Normally controlled by traffic signs and signals. The only arterial streets are Broadway and Delaware Avenue.
- (2) **COLLECTOR STREET.** A street designed to carry moderate volumes of traffic between local streets and arterial streets, and provides only limited vehicular

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access to abutting properties. Traffic on these streets is normally controlled by signs. The collector streets are Dodson Street, Lechauweki Avenue, Smiley Avenue, Norway Place, Greene Court, Lynn Street, Bergen Street, Hoffert Street, Clewell Street, Bishop Thorpe Street, River Road/Riverside Dr., St. Luke's Place, Church Street, Senegal Street, Ostrum Street north of St. Luke's Place, and the proposed new road being built from Riverside Dr./River Rd. to Ostrum St..

- (3) **LOCAL STREET.** A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.
- (a) **CUL-DE-SAC STREET.** A street which is designed to remain permanently closed at only one end. For the purpose of this definition, the length of a cul-de-sac shall be measured along the centerline of the cul-de-sac from the point where the centerline terminates within the turnaround to the right-of-way line of the street with which the cul-de-sac intersects. Where one cul-de-sac street connects with another street that has only one point of access with another public road besides the first cul-de-sac, both streets shall be considered to be one single cul-de-sac system. The length of the cul-de-sac system shall be equal to the longest length from the single point of access of the entire system to the public road system to the center of any turn-around.
- (b) **LOOP STREET.** A loop street is a local street that has its only ingress and egress at two points on the same adjoining street.

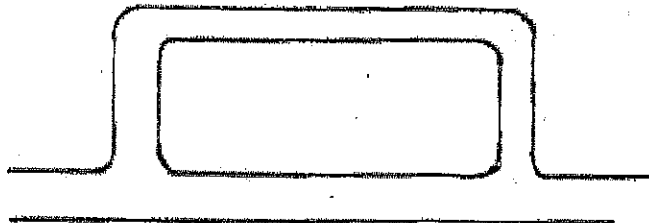


DIAGRAM D. LOOP STREET

- (c) **MARGINAL ACCESS STREET.** A marginal access street is a local street which is parallel and adjacent to collector or arterial streets and provides access to abutting properties.
- (4) **SERVICE STREET.** A non-dedicated minor right-of-way for public use providing primary or secondary access to nonresidential properties.
- (5) **THROUGH STREETS.** A street which is not a cul-de-sac or dead-end street.

STRUCTURE – any manmade object having an ascertainable, stationary location on, below, or in land or water, whether or not affixed to the land. The term "structure" shall, inter alia, include: building, sign, fence, wall, garage, carport, stadium, platform, walkways, storage sheds, tower, swimming pool, porch or deck that is covered by a roof and similar structures. "Structure" shall be interpreted as including the words "or part thereof."

SUBDIVIDER – see "Developer."

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 division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, or any residential dwelling, shall be exempt.

- (1) MINOR SUBDIVISION - any subdivision which involves the creation of no more than four lots for residential purposes only, and does not involve the creation of any new street or the extension of an existing street that was not previously approved.
- (2) MAJOR SUBDIVISION - any subdivision which does not constitute a minor subdivision.

SUBDIVISION, NATURAL - any tract or parcel of land divided into two or more separate areas by one or more public streets.

SURVEYOR - a licensed surveyor registered by the Commonwealth of Pennsylvania.

TRACT - a parcel of land, the dimensions and extent of which are determined by the latest official records or by the latest approved recorded map of a subdivision of which the tract is a part. A tract may include lands covered by more than one legal description.

USE - the purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

WATERCOURSE - a discernable, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow. The term "watercourse" shall include rivers, streams, creeks, rivulets, channels, lakes, a ditch, a drain, a dry run, springs, ponds, dammed waters, wetlands and all other bodies or channels of conveyance of surface and underground waters.

WATER DISTRIBUTION SYSTEM, ON-SITE - a system for supplying and distributing water to one or more habitable units located on a lot from a source located on the same lot.

WATER DISTRIBUTION SYSTEM, COMMUNITY - a system for supplying and distributing water to one or more dwelling units or buildings located on one or more lots from a common source and/or buildings, within a single neighborhood.

WATER CONNECTION - the connection consisting of all pipes, fittings and appurtenances from the water pipe to the inlet pipe to the distribution system within the dwelling or nonresidential unit.

WATER DISTRIBUTION SYSTEM, PUBLIC - a system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

WETLAND - an area of land and/or water meeting one or more definitions of a wetland under Federal and/or Pennsylvania statutes or regulations.

SUBDIVISION AND LAND DEVELOPMENT

YARD – an open space on the same lot with a structure (or a group of structures) which lies between the required building setback lines and the lot lines and which is unoccupied and unobstructed from the ground upward except as permitted in the Borough Zoning Ordinance .

- (1) **FRONT YARD** - An open, unoccupied space, open to the sky, between the front property line and a line drawn parallel thereto at such distance therefrom as may be specified for any zoning district, and extending for the full width of the lot.
- (2) **SIDE YARD** - An open, unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified for any zoning district and extending from the required front yard setback to the required rear yard setback.
- (3) **REAR YARD** - An open, unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified for any zoning district and extending the full width of the lot.

Part 8

General Procedures

§301. Purpose.

This Part provides an overview of the general procedure for the review of proposed subdivisions and land developments (§302) and of the general procedures for submitting plans to the Borough (§303). This Part is intended to be instructional and exemplary only and does not set forth mandatory requirements which are binding on the Borough or an applicant.

§302. General Procedure for Subdivisions and Land Developments.

1. Review and Approval Stages:

- A. Four types of plan submission are included in the procedure for approval of subdivision and land development plans: sketch, preliminary, final and preliminary/final.
- B. These plans enable the Planning Commission to have an adequate opportunity to review the submission and to ensure that their formal recommendations are reflected in the final plan which is recorded.
- C. The table below outlines the stages for the different types of proposed subdivision or land development.

| Stage | Part of this Ordinance | Type of Proposed Subdivision or Land Development* | | |
|--|------------------------|---|-------------------|---|
| | | Land Development | Major Subdivision | Minor Subdivision, Resubdivision or Lot Line Adjustment |
| Sketch Plan | 4 | Recommended | Recommended | Recommended |
| Preliminary Plan * | 5 | Required* | Required* | Not Required |
| Final Plan | 6 or 7 | Required | Required | Required - See Part 7 |
| Guarantee of Improvements Installation | 8 | | | |
| Recording of Final Plan | 9 | | | |

* If a land development involves 5,000 square feet or less of new building floor area, a combined preliminary/final plan may be submitted.

2. Sketch Plan.

- A. While sketch plans are not required, it is recommended that they be submitted for major subdivision and land development plans so as to allow the applicant to consult early and informally with the Planning Commission and, in some circumstances, with the Borough Council, before preparing a preliminary and/or final plan in an effort to resolve potential development difficulties and avoid unnecessary engineering and other expense and delay.

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- B. Comments made by Borough officials on the sketch plan are not binding upon the Borough.
3. Preliminary Plan: Major Subdivisions and Land Development.
- A. Except for any sketch plan which is submitted, the initial plan submitted for formal review of a major subdivision or land development shall be considered the official preliminary plan.
 - B. The purpose of the preliminary plan is to achieve formal approval of the overall development scheme proposed in order to minimize the need for any revisions of final plans.
 - C. If a Land Development only involves 5,000 square feet or less of new building floor area, it may be submitted as a combined Preliminary/Final Plan.
4. Final Plan: Major Subdivisions and Land Developments.
- A. After approval of the preliminary plan of a major subdivision or land development, the applicant submits a final plan.
 - B. The purpose of the final plan is to obtain formal approval before plans for all major subdivisions and land developments are recorded.
5. Preliminary/Final Plan; Minor Subdivisions, Resubdivisions, and Lot Consolidations.
- A. The applicant submits a preliminary/final minor subdivision plan or a preliminary/final resubdivision plan or a preliminary/final lot consolidation plan to the Planning Commission.
 - B. The purpose of the preliminary/final plan is to secure formal approval by the Planning Commission, as the sole reviewing and approving body, before plans for minor subdivisions, resubdivisions, or lot consolidations are recorded.
6. Guarantee of Improvements Installation. Before approving any subdivision or land development plan for recording, the Borough Council shall require that the Borough be assured (by means of a proper developer's improvements agreement with performance guarantee) that the improvements required by this Part will subsequently be installed in strict compliance with the standards and specifications of this Part.

Part 4
Sketch Plan

§401. Purpose.

The purpose of the sketch plan is to establish in advance the overall objectives of the applicant, the extent to which the proposed plan conforms with the provisions of this Part, and if such plan qualifies as a minor or major subdivision or a land development.

Applicants are strongly encouraged to submit sketch plans because they can often save an applicant substantial time and expense. This is because a sketch plan review can often avoid the need for re-engineering of plans during the preliminary or final plan stages, by making applicants aware of issues early in the process.

§402. Submission and Review Procedure.

1. Submission.

- A. Copies of a sketch plan for a proposed subdivision or land development may be submitted to the Borough by the applicant, subdivider or developer, or his/her representative, authorized to submit the plan.
- B. It is requested that a sketch plan be submitted to the Borough at least 25 calendar days prior to a regularly scheduled Planning Commission meeting, with a copy of the application form (Appendix A).
- C. All sheets for any submitted plan should be folded or rolled so that the title of each plan appears in the upper or lower right hand corner of the sheet.
- D. Plans shall fully comply with §403 of this Part.
- E. The Borough Staff should provide a copy to the Borough Engineer. If a project is expected to have significant impacts, the Borough may also send the sketch plan to the LVPC and/or an adjacent municipality for an advisory review.

2. Review by the Borough Planning Commission.

- A. When a sketch plan has been submitted, such plan should be reviewed by the Borough Planning Commission.
- B. If the project involves issues involving Borough streets, other Borough improvements or other items of concern, the sketch plan should also be provided to the Borough Council for a review.
- C. The sketch plan review is an informal advisory process. The Borough is not bound by comments made at the time of sketch plan review. The Borough does not commit to making an applicant aware of all issues or requirements at the time of sketch plan review.

§403. Sketch Plan Information.

1. Information. All sketch plans should contain the following information:

- A. Name and location of subdivision or land development.

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- B. Names and addresses of:
- (1) Landowner, (legal and equitable, if any).
 - (2) Developer.
 - (3) Individual responsible for preparing the sketch plan.
- C. Location map.
- D. General Information:
- (1) North arrow.
 - (2) Graphic scales.
 - (3) Date of plan.
 - (4) Site boundaries.
 - (5) Boundaries with adjoining properties.
- E. Zoning District Name.
- F. Proposed Layout:
- (1) Total acreage of site and/or width and length in feet.
 - (2) Proposed general lot layout.
 - (3) Proposed general street layout.
 - (4) Number of units and types of buildings proposed.
 - (5) Any proposed open space areas and recreation areas.
- G. Location of Natural Features
- (1) Highlighting direction of drainage and approximate areas of steep slopes.
 - (2) Watercourses, lakes, any known or suspected wetland areas, approximate
 - (3) Wooded areas and tree masses.
 - (4) Any area of a suspected sinkhole
- H. Location of Existing Man-made Features.
- (1) Street names and width of adjacent street and alley cartways.
 - (2) Existing buildings
 - (3) Any building on the site that is regulated by the historic building provisions of the Zoning Ordinance that is proposed to be partly or entirely demolished.
 - (4) Approximate location of any adjacent sewer lines or water lines and overhead electric transmission lines

Part 5

Preliminary Plan Procedures For Major Subdivision and Land Development

§501. Purpose.

The purpose of the preliminary plan is to achieve formal approval of the overall development scheme proposed in order to minimize the need for any revisions of final plans.

§502. Submission and Review Procedure.

1. Preliminary Plan Submission Required.

- A. A preliminary plan for a major subdivision or land development must be submitted by the applicant and reviewed in accordance with the provisions of this Part.
- B. A preliminary plan submittal is not required for an application that only involves a minor subdivision (see definition in Part 2 of a "Subdivision, Minor), a resubdivision or a lot consolidation (see, Part 7 for procedures governing minor subdivisions, resubdivisions and lot consolidations).
- C. If a land development plan only involves a land development of less than 5,000 square feet of new building floor area, then a separate preliminary plan submittal and approval is not needed, but instead, the applicant may submit a joint preliminary/final plan.
- D. Upon request of the applicant, the Planning Commission may allow a preliminary plan to be considered a combined preliminary/final plan if the requirements of the final plan are met and if there are few outstanding issues.

2. Required Submission.

- A. The applicant shall submit to the Borough Staff at least 25 calendar days prior to a regularly scheduled Planning Commission meeting:
 - (1) The required application fee and escrow deposit as set forth in the Borough Fee Schedule.
 - (2) 3 copies of the application form (see, Appendix A), and two copies of the plan checklist
 - (3) 3 copies of the preliminary subdivision and/or land development plan.
 - (4) 3 copies of all supporting documents (intent is for one copy to be provided to the Engineer, one to the Solicitor and one for the Borough files). Only 2 copies of stormwater calculations are required.
 - (5) 9 copies of a plan that at a minimum shows the proposed layout of lots, streets, buildings (if known) and improvements, as well as proposed landscaping and outdoor lighting.
 - (6) The Borough may require submittal of additional copies if needed for reviews.

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- (7) The submittals shall be considered to be public documents and copies may be made by the Borough for review purposes.
 - B. Revisions to a previously submitted plan shall be submitted at least 10 calendar days prior to a meeting where the plan will be discussed. The Borough Engineer or Administrator may waive this requirement, such as for editorial revisions or other revisions that do not require advanced review.
 - C. All sheets for any submitted plan shall be folded or rolled so that the title of each plan appears on the upper or lower right-hand corner of the sheet.
3. Initial Actions by the Borough Staff.
 - A. The Designated Borough Staff-person and/or Borough Engineer shall review the submission to determine whether it includes all required information.
 - B. If insufficient numbers of plans are submitted, the applicant shall be notified and directed to submit additional copies.
 - C. The Borough Staff shall retain in the Borough files the application fee receipt and one copy of the application form, preliminary plan checklist, preliminary subdivision or land development plan and supporting documents.
 - D. The submittal shall be forwarded by the Borough Staff to the Borough Engineer. Items needing legal review should be submitted to the Planning Commission Solicitor.
 - (1) The applicant is responsible to provide any information needed by the Sewage Enforcement Officer if on-lot septic systems are involved.
 - E. The applicant is required to make a formal submission to the Lehigh Valley Planning Commission and the County Conservation District (if earth disturbance is involved), and to pay their required fees. A copy of the receipt shall be sent to the Borough.
 - F. The Borough Staff should forward to the Planning Commission copies of the layout plan and any other information needed for their review of the submittal.
4. Review by Borough Engineer and Sewage Enforcement Officer (hereinafter referred to as SEO).
 - A. The Borough Engineer and SEO, if applicable, shall prepare their reports and recommendations on the engineering and technical aspects of the plan for submission to the Borough Planning Commission, with a copy to the applicant and/or his/her representative.
 - B. The Borough Engineer and the SEO may make additional reports and recommendations to the Borough Planning Commission at any time during the review of the plan.
5. Planning Commission Review for Completeness. Based upon the review of the plan by the Borough Engineer and/or the Borough Staff against the plan checklist, the Planning Commission shall have the authority to determine whether a submission is significantly incomplete. If the submission is determined by the Commission to be significantly incomplete, the plan shall be considered to have not been officially accepted by the Borough.

- A. In such case, the filing and review fees shall be returned to the applicant, along with any escrow deposits minus the cost of Borough legal and engineering reviews up to that point in time. If the Commission does not make a motion on the matter, then the submittal shall be considered to be accepted.
 - B. A determination that a plan is significantly incomplete shall occur at a meeting of the Planning Commission within 30 days after a duly filed submittal. If a plan is not accepted, no further action is required by the Borough and no deemed approval shall occur.
6. Action by the Planning Commission. The Planning Commission shall review the submittal. Within the time limits established by the MPC (unless the applicant requests a written extension of time for the Borough review process, and the Planning Commission agrees to the extension), the Planning Commission shall:
- A. Review applicable reports received by agencies, staff and consultants.
 - B. Determine whether the plan meets the requirements of this Ordinance and any other applicable Borough development regulations.
 - C. Review the plan with the applicant, his/her agent or representative and recommend revisions.
 - D. Make a decision to approve, conditionally approve or deny the plan, within the time limits and in the manner specified in the MPC.
 - E. Upon request of the applicant, the Planning Commission may approve upgrading a preliminary plan to a combined preliminary/final plan.
 - F. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant not later than 15 days following the date of the decision, by-mailing a copy of the decision to the applicant at his last known address.
 - G. Approval of the preliminary plan submission shall constitute conditional approval of the subdivision or land development as to the character and intensity of the proposed use, but shall not constitute approval of the final plan or authorize the sale of lots or construction of buildings.
 - H. When the preliminary plan submission is disapproved, the decision shall specify the defects found in the submission, shall describe the requirements which have not been met, and shall cite the provisions of this Chapter or other applicable statute or ordinance relied upon in each case.
 - I. Failure of the Planning Commission to render a decision and communicate it to the applicant within the time period and in the manner specified by the MPC shall be deemed an approval of the plan as presented, unless the applicant has agreed in writing to an extension of time or a change in the prescribed manner of communication of the decision.
7. Development in Stages.
- A. If requested by the applicant, the Planning Commission may permit the undertaking of the required improvements and the preparation of the final plan to be completed in a series of sections or stages, each covering a portion of the proposed subdivision as shown on the preliminary plan.

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- B. If the final plan is to be submitted in sections or stages, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections or stages, as well as the deadlines within which applications for final plan approval of each section or stage are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval until final plan approval of the final section or stage has been granted, and any modification in the aforesaid schedule shall be subject to approval by the Planning Commission in its discretion.
- C. The Planning Commission shall approve both the boundaries and configuration of sections or stages of a development. Each section or stage or development proposed shall relate logically so as to provide continuity of access, extension of utilities and availability of amenities, and be designed that the development can properly function if later phases are not completed.
- D. In no event shall a period of more than five years elapse between approval of the preliminary plan and submission of the final plan for the entire development without prior approval by the Planning Commission.

Project Name _____ Date _____

Project Location _____

Applicant Name _____

§503. Preliminary Plan Requirements for Major Subdivisions and Land Developments and Checklist.

The following list of requirements shall be photocopied and also serve as a checklist that the applicant shall complete and submit with the Plans. If an item is submitted, it shall be checked off. If the applicant believes an item is not applicable, then "NA" shall be written next to the item. If the applicant requests a waiver, then a "W" shall be written next to the requirement.

1. Plans Required.

Submitted?

- _____ A. The following information shall be required for all major subdivisions and land developments, which may be combined on various sheets provided that the information is clear and legible.
- _____ (1) Layout Plan
 - _____ (2) Grading and Storm Drainage Plan.
 - _____ (3) Utility Plan.
 - _____ (4) Soil Erosion and Sedimentation Control Plan and Narrative. *
 - _____ (5) Road Profiles *.
 - _____ (6) Sanitary Sewer Profiles*
 - _____ (7) Water System Profiles*.
 - _____ (8) Storm Sewer Profiles*
 - _____ (9) Construction Details*
 - _____ (10) Landscaping and Street Lighting Plan*.

* This information may be deferred until the Final Plan submittal if the applicant provides a legally binding written commitment, acceptable to the Planning Commission Solicitor, that they will not conduct earth disturbance, clearance of natural features or construction of improvements until after receiving Final Plan approval. In such case, place a "D" for deferred next to those items above and throughout the corresponding parts of is checklist.

If information is deferred, the Borough Engineer shall still have the authority to require the submission of sufficient information to show the feasibility of the proposed project, such as finished slopes, profiles and stormwater measures where a question exists regarding feasibility.

2. Drafting Standards Required for All Plans. All information shall be legibly and accurately presented.

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- _____ A. Plans shall be prepared at a standard size, such as 18 inches by 24 inches, 24 inches by 36 inches or 30 inches by 42 inches.
- _____ B. Plans shall be drawn at a standard scale, such as one inch equals 20 feet; one inch equals 30 feet; one inch equals 40 feet or one inch equals 50 feet.
- _____ C. Profiles shall be drawn at a vertical scale of:
 - _____ (a) Two feet per inch, five feet per inch or 10 feet per inch (for a horizontal scale of up to one inch equals 50 feet, and
 - _____ (b) 10 feet per inch (for a horizontal scale of one inch equals 100 feet).
- _____ D. All dimensions shall be set forth in feet and decimal parts thereof, and all bearings shall be set forth in degrees, minutes and seconds.
- _____ E. Each sheet shall be identified, numbered and shall show its relationship to the total number of sheets. If match lines are employed, a legend showing sheet relationship shall be provided.
- _____ F. Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.
- _____ G. The perimeter boundary line of the site shall be shown as a bold line on the plan.

3. General Information Required On All Plans.

- _____ A. Titled; "Preliminary Plan."
- _____ B. Sheet title (e.g., "Layout Plan").
- _____ C. Name and location of subdivision or land development.
- _____ D. Graphic and written scales.
- _____ E. Date of plan and all subsequent revision dates including a summary description of revision made to plan. Revisions may be described in an accompanying letter (which may reference a review letter),
- _____ F. The name, address, signature, certification and seal of the plan preparer. All professional certifications shall meet the Pennsylvania Engineer, Land Surveyor and Geologist Registration law, Act and/or the Landscape Architects Registration Law. (See Appendix B).

4. Information Required On Layout Plans.

- A. General Information.
 - _____ (1) North arrow.
 - _____ (2) Site boundaries with closure of one in 10,000 or better.
 - _____ (3) Boundaries of all adjoining properties with names of last known landowners of record.
 - _____ (4) Location and type of all existing monuments and markers.

- _____ (5) A copy of the Layout Plan in .pdf or successor format (requested, not required).
- _____ (6) A copy of the submittal marked "File Copy" with original signatures, and original seal of plan preparer.
- _____ (7) The name, address, signature, certification and seal of the professional land surveyor responsible for the tract perimeter survey and property line surveying aspects of the plan,

_____ B. Location map showing a relation of the site to adjoining properties, streets, zoning district boundaries, municipal boundaries, watercourses.

_____ C. Location of existing man-made features on the site, with approximate locations of such features within 100 feet beyond the site.

- _____ (1) Streets and rights-of-way (including name and right-of-way width) on the site and on immediately adjacent tracts.
- _____ (2) Existing lot layout on the site and on immediately adjacent tracts.
- _____ (3) Any building on the site that is regulated by the historic building provisions of the Zoning Ordinance that is proposed to be partly or entirely demolished.
- _____ (4) Bridges.
- _____ (5) Sanitary sewer and water lines.
- _____ (6) Stormwater lines, drains and culverts.
- _____ (7) Utility easements, restrictive covenants and easements for purposes which might affect development.

D. Proposed Features.

- _____ (1) Layout of streets with centerlines, cartways and rights-of-ways and proposed names.
- _____ (2) Layout of lots with identification number.
- _____ (3) Building setback lines from all lot lines.
- _____ (4) For non-residential and apartment uses, the arrangement and use of buildings and parking areas with all necessary dimensions and numbers of parking spaces (elevations and perspective sketches of proposed buildings are encouraged).
- _____ (5) Rights-of-ways, restrictive covenants and easements for all drainage, utilities or other purposes which might affect development.
- _____ (6) Sidewalks and pedestrian paths.
- _____ (7) Any Open space areas or recreation areas/facilities.
- _____ (8) Proposed monuments with reference to proposed improvements.

E. Names and addresses of every:

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- _____ (1) Landowner, legal and equitable, if any.
- _____ (2) Developer.
- _____ (3) Applicant.
- _____ (4) Adjoining property owners, including those across adjacent roads.

F. Owner's Statement of Intent (see Appendix B).

- _____ (1) The owner shall acknowledge the statement contained in Appendix B before an officer who is authorized to take acknowledgments, with the seal of a notary public or other qualified officer acknowledging the owner's statement shall be impressed to the plan.

G. Approval/review and recording signature blocks (see Appendix B) for:

- _____ (1) Planning Commission.
- _____ (2) Borough Engineer.
- _____ (3) Lehigh Valley Planning Commission.
- _____ (4) Lehigh County Recorder of Deeds.

H. Project Summary List. The following information shall be listed on the plan:

- _____ (1) Total acreage of site.
- _____ (2) Applicable zoning district(s).
- _____ (3) Total number of lots in the proposed development.
- _____ (4) Required and proposed density of dwelling units per acre, if applicable.
- _____ (5) Required lot size.
- _____ (6) Proposed lot size, maximum, minimum and average.
- _____ (7) Open space required.
- _____ (8) Open space proposed.
- _____ (9) Type of water systems.
- _____ (10) Type of sanitary disposal system.
- _____ (11) Lineal feet of new road.
- _____ (12) The deed book volume and page number as entered by the County Recorder of Deeds, referencing the latest source of title to the land being subdivided or resubdivided, with copy of most recent deed(s) submitted with the plan.
- _____ (13) Tax map parcel number, block and lot.
- _____ (14) Required and proposed building and parking area setbacks and building height.

- _____ (15) Required and proposed building coverage and impervious surface coverage.
- _____ (16) Required and proposed number of parking spaces and method of computation.

I. Proposed Features.

- _____ (1) Dimensions and area of lots expressed both in square feet and acres.
- _____ (2) Streets.
 - _____ (a) Cartway and right-of-way width.
 - _____ (b) Centerline with bearings, distances, horizontal curve data and stations corresponding to the profile.
 - _____ (c) Right-of-way and curb lines with horizontal curve radii at intersections.
 - _____ (d) Beginning and end of proposed construction.
 - _____ (e) Tie-ins by course and distance of intersection of all public roads, with their names and widths of cartway and right-of-way.

5. Grading and Storm Drainage Plan.

- _____ A. (1) Accurate existing and proposed contour lines at intervals of:
 - (a) Two feet (if slope is 15 percent or less).
 - (b) Five feet (if slope is over 15 percent).
 The source of the topographic information shall be listed.

B. Natural features (if applicable, notes should appear on the plan indicating the absence of these features):

- _____ (1) Slope areas (differentiated by shadings or markings):
 - (a) Over 15 percent and up to 25 percent.
 - (b) Over 25 percent.
- _____ (2) 100 year floodplain, and alluvial soils along any waterway not included in floodplain mapping.
- _____ (3) Location of various soil types with U.S. Natural Resource (formerly SCS) Conservation Service characteristics for each.
- _____ (4) Existing wooded areas and tree masses, and designation of areas to be preserved or removed, and measures (such as temporary fencing under the dripline of trees) that will be used to protect trees during construction .
- _____ (5) Wetlands and watercourses
- _____ (6) Permanent and seasonal high and low water table areas.
- _____ (7) Rock outcrops and stone fields.

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_____ (8) Direction of drainage on immediate adjacent areas, any adjacent drainage channels and/or contours on immediately adjacent land.

_____ (9) Sinkholes and closed depressions.

_____ (10) Seeps and springs.

_____ C. Street centerline data and stations corresponding to the profile.

_____ D. Storm Drainage.

_____ (1) Location and size of facilities with stations corresponding to the profile.

_____ (2) Location of inlets and invert elevation of flow line and grade at the top of each inlet.

_____ (3) Watershed areas for each drainage structure or swale.

_____ (4) Property lines and ownership, with details of easements where required.

_____ (5) Beginning and end of proposed construction.

_____ (6) Location of all other drainage facilities and public utilities in the vicinity of storm drain lines.

_____ (7) Hydraulic design standards for culverts, bridge structures and/or other storm facilities.

_____ (8) Sewer lines, storm drains and culverts.

_____ E. Proposed grading, location and typical cross section of proposed drainage swales.

6. Utility Plan.

_____ A. If on-lot sanitary sewage disposal systems are being proposed:

_____ (1) Existing and proposed contour lines (as described above)

_____ (2) Location of any existing and proposed water supply wells.

_____ (3) Proposed or typical location of dwelling.

_____ (4) Proposed location of subsurface septic disposal field and alternate field.

_____ (5) Percolation test holes and soil probe pits for proposed septic fields.

_____ (6) Permanent and seasonal high water table areas.

_____ B. If centralized sanitary sewers are being proposed:

_____ (1) Location and size of line with stations corresponding to the profile.

_____ (2) Location of manholes with invert elevation of flow line and grade at the top of each manhole.

- (3) Property lines and ownership, with details of easements where required.
- (4) Beginning and end of proposed construction.
- (5) Location of laterals.
- (6) Location of all other drainage facilities and public utilities in the vicinity of sanitary sewer lines.

C. If public water service is proposed:

- (1) Location and size of waterline, valves and fittings.
- (2) Fire hydrants.

D. If on-lot water system is being proposed, location of all wells (existing and proposed).

E. Storm or sanitary sewer lines, storm drains and culverts.

7. Soil Erosion and Sedimentation Control Plan.

A. Shall be in accordance with DEP requirements.

B. All stormwater runoff calculations shall be governed by the parameters set forth in the Stormwater Management Ordinance.

C. Existing and proposed contour lines (as described above).

D. Natural Features.

- (1) Areas of 15 to 25% and 25% and above slopes.
- (2) 100 year floodplain.
- (3) Location of various soil types with U.S. Natural Resource (formerly SCS) Conservation Service characteristics for each.
- (4) Wooded areas and tree masses.
- (5) Wetlands and watercourses.
- (6) Permanent and seasonal high and low water table areas.
- (7) Rock outcrops and stone fields.

E. Storm or sanitary sewer lines, storm drains and culverts.

8. Road Profiles.

A. Profile of existing ground surface along centerline of street.

B. Proposed centerline grade with percent of tangents and elevations at 50 foot intervals.

C. All vertical curve data including length, elevations and minimum sight distance as required by Part 10.

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9. Sanitary Sewer, Water Distribution and Storm Drain Profiles.

- _____ A. Profiles of existing ground surface water elevations at top of manholes or inlets.
- _____ B. Profile of storm drain, waterline or sanitary or storm sewer showing type and size of pipe, grade, cradle, manhole and inlet locations and invert elevations along flow line.
- _____ C. All line crossings of other utilities.
- _____ D. Invert elevations along flow line at manholes, inlets and at line crossing of other utilities.

10. Construction Details.

- _____ A. Typical cross-section and specifications for street construction as required by Part 10.
- _____ B. Drainage swale cross-section and construction materials.
- _____ C. Pipe bedding details.
- _____ D. Storm drainage structures.
- _____ E. Sanitary sewer structures.
- _____ F. Water system appurtenances.
- _____ G. Curb and sidewalk details.

11. Landscaping and Street Lighting Plan.

- _____ A. Parking lot plantings within the paved areas as required by the Zoning Ordinance.
- _____ B. Proposed buffer yards, if required by the Zoning Ordinance .
- _____ C. Sizes, types and locations of shade and street trees and any other major proposed landscaping.
- _____ D. Detention pond fencing (including height and type) and required buffer yard landscaping as described in the Zoning Ordinance .
- _____ E. Existing wooded area and tree masses and an indication of which existing trees and plantings are to remain.
- _____ F. Types, spacing and location of street lighting poles.
- _____ G. Type and intensity of the proposed lamps.

12. Supportive Documents and Information.

- _____ A. General Information. All deed restrictions imposed as a condition of plan approval by the Borough shall be referenced both in the deed of conveyance and as a note on the plan. The Planning Commission or Borough Council may

require the inclusion of any specific restrictive covenants which will carry out the purposes of this Chapter.

_____ B. Certification of Public Water Supply System. If the subdivision or land development is to be served with water by an existing water company or authority, the developer shall submit a copy of a letter from such water company or authority which states that the company or authority can adequately serve the subdivision and which states any conditions required by the company or authority for the provision of services.

_____ C. Certification of a Centralized Sewage Disposal System.

(1) Public. If the subdivision or land development is to be served by an existing sewer company or authority, the developer shall submit a copy of a letter from the company or authority which states that the company or authority can adequately serve the subdivision or land development and which states any conditions required by the company or authority for the provision of services. The developer shall also submit a copy of the planning module application and information forwarded to the DEP. Planning module approval will be a condition of preliminary plan approval.

(2) Private. If the subdivision or land development is to be served by a private centralized sewage disposal system, the developer shall submit a copy of the planning module application and information forwarded to the DEP. Planning module approval will be a condition of preliminary plan approval.

_____ D. Certification of Onlot Sewage System. When the subdivision or land development is to be served by an individual onlot sewage disposal systems, the developer shall submit a copy of the planning module application and information forwarded to the DEP. Planning module approval will be a condition of preliminary plan approval.

_____ E. Storm Drainage Calculations. All calculations prepared by a qualified professional relating to facilities appearing on the grading and storm drainage plan shall be submitted for review by the Borough Engineer. Storm drainage calculations may be deferred until the final plan submittal, in which case place a "D" to the left.

_____ F. Highway Occupancy Permit. If a subdivision or land development plan will require new, redesigned or intensified access to a street or highway under the jurisdiction of the Pennsylvania Department of Transportation (PennDOT), and the necessary occupancy permit has not yet been issued, then a note shall be included on the plan which states that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945, P.L. 1242, No. 428, known as the "State Highway Law," before driveway access to a State highway is permitted.

_____ G. Traffic Impact Studies. Any subdivision or land development meeting any of the following requirements shall submit a traffic study report meeting the requirements of §509 of this Part.

(1) Where a subdivision or land development is estimated to generate 200 trips per day or more (as based on the generation rates included in the Institute of Transportation Engineers, Trip Generation Manual, the latest edition).

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- (2) A subdivision or land development consisting of the following:
- (a) Residential: 20 or more dwelling units.
 - (b) Commercial: 12,000 square feet or more of total floor area.
 - (c) Office: 12,000 square feet or more of total floor area.
 - (d) Industrial: 12,000 square feet or more of total floor area or any trucking company terminal.
 - (e) Institutional: 12,000 square feet or more of total floor area.

Part 6

Final Plan for Major Subdivisions and Land Development

§601. Purpose.

The purpose of the final plan is to require formal approval by the Planning Commission before plans for all major subdivisions and land developments are recorded.

§602. Submission and Review Procedure.

1. Final Plan Submission Required. A final plan submission for each major subdivision and/or land development must be submitted by the applicant and reviewed in accordance with the provisions of this Chapter and any other ordinances and regulations of the Borough. The final plan shall be submitted within 5 years after a preliminary plan was approved, or else a new preliminary plan is required that meets the current development regulations of the Borough, unless a longer schedule was specifically approved by the Planning Commission.
2. Required Submission.
 - A. The applicant shall submit to the Borough Staff at least 25 calendar days prior to a regularly-scheduled Planning Commission meeting:
 - (1) The required application fee and escrow deposit as set forth in the Borough Fee Schedule.
 - (2) 3 copies of the application form (see Appendix A), and two copies of this section that are photocopied and filled out to show which items have been submitted.
 - (3) 3 copies of the complete set of final subdivision and/or land development plans.
 - (4) 3 copies of all supporting documents (intent is for one copy to be provided to the Engineer, one to the Planning Commission Solicitor and one for the Borough files). Only 2 copies of stormwater calculations are required.
 - (5) 9 copies of a plan that at a minimum shows the proposed layout of lots, streets, buildings (if known) and improvements, as well as proposed landscaping and outdoor lighting.
 - B. Revisions to a previously submitted plan shall be submitted at least 10 calendar days prior to a meeting where the plan will be discussed. The Borough Engineer or Administrator may waive this requirement, such as for editorial revisions or other revisions that do not require advanced review.
3. Initial Actions by the Borough Staff.
 - A. The Designated Borough Staff person and/or Borough Engineer shall review the submission for completeness.
 - B. If such person determines that the submission is significantly complete, but is missing minor items, such items shall be required to be submitted.
 - C. The Borough Staff shall retain in the Borough files one copy of the application form, final plan checklist, final subdivision plan and a set of supporting documents.

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- D. The Borough Staff shall forward the submittal to the Borough Engineer and the Planning Commission. Items needing legal review should be submitted to the Planning Commission Solicitor.
 - E. The applicant is required to make a formal submission to the LVPC and the County Conservation District (if earth disturbance is involved). The applicant is responsible to provide any information needed by PennDOT (if access or work is proposed within a state right-of-way) and the Borough Sewage Enforcement Officer (if on-lot septic systems will be used).
 - F. The Borough may request reviews by the Police Department, Fire Company and other entities.
4. Review by Borough Engineer.
- A. The Borough Engineer and SEO, if applicable, shall prepare their reports and recommendations on the engineering and technical aspects of the plan for submission to the Borough Planning Commission.
 - B. The Borough Engineer and the SEO may make additional reports and recommendations to the Borough Planning Commission at any time during the review of the plan.
5. Planning Commission Review for Completeness. Based upon the review of the plan by the Borough Engineer and/or the Borough Staff against the plan checklist, the Planning Commission shall have the authority to determine whether a submission is significantly incomplete. If the submission is determined by the Commission to be significantly incomplete, the plan shall be considered to have not been officially accepted by the Borough. In such case, the filing and review fees shall be returned to the applicant, along with any escrow deposits minus the cost of Borough legal and engineering reviews up to that point in time. If the Commission does not make such a motion on the matter, then the submittal shall be considered to be accepted.
- A. A determination that a plan is significantly incomplete shall occur at a meeting of the Planning Commission within 30 days after a duly filed submittal. If a plan is not accepted, no further action is required by the Borough and no deemed approval shall occur.
6. Review and Decision by the Planning Commission.
- A. The Planning Commission shall review the final plan, reports and recommendations of the LVPC, the Borough Engineer and any other applicable reports. The Planning Commission may require changes to meet Borough ordinances and protect public safety, and may request other changes.
 - B. The Planning Commission shall, within the time required by the MPC, unless such time shall be extended with the written approval of the applicant, render its final decision. The Commission may approve, approve with conditions or reject the final plan.
 - C. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant not later than 15 days following the date of the decision. Any mailing of the decision may be sent to the applicant's last known address.
 - D. (1) The approval of the final plan by the Planning Commission shall not constitute an acceptance of the dedication of any street or other proposed public way, space or area shown on the final plan.

- (2) If the Planning Commission elects to accept lands offered for dedication, the applicant shall provide the Borough:
 - (a) A legal description of the area to be dedicated.
 - (b) An attorney's opinion of record title or a title insurance policy issued by a reputable title insurance company authorized to transact business within the Commonwealth of Pennsylvania deemed acceptable to the Borough and issued in an amount deemed reasonable by and acceptable to the Borough. Such documents shall state that the title is in fee simple, and that title is good, free and unencumbered. Any title insurance policy premium shall be paid by the applicant.
- E. When the final plan submission is disapproved, the decision shall specify defects found in the submission, shall describe requirements which have not been met, and shall cite the provisions of this Chapter or other applicable statute or ordinance relied upon in each case. A list of defects is not required to be all-inclusive.

§603. Final Plan Requirements and Checklist.

Project Name _____ Date _____

Project Location _____

Applicant Name _____

- 1. All final plan submittals shall include all of the information that was required at the time of preliminary plan submittal (see §503), the additional information listed below in this §603, and any other applicable provisions of this Chapter. If specific technical supporting documents, such as stormwater calculations, are identical to those submitted at the preliminary stage, the Borough Staff may waive the requirement to submit additional copies of those items.
 - a. The following list of requirements shall be photocopied to and also serve as a checklist that the applicant shall complete and submit with the Plans. If an item is submitted, it shall be checked off. If the applicant believes an item is not applicable, then "NA" shall be written next to the item. If the applicant requests a waiver, then a "W" shall be written next to the requirement.

Submitted?

- 2. Additional Final Plan Requirements.
 - ___ A. A property survey shall have been performed of the boundary of the entire tract, and evidence of such survey shall be presented.
 - ___ B. Easements shall be placed on the land providing for:
 - (1) Clear sight triangle easements (see §1011(7)).
 - (2) All utility, drainage, maintenance, pedestrian, open space or other easements, as required or needed.
 - C. Required Plan Notations. The following wording shall be required to be placed as notes on any final subdivision or land development plan, as applicable:

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- _____ (1) A highway occupancy permit approved by PennDOT, or evidence of the submission of an application to PennDOT, for access to any adjoining State highway. A note shall be placed on the plan which states that Highway Occupancy Permit is required pursuant to §420 of the Act of June 1, 1945, P.L. 1242, No. 428, known as the "State Highway Law," before driveway access to a State highway is permitted.
 - _____ (2) Wells and sewage disposal systems shall be constructed in accordance with standards of the Borough and the Pennsylvania Department of Environmental Protection.
 - _____ (3) Individual owners of lots must receive approval from the Borough Sewage Enforcement Officer for a sewage permit prior to undertaking the construction of an onlot sewage disposal system or a building that will need to be served by such a system.
 - _____ (4) The Planning Commission and Borough Council have not passed upon the feasibility of any individual lot or location without a lot being able to sustain any type of well or sewage disposal system.
 - _____ (5) A note specifying the required monetary contribution for recreation purposes for new dwelling units. See Section 1008.
 - _____ (6) A note specifying which, if any, open space area(s), detention pond(s), street(s), additional rights-of-way and any other areas are being offered for dedication to Borough.
 - _____ (7) A note specifying any waivers granted by the Planning Commission from any sections of the subdivision and land development ordinance.
- _____ D. For a new principal commercial, industrial or institutional building, the applicant shall also submit a conceptual sketch or elevation of the front facade of the building, with a description of intended exterior materials of the front facade.

§604. Supportive Documents and Information.

1. Deed Restrictions. The following supportive documents and information shall accompany the final plan submission.
 - _____ A. All deed restrictions imposed as a condition of plan approval by the Borough shall be referenced both in the deed of conveyance and as a note on the plan.
 - _____ B. The Planning Commission may require the inclusion of any specific restrictive covenants which will carry out the purpose of this Chapter.
- _____ 2. Non-dedicated (Private) Streets and Open Space Agreements. An agreement for any street or common open space area not offered for dedication shall state who is responsible for the improvement and maintenance of such streets and/or common space areas. In the event a condominium or homeowners association is to be responsible for said streets or common open space, the developer shall remain responsible until such association is legally organized and operational, unless specified otherwise in a valid Development Agreement with the Borough.
- _____ 3. Utilities Agreements and Permits. Approval letter from the water and sewage supplier and/or list of items that need to be completed to obtain approval.

4. Storm Drainage Calculations. All calculations sealed by a registered professional relating to facilities appearing on the grading and storm drainage plan shall be submitted for review by the Borough Engineer.
5. The following items shall be provided by the applicant prior to recording and prior to the completion of any development agreement:
 - A. Development Statement and Schedule. A statement setting forth in detail the character of the improvements the applicant proposes to make on the property to be developed and a development schedule indicating the approximate date when construction can be expected to begin and to be completed.
 - B. Legal Description. Legal descriptions of roadways, additional rights-of-way, detention ponds, recreational/open space areas and easements to be dedicated to the Borough.
 - C. Highway Occupancy Permit. A highway occupancy permit shall be submitted for work to be undertaken in any PennDOT right-of-way.
 - D. Public Improvements. Forms provided by the Borough Engineer delineating the amount of all public improvements.

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Part 7

Minor Subdivision, Resubdivision, Lot Consolidation Plans

§701. Purpose.

Classification of a proposed subdivision as a minor subdivision, resubdivision, or lot consolidation plan permits the developer and Borough to utilize a simplified procedure for reviewing such subdivision prior to approval and recording.

§702. Minor Subdivision and Resubdivision Submission and Review Procedures.

1. **Plan Submission.** A plan labeled a final minor subdivision or resubdivision plan for a proposed minor subdivision containing information in accordance with the provisions of this Part shall be submitted by each applicant. (Section 706 addresses the review procedures and plan requirements for a lot consolidation plan).
2. **Submission Deadline and Plan Requirements.** The applicant shall submit to the Borough Staff at least 25 calendar days prior to a regularly scheduled Planning Commission meeting:
 - A. The required application fee and escrow deposit as set forth in the Borough Fee Schedule.
 - B. Two copies of the application form (see Appendix A), and 2 copies of this section that have been photocopied and filled out to show which items have been submitted.
 - C. 11 copies of the plan.
 - D. 3 copies of all supporting documents, except only 2 copies are needed of any stormwater calculations.
 - E. All sheets for any submitted plan should be rolled or folded so that title of each plan appears in the upper or lower right hand corner of the sheet.
3. **Initial Actions by the Borough.**
 - A. The Designated Borough Staff-person or Borough Engineer shall review the submission to determine compliance with §702(2).
 - B. The Borough Staff or Borough Engineer may require that missing information or materials be submitted, and may establish a time limit for such submittal.
 - C. The Borough Staff shall retain in the Borough files the application fee receipt and one copy of the application form, final plan checklist, the plan and supporting documents.
 - D. The Borough Staff shall submit copies to the Borough Engineer, Planning Commission Solicitor and Planning Commission.
 - E. The applicant is required to make a formal submission to the Lehigh Valley Planning Commission and the County Conservation District if applicable.
4. **Review by Borough Engineer and SEO.**

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- A. The Borough Staff shall forward the plan to the Borough Engineer and the SEO, if applicable, for review. The Borough Engineer and SEO, if applicable, shall review the plan and prepare their reports and recommendations on the technical and engineering considerations for submission to the Borough Planning Commission.
 - B. The Borough Engineer and the SEO may make additional reports and recommendations to the Planning Commission at any time during the review of the plan.
5. Planning Commission Review for Completeness. Based upon the review of the plan by the Borough Engineer and/or the Officer against the plan checklist, the Planning Commission shall have the authority to determine whether a submission is significantly incomplete. If the submission is determined by the Commission to be significantly incomplete, the plan shall be considered to have not been officially accepted by the Borough. In such case, the filing and review fees shall be returned to the applicant, along with any escrow deposits minus the cost of Borough legal and engineering reviews up to that point in time. If the Commission does not make a motion on the matter, then the submittal shall be considered to be accepted. A determination that a plan is significantly incomplete shall occur at a meeting of the Planning Commission within 30 days after a duly filed submittal. If a plan is not accepted, no further action is required by the Borough, and no deemed approval shall occur.
6. Review and Decision by the Planning Commission.
- A. Within the time limits specified by the MPC, unless the applicant grants and the Planning Commission accepts a written extension of time for the Borough approval process, the Planning Commission shall:
 - (1) Review all applicable reports received from the agencies and officers listed in §702(3)(E).
 - (2) Determine whether the plan meets the objectives and requirements of this Ordinance, and other applicable ordinances and statutes.
 - (3) Review the plan submission with the applicant, his/her agent or representative and recommend any needed revisions so that the submission will conform to this Ordinance.
 - (4) Approve, conditionally approve, or deny the plan within the time limits and in the manner specified by the MPC.
 - B. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant, not later than 15 days following the date of the decision, by mailing a copy of the decision to the applicant at his last known address.
 - C. In the event the plan is denied, the decision shall specify the defects found in the plan, shall describe the requirements which have not been met and shall cite the provisions of the ordinance or statute relied upon which have not been satisfied or complied with by the applicant.
 - D. The following list of requirements shall also serve as a checklist. The applicant shall copy these pages and complete the checklist and submit it with the plans.

§703. Minor Subdivision and Resubdivision Plan Requirements.

Project Name _____ Date _____

Project Location _____

Applicant Name _____

The following list of requirements shall be photocopied to and also serve as a checklist that the applicant shall complete and submit with the Plans. If an item is submitted, it shall be checked off. If the applicant believes an item is not applicable, then "NA" shall be written next to the item. If the applicant requests a waiver, then a "W" shall be written next to the requirement.

Submitted?

1. Drafting Standards.

- _____ A. Plans shall be prepared on a standard sheet, such as 18 inches by 24 inches, 24 inches by 36 inches, 30 inches by 42 inches or 36 inches by 48 inches.
- _____ B. All information shall be legibly and accurately presented.
- _____ C. The plan shall be drawn at a standard scale: such as one inch equals 20 feet; one inch equals 30 feet; one inch equals 50 feet.
- _____ D. All dimensions shall be set in feet and decimal parts thereof, and bearings shall be set in degrees, minutes and seconds.
- _____ E. Each sheet shall be identified, numbered and shall show its relationship to the total number of sheets.
- _____ F. Plans shall be so prepared and shall bear an adequate legend to indicate clearly what features are proposed.
- _____ G. When the plan is a revision of a previously approved plan, the date of each revision shall be noted.
- _____ H. The perimeter boundary line of the tract(s) of land comprising the minor subdivision or the resubdivision shall be shown as a solid heavy line on the plan.

2. General Information. The plan shall provide the following information:

- _____ A. Name and location of the project (such as William Smith Subdivision #2).
- _____ B. Names and addresses of every:
 - (1) Landowner (legal and equitable, if any).
 - (2) Applicant.
 - (3) Developer
 - (4) Adjoining property owners, including those across adjacent roads.
 - (5) Corporate officers.
- _____ C. The landowner's statement of intent (see Appendix B). The landowner shall acknowledge said statement of intent before an officer authorized to take acknowledgments. The seal of a notary public or other qualified officer shall be impressed to the plan acknowledging the landowner's statement of intent.

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- _____
- D. The name, address, signature, certification and seal of the professional land surveyor responsible for the tract perimeter survey and property line surveying aspects of the plan, and the name, address, signature, certification and seal of the professional engineer responsible for all of the engineering aspects of the plan in conformity with the Pennsylvania Engineer, Land Surveyor and Geologist Registration Law, Act of May 23, 1945, P.L. 913, as amended, as found at 63 P.S. §148 et seq., except that this requirement shall not preclude the acceptability of the preparation of a plat by a landscape architect in accordance with the Act of January 24, 1966 (1965) P.L. 1527, No. 535), know as the Landscape Architects Registration Law, when it is appropriate to prepare the plat using professional services as set forth in the definition of the "practice of landscape architecture" under §2 of the act. (see, professional engineer's and professional land surveyor's, or professional landscape architect's statement, Appendix B).
- _____
- E. Review/approval/recording signature blocks (see Appendix B):
- (1) Borough Planning Commission.
 - (2) Borough Engineer.
 - (3) Lehigh Valley Planning Commission.
 - (4) Lehigh County Recorder of Deeds.
- _____
- F. Location map, drawn at a standard scale, showing the relation of the site to adjoining properties and to all approximate locations of streets, municipal boundaries, zoning districts, watercourses, and any areas subject to flooding within 100 feet of the property.
- _____
- G. North arrow.
- _____
- H. Graphic and written scale.
- _____
- I. Date of plan and all subsequent revision dates.
- _____
- J. Boundaries of all adjoining properties with last known names of landowners.
- _____
- K. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source of title to the land being subdivided or resubdivided (with copy of the most recent deed(s) submitted with the plan).
- _____
- L. Tax map parcel, block and lot number for the tract being subdivided or resubdivided.
3. Location of Natural Features on the Site and Within 100 Feet of the Site. The following information regarding the location of natural features and approximate location of natural features within 100 feet of the site shall be shown on the plan (If applicable, notes shall appear on the plan indicating the absence of these features.):
- _____ A. Accurate current contour lines, with a description of the source of the information.
 - _____ B. Shadings or markings differentiated the slopes noted below shall be illustrated on the plan:
 - (1) Over 15 percent and up to 25 percent slope.

(2) Over 25 percent slope.

_____ C. Permanent and seasonal high and low water table areas.

_____ D. Rivers, streams, creeks, watercourses, lakes, ponds, dammed waters, springs, seeps, wetlands and all other bodies or channels of conveyance of surface and underground water with names, if any.

_____ E. 100 year floodplain and alluvial soil areas along any watercourse that was not included on the official floodplain map.

_____ F. Location and extent of various soil types with U.S. Soil Conservation Service definitions and the characteristics and classifications for each.

_____ G. Rock outcrops and stone fields.

_____ H. Wooded areas and significant tree masses, and areas to be preserved or removed, and measures to be used to protect trees from damage during construction.

4. Boundary Line of Tract. The plan shall provide:

_____ A. The boundary lines of the area being subdivided or resubdivided:

(1) The boundaries of the lots being created or resubdivided shall be determined by accurate field survey, closed with an error not to exceed one in 10,000 and balanced.

(2) The boundaries of any residual tract which is greater than 10 acres may be determined by deed.

_____ B. Location and type of all existing monuments.

5. Location of Existing Man-made Features on the Site, and Approximate Locations Within 100 Feet of the Site. The following information regarding the location of existing man-made features on the site and within 100 feet of the site shall be shown on the plan:

_____ A. Sufficient bearings, lengths of lines, radii, arc lengths, street rights-of-way and cartway widths, and right-of-way easement widths of all lots, streets, rights-of-way easements and community or public areas to accurately and completely reproduce each and every course on the ground.

_____ B. Existing lot layout on the site.

_____ C. Any building on the site that is regulated by the historic building provisions of the Zoning Ordinance that is proposed to be partly or entirely demolished.

_____ D. Sanitary sewer and water lines.

_____ E. Stormwater lines, drains and culverts.

_____ F. Utility easements and restrictive covenants and easements for purposes which might affect development.

6. Zoning Requirements.

_____ A. Applicable zoning district.

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- _____ B. Minimum lot size and yard requirements.
 - _____ C. Building setback lines for each lot.
7. Proposed Layout.
- _____ A. Total acreage of site.
 - _____ B. Proposed lot layout with identification number and total number of lots.
 - _____ C. Proposed lot width, depth and area.
 - _____ D. Rights-of-way, restrictive covenants and easement for all drainage, utilities and other purposes which might affect development.
 - _____ E. Any open space areas and recreation areas.
 - _____ F. The following items shall be shown on the plan using standard symbols and a legend, as applicable:
 - Well
 - Septic tank
 - Primary leach field
 - Secondary leach field
 - Approved soil probe location
 - Approved percolation test location
 - _____ G. Any storm drainage facilities and structures.
 - _____ H. Street trees (species and locations), proposed to remain, be removed or newly planted.
 - _____ I. Buffer area, if applicable.
- _____ 8. Covenants. All deed restrictions imposed as a condition of plan approval by the Borough shall be referenced both in the deed of conveyance and as a note on the plan. The Planning Commission may require the inclusion of any specific restrictive covenants which will carry out the purposes of this Chapter.
- _____ 9. Additional Information. The Planning Commission may require submission of any additional information required for the final plan of a major subdivision under Part 6, if necessary to determine compliance with this Ordinance.

§704. Supporting Documents and Information.

- _____ 1. Names and Addresses of Surrounding Property Owners. The applicant shall furnish to the Borough a list of the last known names and addresses of all property owners within 100 feet of the subject site so that the Borough may notify surrounding property owners of the proposed plan.
- _____ 2. Planning Module. The applicant shall submit a copy of the planning module application and information forwarded to the PA. Department of Environmental Protection (as required by the PA. Sewage Facilities Act), if applicable.

_____ §705. Recreation Fees. See Section 1008.

§706. Lot Consolidation and Lot Line Adjustment Plans.

1. Plan Submission. This Section 706 addresses plan submittals that only involve one or both of the following: a) a proposed lot consolidation or lot line deletion for the purpose of combining two or more lots, or b) a relocation of a lot line that does not create any new lots and that does not by itself involve a new land development. Such plans shall include information in accordance with this Section.
 - A. In any resubdivision to merge lots, a unification or consolidation deed, containing one perimeter property description for the new lots, shall be recorded in the Office of the County Recorder of Deeds following approval of the resubdivision, and evidence of the recording shall be submitted to the Borough.
2. Review of Plans.
 - A. The applicant shall submit to the Borough Staff at least 25 calendar days prior to a regularly scheduled Planning Commission meeting:
 - (1) The required application fee and escrow deposit as required in the Borough Fee Schedule.
 - (2) Two copies of the application form (see Appendix A) and copies of this Section that were filled out to check off items that were submitted.
 - (3) 11 copies of the plan and 3 copies of any supporting documentation, except only 2 copies of any stormwater calculations are required..
 - (4) All sheets submitted should be folded or rolled so that the title of each plan appears in the upper or lower right hand corner of the sheet.
 - (5) The Borough may require additional copies to be submitted.
 - B. The plans will be reviewed for completeness, distributed and reviewed for approval as described in §§702. Upon review of the plans, the Planning Commission may require that the applicant submit additional information as required in §§703 or 704 of this Chapter or may request that an additional agency or person review such plans and submit comments.
3. Plan Requirements. The following list of requirements shall also serve as a checklist that shall be completed and submitted by the applicant. A checkmark shall be used to show that an item was included. A "NA" shall mean that the item is not applicable. A "W" shall show that a waiver or modification is requested.

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Lot Line Adjustment and Lot Consolidation Plan Requirements.

Project Name _____ Date _____

Project Location _____

Applicant Name _____

The following list of requirements shall be photocopied to and also serve as a checklist that the applicant shall complete and submit with the Plans. If an item is submitted, it shall be checked off. If the applicant believes an item is not applicable, then "NA" shall be written next to the item. If the applicant requests a waiver, then a "W" shall be written next to the requirement.

Submitted?

_____ A. Drafting Standards. Lot consolidation plans should be submitted on standard sized sheets along with the proposed deed description, but the plans shall meet all other requirements listed in §703(1) for drafting requirements for minor subdivisions or resubdivisions.

_____ B. General Information. The plan shall provide the following information:

_____ (1) Name and location of the lot consolidation plan.

_____ (2) Names and addresses of:
(a) Landowner (legal and equitable, if any).
(b) Applicant.
(c) Developer.
(d) Corporate officers.

_____ (3) The landowner's statement of intent (see Appendix B). The landowner shall acknowledge said statement of intent before an officer authorized to take acknowledgments. The seal of a notary public or other qualified officer shall be impressed to the plan acknowledging the landowner's statement of intent.

_____ (4) The name, address, signature, certification and seal of the professional land surveyor responsible for the tract perimeter survey and property line surveying aspects of the plan, and the name, address, signature, certification and seal of the professional engineer responsible for all of the engineering aspects of the plan in conformity with the Pennsylvania Professional Engineers Registration Law, Act of May 23, 1945, P.L. 913, as amended, as found at 63 P.S. §148 et seq., except that this requirement shall not preclude the acceptability of the preparation of a plat by a landscape architect in accordance with the Act of January 24, 1966 (1965 P.L. 1527, No. 535), know as the Landscape Architects Registration Law, when it is appropriate to prepare the plat using professional services as set forth in the definition of the "Practice of Landscape Architecture" under §2 of that act. (see, professional engineer's and professional land surveyor's statements, Appendix B).

_____ (5) Review/approval/recording signature blocks (see Appendix B) for:

- (a) Borough Planning Commission,
- (b) Lehigh Valley Planning Commission.
- (c) Lehigh County Recorder of Deeds.

- (6) North arrow.
- (7) Graphic and written scale.
- (8) Date of plan and all subsequent revision dates.
- (9) The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source of title to the land being consolidated (with a copy of the most recent deeds submitted with the plan).
- (10) Tax map parcel, block and lot number for the tracts being consolidated.
- (11) Zoning requirements.
 - (a) Applicable zoning district.
 - (b) Lot size and yard requirements.
 - (c) Building setback lines.
 - (d) Any approved or requested zoning variances, including description and date of action.

C. Boundary lines of tract. The plan shall provide:

- (1) The boundary lines of the area being consolidated.
 - (a) The boundaries of the lots being consolidated shall be determined by accurate field survey, closed with an error not to exceed one in 10,000 and balanced.
 - (b) Any plans with a residual tract shall be considered a resubdivision and shall meet the requirements of §§702 through 706 of this Chapter.

D. Proposed Layout.

- (1) Total acreage of site.
- (2) Proposed lot layout with identification number and total number of lots.
- (3) Lot width, depth and area.
- (4) Rights-of-way, restrictive covenants and easements for all drainage, utilities and other purposes which might affect development.

E. Covenants. All deed restrictions imposed as a condition of plan approval by the Borough shall be referenced both in the deed of conveyance and as a note on the plan. The Planning Commission may require the inclusion of any specific restrictive covenants which will carry out the purposes of this Chapter.

F. Supporting Documents and Information. The applicant shall furnish to the Borough a list of the last known names and addresses of all property owners within 100 feet of the subject site so that the Borough may notify surrounding property owners of the proposed plan.

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Part 8

Completion of Improvements, Improvements Agreement and Financial Security

§801. Completion of Improvements.

No subdivision or land development plan shall be finally approved unless the streets, sidewalks, curbs, gutters, street lights, fire hydrants, street trees, water mains, sanitary sewers, storm sewers, stormwater management facilities and other related drainage facilities, recreational facilities, buffer or screen plantings and other improvements required under this Chapter, and any other applicable Borough ordinance, have been constructed and installed in accordance with the Borough's ordinances and construction standards and specifications.

§802. Guarantees in Lieu of Completion of Improvements Prior to Final Plan Approval.

1. In lieu of the completion of any improvements required for final or preliminary/final plan approval, and as a condition prerequisite for final or preliminary/final plan approval, the developer shall execute a developer's improvements agreement prepared by either the Borough Solicitor or Planning Commission Solicitor and the developer shall deliver to the Borough financial security, in a form and manner deemed acceptable to such Solicitor, to guarantee the construction and installation of the required improvements.
2. The developer's improvements agreement shall, inter alia, include provisions whereby the developer agrees:
 - A. To construct or cause to be constructed, at developer's own expense, all streets, curbs, sidewalks, sanitary sewers, water supply and distribution systems, fire hydrants, stormwater management facilities, monuments and markers, street lights, street signs, street trees, buffer or screen plantings and landscaping, recreation and open space facilities, or any other improvements shown on the approved final or preliminary/final plan as depicted on the plan and in accordance with the requirements of this Chapter and the Borough's design/construction standards and specifications.
 - B. To maintain, at developer's own cost, the said streets, curbs, sidewalks, sanitary sewers, water supply and distribution systems, fire hydrants, stormwater management facilities, street lights, street signs, street trees, buffer or screen plantings and landscaping, recreation and open space facilities, and any other improvements shown on the final or preliminary/final plan until the same are accepted by resolution of the Planning Commission.
 - C. To repair, at developer's own expense, the required improvements for reasons of lack of structural integrity, failure to properly function, defective workmanship or materials, or otherwise, as directed by the Borough for a period of 18 months after the Borough's inspection and certification of acceptance of the developer's completed improvements.
 - D. To pay all of the Borough's reasonable administrative, inspection, engineering and legal fees as related to the review and processing of the subdivision or land development and the creation and enforcement of the developer's improvements agreement.

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- E. To obtain any easements or releases which may be necessary for the construction of any improvement which traverses lands of persons other than the developer. Any such easement or release shall inure to the benefit of the Borough, as well as to the developer.
- F. To exonerate, indemnify and hold harmless the Borough, its officers, engineers and solicitors, its appointees and employees, and its other agents, independent contractors and assigns, from liability arising from the developer's construction or development of the subdivision or land development.
- G. To prevent soil erosion, sedimentation and water damage to the subject and adjacent properties.
- H. To make provisions and be responsible, at developer's own cost and expense, for removing all mud, litter and/or debris on public streets resulting from any vehicles and equipment leaving the subdivision or land development and entering onto public streets.
- I. To be responsible for and repair, at the developer's own cost and expense, any damage done to public streets and central water and sewer systems as a result of, or in connection with, the performance of any work related to the subdivision and land development.
- J. To maintain general liability, property damage and any other required insurance in forms and amounts deemed acceptable to the Borough, naming the Borough, its agents, inspectors, officials, employees and authorized representatives, as an additional insured.
- K. To dedicate to the Borough by deed, in a form and manner deemed acceptable to the Borough Solicitor, any streets, stormwater management areas and facilities, open space areas or other lands, intended for dedication to, and accepted by, the Borough, and to include provisions for ownership of any water and sewage lines.
- L. To transfer to the Borough by bill of sale, in a form and manner deemed acceptable to the Borough Solicitor, any water, sanitary sewer and storm sewer mains, lines and facilities, and to provide to the Borough as-built plans certified by the developer's engineer for any constructed streets, water, sanitary sewer, storm sewer mains and lines and storm sewer drainage facilities to be conveyed or transferred to the Borough, as well as any other underground utilities constructed in or for the subdivision or land development.

§803. Release of Plan.

The final or preliminary/final plan shall not be signed by the Borough and shall not be released by the Borough for recording until the developer shall have executed the required developer's improvements agreement and shall have delivered the required financial security deemed acceptable to the Borough. See Section 901 regarding recording.

§804. Expiration of Conditional Plan Approval.

- 1. The Planning Commission's resolution of conditional final or preliminary/final plan approval shall expire and be deemed to be automatically rescinded and revoked

upon developer's failure to accept or reject the conditions of approval within such time as shall be established by the Borough. Unless otherwise specified, the applicant or his/her agent shall have 15 days to accept or reject the conditions.

2. The Planning Commission's resolution of conditional final or preliminary/final plan approval shall expire and be deemed to be automatically rescinded and revoked if the developer's improvements agreement is not executed and financial security posted by the developer within 180 days after conditional final or preliminary/final plan approval by the Planning Commission, unless a written extension is granted by the Borough, which extension shall not be unreasonably withheld and which extension request shall be initiated and placed in writing by the developer.

§805. Form and Amount of Financial Security.

1. Without limitation as to other types of financial security which the Planning Commission may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security.
2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
3. In evaluating the reasonableness of accepting financial security proposed to be posted by the developer with a bonding company, which financial security the Borough may approve, Borough shall make the determination that the bonding company satisfied at least the following criteria:
 - A. The bonding company is financially sound.
 - B. The bonding company is reputable, reliable and reasonably prompt in performance on its surety bonds and any claims made on its surety bonds.
 - C. The bonding company has a Best rating of A, or better, or comparable rating acceptable to the Borough..
 - D. The bonding company is in good standing with and authorized to transact business in Pennsylvania.
4. The financial security shall provide for, and secure to the public, the completion of all required improvements within the time period fixed in the developer's improvements agreement for completion of the improvements.
5. The developer shall deliver financial security to guarantee completion of the required improvements in the amount of 110 percent, (or such other amount specified in the MPC as it may hereafter be amended), of the cost of all improvement required by this Chapter, determined in the manner and in accordance with the procedures set forth in §509 of the MPC, 53 P.S. §10509. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the required improvements which have been completed and the estimated cost for the completion of the remaining uncompleted improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to ensure that the financial security equals said 110 percent.

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6. If the developer requires more than one year from the date of delivering the financial security to complete the required improvements, the Borough may require the amount of financial security to be increased by an additional 10 percent, (or such other amount as permitted by the MPC), for each one year period beyond the first anniversary date from delivering the financial security, or to an amount not exceeding 110 percent, (or such other amount specified in the MPC as it may hereafter be amended), of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period by using the procedures set forth in Section 509 of the MPC.
7. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as the Planning Commission finds essential for the protection of any finally approved section of the development.

§806. Reduction and Release of Financial Security.

1. In General. As the work of installing the required improvements proceeds, the developer may request the Planning Commission to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.
2. Notice of Completion. When the developer has completed the improvements, or any portion thereof, the developer shall, in writing, notify the Borough Administrator by certified or registered mail of such completion and send a copy of said notice to the Borough Engineer. The Borough Administrator shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. See Section 501(a) of the MPC for required procedures.
3. Engineer's Report.
 - A. Within 30 days of the receipt of such request from the Borough Administrator (including his/her designee), the Borough Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to the President of Borough Council and mail a copy of such report by certified or registered mail to the developer at his last known address.
 - B. This report shall be based on the inspections made according to the approved plan, shall be detailed and shall recommend approval or rejection of the improvements, either in whole or in part.
 - C. If the Borough Engineer finds any or all of the improvements to lack conformity with the approved plan or to be deficient, he shall include in the report a statement of the reasons for recommending non-approval or rejection of the improvements, or any portion thereof.
 - D. The Borough Administrator shall notify the developer within 15 days of the receipt of the Borough Engineer's report, in writing by certified or registered mail of the action of the Borough with relation thereto.
 - E. If the improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same as directed by the Borough and, upon completion, the same notification procedure outlined above shall be followed.

4. Upon certification of the completion of the improvements by the Borough Engineer and the approval of same by the Borough Council, the Borough Council shall authorize a reduction in the amount of the financial security as estimated by the Borough Engineer fairly representing the value of the improvements completed. See the 10 percent retainer in subsection "5." below.
5. The Borough Council may, prior to final release of the financial security at the time of completion and certification by the Borough Engineer, require retention of 10 percent of the estimated cost of the aforesaid improvements. It is encouraged to have the applicant agree to have the Borough retain 15 percent so that the same amount of security can be rolled over to serve as the maintenance security.

§807. Maintenance Security.

1. The developer shall post financial security to secure the proper functioning and structural integrity of the required improvements in accordance with the design and specifications depicted on the final or preliminary/final plan for a term not to exceed 18 months from the date of the developer's completion and the Borough's inspection and certification of acceptance of any of the required improvements.
2. The form and manner of the maintenance security shall be acceptable to the Borough Solicitor and the amount of the financial security shall not exceed 15 percent of the actual cost of the said improvements.

§808. Indemnification and Insurance.

1. The written developer's improvements agreement entered into by the developer with the Borough shall include therein an indemnification agreement whereby the developer agrees to indemnify and hold the Borough and its officers, employees, agents, employees, officials and authorized representatives harmless from any and all liability, including, but not limited to, any and all aspects of construction, water management, site grading, utility line trenching and construction, and street excavation.
2. The developer's improvements agreement entered into by the developer with the Borough shall also require the developer to provide to the Borough insurance and insurance coverages in form and amounts deemed acceptable to the Borough Council. The Borough may require that the insurance name the Borough, and its officers, employees, agents, employees, officials and authorized representatives as an additional insured.

§809. Default Under Developer's Improvements Agreement.

1. In the event that any required improvements have not been installed as provided in this Chapter or in accordance with the approved final or preliminary/final plan, the Borough may draw upon or enforce any posted financial security as specified in the developer's improvements agreement or by any appropriate legal or equitable remedies.
2. If the proceeds of such financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said financial security, the Borough may, at its option, elect to install part of such improvements in all or part of the subdivision or land development, and may institute appropriate legal or equitable action to recover the money necessary to complete the remainder of the improvements.

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3. All of the proceeds whether resulting from the security or from any legal or equitable action brought against the developer, or other surety, shall be used solely for the installation of the improvements covered by such financial security, and not for any other Borough purpose.

§810. Completion of Improvements After Preliminary Plan Approval and Prior to Final Plan Approval.

1. If the developer begins any construction or development activities for a subdivision or land development after preliminary plan approval and prior to final plan approval, the developer shall enter into an agreement with the Borough prepared by the Borough Solicitor whereby the developer, inter alia, agrees:
 - A. To indemnify and hold the Borough and its officers, employees, agents, employees, officials and authorized representatives harmless from any and all liability, including, but not limited to, any and all aspects of construction, water management, site grading, utility line trenching and construction, and street excavation.
 - B. To provide general liability, property damage and any other required insurance in forms and amounts deemed acceptable to the Borough, naming the Borough, its agents, building/zoning inspectors, officials, employees and authorized representatives, as an additional insured.
 - C. To prevent soil erosion, sedimentation and water damage to the subject and adjacent properties.
 - D. To make provisions and be responsible, at developer's own cost and expense, for removing all mud, litter and/or debris on public streets resulting from any vehicles and equipment leaving the subdivision or land development and entering onto public streets.
 - E. To be responsible for and repair, at the developer's own cost and expense, any damage done to any public streets and central water and sewer systems as a result of, or in connection with, the performance of any work related to the subdivision and land development.
 - F. To post an escrow account to cover the cost of all soil erosion and sedimentation control measures, traffic control measures, and the reasonable costs of all Borough required administrative costs, inspections, engineering and legal fees.
 - G. That the developer shall furnish to the Borough a cost estimate, satisfactory to the Borough, of all of the required improvements for the subdivision or land development.
 - H. That no lots or land(s) within the subdivision or land development shall be sold, transferred or otherwise conveyed and no building permits shall be issued by the Borough unless and until the developer has submitted and received final plan approval and the final plan has been recorded with the County Recorder of Deeds.
 - I. That the Borough shall not accept any improvements intended for dedication to the Borough until after the developer has submitted and received final plan approval and the final plan has been recorded with the County Recorder of Deeds.

Part 9

Recording of Final or Preliminary/Final Plans and As-Built and Record Plan Requirements

§901. Applicant's Duty to Record.

1. **Deadline.** The applicant shall have the responsibility to make sure that the approved final or preliminary/final plan is recorded with the County Recorder of Deeds within 90 days after the release of such approved final or preliminary/final plan by the Borough. An extension of the 90 day period may be granted by the Planning Commission following a written request for an extension by the applicant.
 - A. At the option of the Borough, the Borough may volunteer to have the Borough Solicitor, Borough Engineer or another designee complete the recording, with the costs of such work required to be paid by the Applicant.
2. **Notification.**
 - A. Unless the Borough volunteers to accomplish the recording, the applicant shall notify the Borough Administrator in writing of the date of such recording and the plan book and page wherein such plan is recorded.
 - B. Such notification shall include a copy of the County Recorder's receipt.
3. **Failure to Record.** If the plan is not recorded, and if a written extension has not been granted by the Planning Commission within the required time period, the approval of the final or preliminary/final plan shall lapse and become void.

§902. Record Plan.

The record plan shall be a clear and legible blue or black line print on an acceptable reproducible material or paper, and shall be an exact copy of the approved final or preliminary/final plan on a sheet of the size required for final or preliminary/final plans. After the final or preliminary/final plan has been recorded, one reproducible copy thereof and two prints, on a stable base material, shall be supplied to the Borough for its permanent files.

§903. Effect of Recording.

1. **Official Map.** After a subdivision or land development has been duly recorded, the streets, parks, and other public improvements shown thereon shall be considered to be part of any official map of the Borough.
2. **Dedication of Improvements.** Every street, park or other improvement shown on a subdivision or land development plan that is recorded as provided herein, shall be deemed to be a private street, park, or improvement until such time as:
 - A. It has been offered for dedication to the Borough and accepted by the Borough by ordinance or resolution, and recorded.
 - B. It has been condemned by the Borough for use as a public street, park, or improvement.

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§904. As-Built Plans.

As-built plans shall be prepared by the developer's engineer or designee from the best information available. Such plans shall be submitted to the Borough Engineer upon the completion of construction. Following are the as-built plan submission and drawing requirements:

- A. **Submission Requirements.** The developer shall be required to provide the as-built plan in the following formats: 1) one reproducible plan (mylar or similar materials); 2) a file on CD, flash drive or similar media in .pdf or successor format; and 3) 3 paper prints. Prior to submitting these plans, one print of the as-built plan(s) shall be submitted to the Borough Engineer for review and approval.
- B. **Drawing Requirements.** All construction changes shall be noted by drawing a line through the design data and adding the record data adjacent thereto. The following specific information shall also be noted:
 - (1) **Water Distribution System.** Stationing of each gate valve, bend, tee, cross, plug, encasement and lateral. Each curb stop and valve box shall be stationed and defined with reference ties when necessary. The location of the water main with respect to the street centerline or utility easement line shall be shown and dimensioned. The clearance between any water line and any other utility shall be shown, and shall be dimensioned if the this clearance is 10 feet or less horizontally or 18 inches or less vertically.
 - (2) **Sanitary Sewerage System.** Depth, length, and station of each lateral. In the case of skewed laterals additional reference ties shall be provided. Stationing shall be based on the commonly accepted practice of applying Station 0+00 to the centerline of the nearest downstream manhole base slab, unless otherwise required by the utility provider.
 - (3) **Storm Sewerage System.** Invert elevations, sewer lengths, slopes, pipe diameters, and types.
 - (4) **Roads.** As-built curb and/or pavement grades for intersections. Any significant deviations in the centerline profile shall be noted on the plan.
 - (5) **Other Underground Utilities.** Location and depth of electric, telephone, cable TV, and gas lines within the rights-of-way. The utility locations and depths should be shown where they cross other utilities or cross under streets. Any encasement of the above utilities should be identified.

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Part 10

Design Standards and Required Improvements

§1001. Application.

1. **Evaluating Plans.** The design standards and improvements required in this Chapter shall be the minimum requirements applied by the Planning Commission and the Borough in evaluating plans for any proposed subdivision or land development.
2. **Additional Improvements.** Additional or more stringent improvements may be required in specific cases where, in the determination of the Planning Commission, they are reasonably related to and necessitated by the subdivision and land developed in order to protect the public health and safety.
3. **Modifications and Waivers.** See §1202 of this Chapter.

§1002. Required Improvements.

This Part sets forth the design and construction standards for required improvements. Such improvements shall be constructed in accordance with both the requirements in this Chapter and the standard construction specifications and details of the Borough.

§1003. Overall Requirements.

1. Land shall be suited to the purpose for which it is intended to be subdivided or developed.
2. **Hazardous Conditions.** Land subject to hazardous conditions including, but not limited to, open quarries, unstable slopes, unconsolidated fill, floods, excessive erosion, sinkhole-prone areas or unsafe water supply, shall not be subdivided until the hazards have been eliminated or overcome by adequate safeguards provided by the developer and approved by the Planning Commission. The floodplain requirements of the Borough zoning ordinance shall also apply where applicable.
3. **Zoning.** All aspects of a proposed subdivision or land development shall conform to the Borough zoning ordinance and floodplain regulations and all other Borough ordinances and specifications.
4. **Nearby Development.** A subdivision or land development design, including its street pattern, shall be coordinated with existing or approved nearby developments or neighborhoods so that the area as a whole may be developed harmoniously and serious conflicts between neighboring developments may be prevented.
5. **Safety.** A subdivision or land development shall not occur in such a way that would significantly threaten the public health and safety, including but not limited to, hazards of toxic substances, groundwater pollution, traffic hazards and explosive and fire hazards.
6. **Erosion and Sedimentation Control.** Earth disturbance of more than 5,000 square feet of land area, other than for agriculture, shall not take place prior to approval of an erosion and sedimentation control plan by the County Conservation District.
7. **Agency Approvals.** No construction activities shall take place that will affect any area of a subdivision or land development where State or Federal agencies have jurisdiction and require permits for those activities until all necessary State and/or Federal permits are received or evidence is provided demonstrating that no permit(s)

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is required.

§1004. Streets.

1. General Standards.

- A. The location and width of all streets shall conform to the plans approved by the Borough.
- B. The proposed street system shall extend existing or recorded streets at the same width, but in no case less than the required minimum width, unless modified by the Planning Commission.
- C. Stub Streets - See Section 1004.9.B.
- D. New local streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of arterial, collector, and local streets into and from adjoining properties.
- E. Where a subdivision or land development abuts or contains an existing street of improper width or alignment, the Borough may require the dedication of land sufficient to widen the street or correct the alignment.
- F. Where feasible and desirable from a safety or traffic flow standpoint, at least two accesses to existing streets shall be provided for a proposed subdivision or land development.
- G. Private streets, where permitted under the Zoning Ordinance, may be approved only if they are designed to meet the Borough specifications for an appropriately classified public street, including reservation of the required right-of-way for any street classification.
- H. New half or partial streets will not be permitted, except where essential for the reasonable development of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street and the posting of acceptable financial security is provided.
- I. Street classifications are listed under the definition of "Street Classification" in Section 201.

2. Intersections.

- A. The centerlines of streets shall intersect at right angles unless existing conditions which cannot reasonably be corrected dictate otherwise. In such case, the intersection shall be at right angles as nearly as possible, but in no case less than 75 degrees.
- B. Intersections of more than two streets at one point shall be prohibited. Where streets intersect other streets, the intersecting street shall be aligned directly across from any street intersecting on the other side, or be offset by the minimum distance stated in this subsection. This minimum offset shall also be the minimum distance between centerlines of streets intersecting a cross street on the same side, as follows:
 - (1) 150 feet along a local street.
 - (2) 400 feet along a collector street.
 - (3) 1,000 feet along an arterial street.

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The distances of this subsection shall be measured between the intersections of the centerlines of the legal rights-of-way of the streets.

- C. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - (1) 20 feet for intersections involving only local streets.
 - (2) 30 feet for intersections involving a collector street.
 - (3) 40 feet for intersections involving an arterial street.
 - D. Street right-of-way lines shall be concentric with curb arcs at intersections.
3. Arterial Street Frontage. Where a subdivision or land development abuts or contains an existing or proposed arterial street, the Planning Commission shall require one of the following methods of layout and site design to avoid increased traffic congestion and promote public safety:
- A. The use of marginal access or reverse frontage streets for access only onto side or interior streets, to collect traffic from numerous driveways and direct it to a select few number of entrances to the arterial street.
 - B. The minimization of the number of driveway cuts or street intersections onto an arterial street, which may include requiring the use of shared driveways between adjacent uses or lots.
 - C. The restriction of ingress and egress involving left-hand turns onto or off of the arterial street.
 - D. The prohibition of driveways from individual dwellings entering directly onto an arterial street.
- If provided with no alternative, each driveway entering onto an arterial street shall have adequate turn-around space provided within the lot so that vehicles must not back onto the street.
4. Street Design Standards.
- A. Minimum street right-of-way and cartway widths shall be as follows:

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Table 10.1 Design Standards for Streets

| Street Type | Required Width (in feet) |
|------------------|--|
| Arterial Street | |
| Right-of-way | 60, unless a differing requirement is established by PennDOT |
| Cartway | 40, unless a differing requirement is established by PennDOT |
| Collector Street | |
| Right-of-way | 60, unless a differing requirement is established by PennDOT |
| Cartway | 36, unless a differing requirement is established by PennDOT |
| Local Streets | |
| Right-of-way | 50 |
| Cartway | 30 * |
| Alley | |
| Right-of-way | 20 |
| Cartway | 12 one-way, 16 two-way |

* Except 34 feet for a street abutting apartments or townhouses or other lots with an average lot width of less than 40 feet. The Borough may also require the construction of 4 feet wide stone shoulders on each side of the cartway where the Planning Commission determines it is necessary.

5. Street Grades. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
 - A. There shall be a minimum centerline grade of one percent.
 - B. Centerline grades shall not exceed the following:
 - (1) Local street - 10 percent.
 - (2) Collector street - 6 percent.
 - (3) Arterial street - 6 percent.
 - C. All street approaches to an intersection shall have a leveling area wherein the centerline vertical slope is not greater than four percent grade for a distance of 25 feet measured from the extended right-of-way line of the intersecting street.
 - D. The maximum grade across the pavement surface of the cul-de-sac bulb shall not exceed five percent.
 - E. To provide for adequate drainage, the minimum grade of any projected street gutter shall be not less than two percent across an intersection unless storm sewer inlets are provided to collect stormwater prior to its crossing the intersection.

6. Horizontal Curves.
 - A. Whenever street lines are deflected in excess of five degrees, connection shall be made by horizontal curves.
 - B. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 - (1) Local streets - 150 feet.

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- (2) Collector streets – 300 feet.
 - (3) Arterial streets – 500 feet.
- C. A tangent of at least 100 feet shall be introduced between all reverse horizontal curves.
- D. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.
- E. Compound curves are prohibited.
7. Vertical Curves. Vertical curves shall be used at changes of centerline vertical grades exceeding one percent. The minimum length of the vertical curve shall be determined by multiplying the absolute difference in change of percent in grade by the following factors:
- | | |
|--------------------------------------|-----------|
| A. Arterial streets | 160 feet. |
| B. Collector streets | 180 feet. |
| C. Local and marginal access streets | 30 feet. |
- Vertical curves should be designed to provide a minimum stopping sight distance of 200 feet for local streets and 300 feet for all other streets.
8. Clear Sight Distances. See §803 of the Zoning Ordinance and Section 1011 of this Ordinance .
9. Streets With Only One Outlet.
- A. Dead-end streets, other than stub and cul-de-sac streets, shall be prohibited, except as hereinafter provided.
 - B. Stub Streets.
 - (1) The Planning Commission may require any existing stub street(s) in an abutting subdivision to be extended into the proposed street system of a subdivision or land development. The Planning Commission may also require the provision of right-of-way for a new stub street to access abutting undeveloped land in the future.
 - (2) Where a stub street would provide access to buildings as part of the subdivision or land development, the stub street(s) shall be fully constructed by the developer. Where a stub street would not serve buildings as part of the developer's project and does not connect to an existing or approved street, the stub street does not need to be actually constructed, but instead shall be the responsibility of the future adjacent developer.
 - (3) Stub streets greater than 200 feet in length that provide access to buildings shall be provided with a temporary turnaround to the standards required for cul-de-sacs, unless otherwise approved by the Borough Engineer. The turnaround area may be vacated in the future if the street is extended. Guiderails with reflective features, which meet Borough specifications, shall be placed as barricades at the end of every stub street constructed as part of a subdivision.
 - C. Cul-de-sac Streets.
 - (1) A cul-de-sac street must have a fully paved turnaround and a minimum cartway radius of 40 feet to the street face of the curb, except that such radius may be reduced to 35 feet if qualified by PennDOT for liquid fuels reimbursement and if adequate for emergency vehicle maneuverability.

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The maximum radius of the right-of-way of the cul-de-sac bulb shall be 60 feet. The width between the edge of the cartway and the edge of the right-of-way along the stem of the street leading to the cul-de-sac bulb shall be maintained around the cul-de-sac bulb.

- (2) The paving of the cul-de-sac bulb shall join the approach road paving by an arc having a radius of not less than 25 feet.
 - (a) A cul-de-sac shall be designed with a snow storage easement at one end that allows snow to be plowed straight into an area designed for such purpose. The snow storage area shall not conflict with a driveway and shall allow for proper drainage.
 - (3) The Planning Commission, with consideration of any recommendation of the Borough Engineer, may permit acceptable alternative turnaround designs, including turnarounds with acceptable radii having a parking court or a landscaped island (with acceptable provisions for private maintenance) within the cul-de-sac bulb. Any curbing around such an island should be mountable to allow maneuverability by emergency vehicles.
 - (4) The gutter line slope around the cul-de-sac bulb shall be a minimum of one percent.
 - (5) Cul-de-sac streets shall have a maximum length of 600 feet, and shall not serve more than 25 dwelling units.
 - (6) The length of a cul-de-sac street shall be measured as provided in the definition under "Street Classification - Cul-de-Sac Street in Section 201.2.
10. Reserved for future use.
11. Street Design and Construction Standards.
- A. General. Streets shall be graded, improved and surfaced to the grades and dimensions shown on the plans, profiles and cross sections submitted by the developer and approved by the Planning Commission.
 - B. Right-of-Way Grading.
 - (1) The right-of-way width shall be graded to the approved cross-section. All obstructions including, but not limited to, trees, stumps and other material deemed unsuitable by the Borough Engineer shall be removed. The excavation shall be backfilled and suitably compacted to the satisfaction of the Borough Engineer.
 - (2) The typical street section shall be crowned.
 - (3) Properly super-elevated curves (banked curves) shall be provided on arterial and collector streets and when required by the Borough Engineer.
 - C. Grading Beyond Right-of-way.
 - (1) The subdivider or developer may be required to grade beyond the right-of-way line in order to provide safe, stable and continuous slope from the proposed right-of-way line elevation to the existing elevation of the abutting property.
 - (2) Such grading beyond the right-of-way shall maintain the original drainage patterns except where stormwater runoff designs dictate or

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warrant improvement or alteration of the original slope and contours.

- (3) Approved plans, either preliminary or final, showing proposed grading, shall contain a note on the plan, which note shall state that the grading proposed on the plan shall be maintained, and that the note constitutes a covenant running with the land enforceable by the Borough and binding upon the developer, his heirs, executors, administrators, successors-in-title, successors, and/or assigns, unless altered by written permission from the Planning Commission after recommendation from the County Conservation District.
- (4) In areas of earth excavation or earth fill, such grading shall be done to the maximum extent practical at a slope of four feet horizontal to one foot vertical. If steeper slopes are required, permanent ground stabilization shall be accomplished with a maintenance free planting.

D. Drainage of Streets.

- (1) Parallel and cross drainage facilities shall be properly located, designed and installed to maintain proper drainage of the completed streets.
- (2) Proper design may require the use of curb and gutter or paved drainage swales to prevent erosion. Drainage facilities shall be designed in accordance with requirements of the Stormwater Chapter of the Fountain Hill Code of Ordinances.
- (3) Open pipe ends must be fitted with concrete end walls or prefabricated end sections and with protective safety gratings.
- (4) No open pipes shall be allowed to end within the Borough street right-of-way, except in cases where new or existing driveways must cross deep swales adjacent to new or existing Borough roads. In the case of these exceptions to the standard, the pipe shall be located as far off the edge of pavement as possible, and at least 20 feet from the road centerline.
- (5) Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted for the proposed channel lining.
- (6) Consideration shall be given for subgrade drainage of those soils subject to frost heave. Design of the road bed in such locations may require parallel drainage facilities and/or underdrains to properly stabilize the subgrade. The Planning Commission may require that such drainage facilities be provided. The requirement and design of such subgrade drainage facilities shall be subject to the recommendation, review and approval of the Borough Engineer.

12. Required Traffic Improvements.

- A. Purpose. In recognition of the provisions of the Article V-A and §503(2)(ii) and 503(3) of the MPC, this Section is primarily intended to ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection and to ensure that the access into and out of subdivisions and land developments is sufficiently safe.
- B. Process. Determinations under this subsection 12 shall be made by the Planning Commission, after considering any recommendations that may be provided by the Borough Engineer, the applicant, the applicant's professional representatives, PennDOT and any professional traffic studies that may have been submitted.

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- C. On-site Traffic Improvements. An applicant for a subdivision or land development shall be required to design, pay for and install, at his/her own expense, all requested onsite improvements as defined in Article V-A, §502-A of the MPC. Onsite improvements may include, but are not limited to, a new traffic signal or traffic control devices, the improvement of an abutting roadway or intersection, realignment of a curve in an abutting roadway or the widening of an abutting cartway or right-of-way.
- D. Widening of Abutting Street. An applicant for any land development or subdivision shall be required to widen the cartway and any shoulders of abutting streets to Borough standards (or other specifications approved by the Planning Commission or PennDOT) and to a width determined to be adequate by the Planning Commission as reasonably related to, and necessitated by, the land development or subdivision for the public health, safety, and welfare. The applicant shall only be responsible for improvements from the centerline of the street right-of-way inward toward the project's lot lines, unless the Planning Commission determines that improvements on the other side of the centerline are reasonably related to, and necessitated by the subdivision or land development for ingress and egress and are essential for public safety.
13. Maintenance of Private Streets. Where private streets are permitted under the Zoning Ordinance, the developer shall enter into a legally binding agreement (which agreement shall be recorded at the County Recorder of Deeds) specifying who shall be responsible for the improvement and perpetual maintenance of any private street as a condition of final plan approval.
14. Street Names and Street Signs.
- A. A proposed street which is close in alignment with an existing named street shall bear the name of the existing street.
- B. In no case shall the name of a proposed street duplicate or be closely similar to an existing street name in the Borough or in the same zip code, unless it is a continuation of that street.
- C. All street names shall be subject to the approval of the Borough.
- D. The developer is responsible to ensure that proper street regulatory signs and street name signs are installed, meeting Borough standards and any applicable State and Federal standards. If the Borough volunteers to provide and/or install the signs, the developer shall be responsible to reimburse the Borough for such costs.

§1005. Crosswalks.

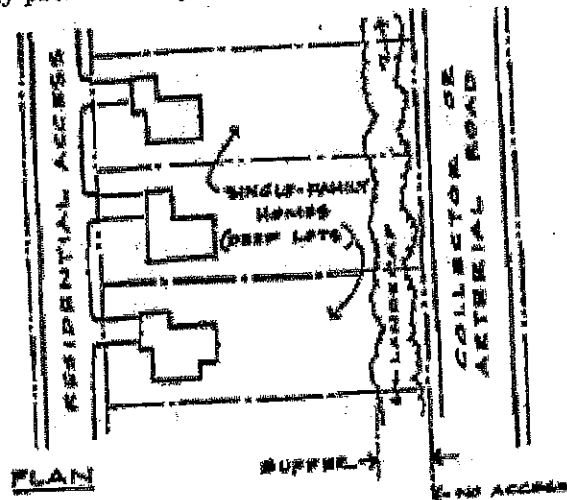
1. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation, and to give access to community facilities. See requirements for ADA access in Section 1012.

§1006. Lots and Parcels.

1. General Standards.
- A. Side lot lines shall be at right angles to straight street lines, or radial to curved street lines.
- B. Lot lines should follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.

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- C. The depth of residential lots should be not less than one nor more than 2 1/2 times their width.
2. Lot Frontage.
- A. All lots shall have frontage on a public street improved to Borough standards, or for which such improvements have been insured by the posting of an acceptable performance guarantee under this Chapter. Where permitted in the Zoning Ordinance (such as for townhouses and condominium apartments development), lots may have frontage on a private street improved as specified in §1004 of this Chapter, or for which such improvements have been insured by the posting of an acceptable performance guarantee, provided the developer complies, inter alia, with §801 of the Zoning Ordinance and all other applicable provisions of this Chapter.
3. Through Lots.
- A. Through lots shall ordinarily not be created except as needed to avoid direct vehicular access onto an arterial street by individual driveways.
- B. (1) On any through or reverse frontage lots, each lot shall include a 15 foot deep planting strip along one of the streets with access across this strip clearly prohibited by notes on any approved plan (see Figure C below).



Buffer Along Through Lots

- (2) In addition to the street trees required by Section 1016 of this Chapter, this planting strip shall also include evergreen tree plantings. Any fencing in the rear of such lots shall be placed on the inner perimeter of such plantings.
- (3) This planting strip shall be placed along the street that the Planning Commission determines will eventually serve the most through-traffic. (For example, if a lot abuts a collector and a local street, the planting strip shall be placed along the collector street and the lot shall only have vehicular access onto the local street).
4. If remnants of land (other than rights-of-way) exist after subdividing, they shall be incorporated in existing or proposed lots. No lot shall be created that would not be suitable for a use permitted in that zoning district and meet all dimensional zoning requirements for that zoning district.
5. Bus Stops.

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- A. The developer of residential land developments or subdivisions that involve 15 or more dwelling units shall contact the school district to establish one or more acceptable and safe locations for a school bus stop within or abutting the proposed development.
- B. The developer of a major subdivision or land development may be required by the Planning Commission to contact the local public transportation agency to seek an appropriate location for a public bus stop within or abutting the proposed development.

§1007. Sanitary Sewage Disposal Systems.

1. The developer shall provide the most effective type of sanitary sewage disposal consistent with the natural features, location, and proposed development of the site. The following types of sanitary sewage disposal are accepted:
 - A. Connection to existing centralized sanitary sewage collection and treatment system.
 - ~~B. Provision for a centralized sanitary sewage collection and treatment system by the developer to be in accordance with the requirements of the PaDEP.~~
 - C. Capped sewers with temporary, approved onlot facilities.
 - D. On-lot sewage disposal systems.
2. Connection to an existing centralized sanitary sewerage system shall be required where such a system can feasibly be provided to the proposed subdivision or land development tract and where such a system can adequately fulfill the sewage disposal needs of the project.
3. Where connection to an existing centralized sanitary sewerage system is not feasible, a centralized system with a treatment plant and suitable means of final disposal shall be designed and constructed according to current PaDEP regulations and reviewed by the Borough Engineer. All treatment plants shall have a tertiary level of treatment.
4. Where a centralized sanitary sewerage system is not yet accessible to the site, but is planned for extension to the subdivision within a 10 year period, the developer shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewerage system is made. The sewer lines shall be suitably capped at the street right-of-way line. When capped sewers are provided, onlot disposal facilities shall also be provided. Design of the capped system shall be in accordance with the standards of the PaDEP and shall be subject to approval by the Borough Planning Commission.
5. Where neither connection to an existing centralized system nor the construction of a centralized system with a treatment plant is feasible, sewage disposal shall be provided on individual lots.
 - A. The Borough Sewage Enforcement Officer's site and soils investigation and favorable report are required prior to approval of the preliminary plan.
 - B. Any use with an onlot sewage disposal system that does not have capped sewers shall include a tested and suitable land area set aside and kept undisturbed for a second system that could be used if the first system failed.
6. When required by PaDEP, a PaDEP sewage facilities planning module and/or a sewage facilities construction permit application shall be submitted pursuant to Act 537. Such planning module and/or permit approval must be obtained prior to the initiation of any earthmoving activities.

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§1008. Water Supply, Distribution and Fire Protection.

1. Centralized Water System.
 - A. Whenever an existing central water system is within 1/4 mile of the proposed lot, subdivision, or land development, the central water system shall be extended to serve new principal buildings. Where necessary to provide adequate water supply, the Borough may require a loop in the water system, extensions of two or more mains, water pressure improvements or similar improvements.
 - B. Where an existing system is not within 1/4 mile, and the average lot size is less than 30,000 square feet or the development includes 12 dwellings or one or more nonresidential buildings, the applicant shall provide a centralized water supply and distribution system.
 - C. All centralized systems shall be designed to meet the requirements of the Borough, PaDEP and other appropriate agencies. The minimum size of mains shall be eight inches, although six inches may be acceptable in a cul-de-sac when approved by the Borough Engineer. The Borough may, where necessary and appropriate, require larger mains to service the immediate subdivision or land development.
 - D. Suitable agreements shall be executed for the design, specifications, construction, ownership and maintenance of such systems.
 - E. Where a centralized water system is provided, the system shall also be designed with adequate capacity for fire fighting purposes. Sufficient fire hydrants shall be installed so that all dwelling units and principal nonresidential buildings are no more than 300 feet from a fire hydrant.
2. On-lot Water System. Where individual onsite water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow the safe location of such a system.

§1009. Utilities Other Than Water and Sewer.

1. All electric power, telephone, cable television and natural gas distribution lines shall be placed underground in accordance with the current standards of the utility serving the subdivision or land development except where the Planning Commission determines such placement is not feasible.
2. When notifying public utilities of the opportunity to serve any new subdivision or land development, the developer shall also notify all cable operators licensed to operate a cable system in the Borough of the opportunity to install cable facilities to serve the subdivision or land development.

§1010. Stormwater Drainage.

See the Borough Stormwater Management Ordinance, Chapter 26 of the Codified Ordinances of Fountain Hill, as amended.

§1011. Driveways.

1. Access to all roads within the Borough shall conform to the requirements set forth herein and any other applicable Borough regulations.

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2. The Planning Commission shall have the authority to limit the number of driveways entering onto a street from one lot. See also the access management provisions in Section 1004.
3. Nonresidential driveways shall intersect streets at right angles and shall provide adequate turnaround space so that cars will not be required to back out onto a street in order to leave a nonresidential lot. The Planning Commission may also require a turnaround area on a residential lot if they deem necessary to provide safe access onto a street.
4. Grades. Driveway centerline vertical grades shall not exceed the following:
 - A. 7 percent when access is to an arterial street.
 - B. 12 percent when access is to a collector or local street.
 - C. The grade of the initial 20 feet behind the right-of-way line shall not exceed 4 percent.
5. See Section 405 of Chapter 21 of the Codified Ordinances of the Borough, which requires Borough approval of access of a driveway onto a street or alley. A PennDOT highway occupancy permit is required for each entrance of a driveway onto a state road, and for any work within a state right-of-way.
6. See clear sight triangle requirements in Section 803 of the Zoning Ordinance. In addition, a clear sight triangle shall be established at every new vehicle driveway that enters onto a public street. Within these clear sight triangles, no new sight obstruction shall be allowed that obstructs the views of motorists of oncoming vehicle or pedestrian traffic at a height of between 2 and 10 feet in elevation. To the maximum extent feasible, this clear sight triangle shall be cleared of existing obstructions, such as by trimming vegetation. Tree trunks, mail boxes and sign posts with a maximum width of 18 inches shall be allowed within a required sight triangle, unless otherwise required by PennDOT. Off-street parking of motor vehicles shall not be allowed within a required sight triangle.
 - A. For a new vehicle driveway or a residential driveway that is being converted to a principal non-residential use, the clear sight triangle shall be of sufficient dimensions to include PennDOT minimum sight distances, within property under the control of the applicant. This requirement shall apply regardless of whether a State street is involved. If a Borough street is involved, the sight distance triangle shall be based upon PennDOT sight distances that would have applied.
 - B. This sight distance requirement does not apply to driveways that: 1) only serve emergency vehicles or 2) do not allow vehicles to enter onto the street.
 - C. The clear sight triangles shall be shown on the subdivision or land development plans, with a binding note stating that the triangles shall regulate obstructions as described above.
7. Driveway Widths and Paving. See §603 of the Zoning Ordinance for required widths for access drives and driveways and for paving requirements. The driveway widths may be wider than stated in such section if necessary for proper curb returns.
8. Drainage. Provision shall be made to maintain uninterrupted parallel drainage along a street where it is intersected by a driveway. The type and diameter of any pipe used under driveway crossings shall be subject to approval by the Borough.

§1012. Sidewalks, Trails and Curbs.

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1. Sidewalks shall be installed along any existing or proposed arterial or collector street and abutting any principal commercial or institutional use. Sidewalks may be required in residential areas and along streets other than arterial or collector streets, if deemed necessary by the Planning Commission to provide for safe pedestrian travel.
2. The Planning Commission may, after receiving the recommendation of the Borough Engineer, defer, modify or waive a requirement for sidewalks on one or both sides of a street if: a) all the lots in a residential subdivision would be both greater than 30,000 square feet and have greater than 150 feet of street frontage, or b) where a modification or waiver is otherwise allowed by this Ordinance, such as if a developer demonstrates a hardship unique to the development which makes the installation of sidewalks impractical.
3. Sidewalks shall be a minimum of five feet wide. The location of the sidewalk shall be subject to approval by the Borough, and a grass strip may be required between the sidewalk and a curb, where site conditions permit it. Portions of the sidewalk may be allowed to have a 4 feet minimum width where steep slopes, narrow rights-of-way widths, preservation of existing trees or similar conditions exist as determined by the Planning Commission. In such case, other nearby adjacent segments shall have a 5 feet minimum width to meet ADA requirements.
4. All sidewalks and curbs at the intersection of two or more streets shall include a sloped curb cut and ramp suitable for use by wheelchairs. New curbcuts shall be designed and installed in accordance with ADA requirements. Note: Along a State road, additional PennDOT requirements apply for ADA ramps that are more extensive than Federal ADA requirements.
5. Curbs shall be installed along both sides of all streets, except where the applicant proves to the satisfaction of the Planning Commission that curbs would not serve a public purpose or that stormwater management would function better without curbs.
6. The Planning Commission may require the construction of a recreation trail to provide access between a subdivision or land development and an existing recreation trail, public recreation area or school. A trail may also be required at the end of a cul-de-sac street. Such trail shall be within a pedestrian easement unless it is within a street right-of-way. The construction specifications of a recreation trail shall be subject to approval by the Borough, but at a minimum should include 6 feet of width of compacted crushed stone. Areas on slopes and in floodprone areas may be required to be paved.

§1013. Monuments and Markers.

1. Permanent monuments shall be accurately placed at all points marking changes in the direction of external boundary lines of a property subdivided.
2. Monuments shall be made of reinforced concrete with minimum dimensions of four inches at the top, six inches at the bottom and be 30 inches long. The monument should be tapered and have at least 1/2 inch diameter, 30 inch long steel reinforcing rod inserted vertically in the monument and protruding 1/2 inch above the top of the monument, unless an alternative design is pre-approved by the Borough Engineer.
3. All monuments shall be placed by or under the direction of a professional land surveyor so that the center of the top of the monument, shall coincide exactly with the point of intersection of the property lines being monumented.
4. Monuments shall be set with their top level with the proposed finished grade of the surrounding ground, except:
 - A. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be

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affected by lateral movement of the sidewalks.

- B. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
 - C. Where sidewalks are existing, a stone point (a four inch square chisel cut in the sidewalk with a drill hole in center) may be substituted for a monument.
5. All streets shall be monumented on the street right-of-way lines at the following locations:
- A. At least two monuments at each street intersection.
 - B. At changes in direction of street right-of-way lines, including ends of radii at street intersections.
 - C. At intermediate points wherever topographical or other conditions make it impossible to sight directly between two otherwise required monuments.
 - D. At such other places along the right-of-way lines of streets as may be determined by the Borough Engineer to be necessary so that street rights-of-way will be readily defined.
6. Markers. All lot corner markers shall be permanently located and shall be at least a 3/4 inch metal pin or pipe with a minimum length of 20 inches, located in the ground to existing grade, unless an alternative is pre-approved by the Borough Engineer. Such markers shall be located prior to the lot being offered for sale.

§1014. Street Lights and Parking Lot Illumination.

1. Street lights are required to be installed in all subdivisions and land developments in accordance with the conditions agreed upon by the subdivider or land developer, the Borough and the electricity supplier as a condition of final plan approval. At a minimum, at least one street light shall be installed near each intersection of two or more public streets.
2. All off-street parking areas and driveways, except a driveway and off-street parking area accessory to a single family dwelling, a semidetached dwelling (twin) or a single family attached dwelling (townhouse) which has individual rather than a shared or common parking area, shall be illuminated adequately for security purposes during the hours between sunset and sunrise when the use is in operation. A street lighting and site lighting plan must be submitted with each major subdivision or land development plan.

§1015. Easements.

1. The Borough shall have the authority to require utility easements of up to 20 feet in width, (plus additional width as needed for additional utilities). Such easements may also provide for drainage.
2. To the fullest extent possible, easements shall be centered on or be adjacent to front, side, and rear lot lines.
3. The Borough may require the establishment of a drainage easement along a perennial or intermittent creek. Any drainage easement shall give the Borough the right but not the responsibility to maintain drainage within the easement.
4. There shall be a minimum distance of 50 feet between any proposed dwelling unit and any petroleum products or natural gas transmission line which traverses the

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subdivision or land development, unless a greater distance is recommended by the transmission line company.

§1016. Street Trees and Landscaping.

1. Parking Lot Landscaping. See Section 804 of the Zoning Ordinance .
2. Buffer Yards. See Section 803 of the Zoning Ordinance .
3. Street Trees. Street trees shall be planted in compliance with Section 804 of the Zoning Ordinance and this Section.
 - A. Street trees of approved deciduous hardwood varieties, as described below.
 - B. Trees shall be of a nursery stock quality, grown under the same climatic conditions as at the location of the development.
 - C. All planting shall be performed in conformance with good and accepted nursery and landscape practices.
 - D. All trees shall be balled and burlapped unless this requirement is waived by the Borough for any specified variety.
 - E. The requirement for street trees may, upon just cause shown, be waived by the Planning Commission. For example, the Borough may agree that existing healthy trees along the street would serve the same purposes, if they will be properly protected during construction and will be preserved.
 - F. Street trees shall be planted prior to the final inspection of public improvements for the subdivision or land development.
 - G. Trees permitted shall be of symmetrical growth, free of insects, pests and disease.
 - H. Trees shall have a minimum of a seven foot single straight stem to the first lateral branches above ground level.
 - I. The locations of street trees shall be subject to approval by the Borough. The Borough may allow or require street trees to be planted with the trunks inside or immediately outside of a street right-of-way.
 - J. The following is a list of trees recommended for planting as street trees between the curb and sidewalk.
 - (1) Trees recommended for planting strips at minimum spacing of 30 feet between trees. All trees should be of single stemmed treeform:
 - Hedge maple - *Acer campestre*.
 - Upright European hornbeam - *Carpinus betulus fastigiata*.
 - Pyramidal singleseed hawthorn - *Crataegus monogyna stricta*.
 - Crimson Cloud hawthorn - *Crataegus osyacantha Crimson Cloud*.
 - Tschonoskii crabapple - *Malus tschonoskii*.
 - Rancho Columnar Sargent Cherry - *Prunus sargentii Rancho*.
 - Kwanzan cherry - *Prunus serrulata Kwanzan*.
 - (2) Trees recommended for planting strips at a minimum spacing of 40 feet between trees:
 - European hornbeam - *Carpinus betulus*.
 - Katsura tree - *Cercidiphyllum japonicum*.

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Hop hornbeam – *Ostrya virginiana*.
Korean mountain-ash – *Sorbus alnifolia*. (canopy must be trimmed for clearance)
Sugar maple – *Acer saccharum*.
Green Mt. sugar maple – *Acer saccharum* Green Mt.
Ginkgo – *Ginkgo biloba* (male only).
Shademaster Thornless honeylocust – *Gleditsia triacanthos inermis* Shademaster.
Skyline locust – *Gleditsia triacanthos inermis* Skyline.
Sawtooth oak – *Quercus acutissima*.
Shingle oak – *Quercus imbricaria*.
Littleleaf linden – *Tilia cordata*.
Greenspire linden – *Tilia cordata* Greenspire.
White ash – *Fraxinus Americana*.
Pin Oak – *Quercus palustris*.
Red Maple – *Acer Rubrum*.
Chinese Elm - *Ulmus parvifolia*.
Green Ash (Marshall's seedless type) - *Fraxinus Pennsylvanic*.
Scarlet oak – *Quercus Coccinea*.
Sour gum (Black tupelo, Black gum) – *Nussa Sylvatica*.
Red oak – *Quercus rubra*.
Zelkova – *Zelkova serrata*.

- (3) Additional varieties not listed above may be utilized as street trees if the applicant provides adequate reference material or a letter from a registered landscape architect to prove to the satisfaction of the Shade Tree Commission, Planning Commission or their designee that a substitute would be appropriate.

- K. After expiration of the 18 month maintenance period, the land owner, tenant, or his agent, if any, shall be jointly and severally responsible for maintaining all street tree or other required landscaping in good condition, free from refuse, debris, weeds, and undergrowth. All trees, shrubs, ground covers, and other plant materials must be replaced within 120 days if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.

§1017. Open Space, Recreation Areas and Fees.

1. Fountain Hill Borough hereby adopts the community facilities portions of the Comprehensive Plan of Fountain Hill Borough as the Recreation Plan for Fountain Hill Borough.
 - A. Purpose. To provide adequate open spaces, recreation lands and recreation facilities to serve new residents of new developments, for both active and passive recreation. This Section shall apply to any major subdivision, minor subdivision or residential land development reviewed and approved by the Borough, but shall not apply to any resubdivision or lot consolidation plan.
 - B. Limitations on Use of Fees.
 - (1) Any fees collected under this Section shall be accounted for separately from other Borough funds.
 - (2) Such fees shall only be used for the following: acquisition of public open space, development and/or redevelopment of existing or proposed public recreational facilities, landscaping of public open space and closely related engineering and design work.
 - C. Land Dedication. Any subdivision or residential land development regulated under this Section shall be required to dedicate the specified amount of common open

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space, unless the Planning Commission determines that such land in that location would not be desirable or efficient based upon the standards of this Section, in which case recreation fees-in-lieu of land shall be required.

- (1) Generally, it is the intent of this Section that development of 10 or fewer dwelling units that do not include land that is adjacent to existing publicly-owned land should be required to pay recreation fees in lieu of dedicating land.
 - (2) The land and fee requirements of this Section shall be based upon the number of new dwelling units that would be permitted on the lots of a subdivision or land development after the plan is approved.
 - (3) Amount of Common Open Space. A subdivision or land development shall be required to dedicate a minimum of 1,200 square feet of common open space for each permitted new dwelling unit, unless the Planning Commission determines that recreation fees in lieu of the open space would be more in the public interest: Lands that are wetlands shall not count towards the minimum required common open space.
- D. Fees for Residential Development. If the Planning Commission determines that a land dedication within a proposed subdivision or land development would not be in the public interest, the applicant shall be required to pay fees in lieu of dedicating open space. A notation stating that such fees are required shall be stated on the final record plan. This fee shall be \$1,000 for each new approved dwelling unit within a subdivision or land development. This fee may be revised by ordinance of Borough Council.
- E. Decision on Land vs. Fees. The Planning Commission shall determine whether a land dedication or the payment of fees shall, or a combination of the two shall be required. This determination should, but is not required to, be made at the time of sketch plan review. If land is proposed to be dedicated to and/or maintained by the Borough, then prior approval by the Borough Council shall also be required. The Planning Commission should, at a minimum, consider the following in reaching its decision:
- (1) Whether the land in that location would serve a valid public purpose and be suitable for active or passive recreation.
 - (2) Whether there is potential to make a desirable addition to an existing public recreation area.
 - (3) Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands.
 - (4) Any recommendations that may be received from the Planning Commission, Borough Engineer, the Borough Council, any Recreation Commission or organizations and Borough staff.
 - (5) Whether it could be possible to combine common open space on this tract with the additional parkland or open spaces on an adjacent tract, now or in the future.
- F. Common Open Space to be Dedicated.
- (1) Land required to be dedicated shall be suitable for its intended purpose. The applicant shall state what improvements, if any, he/she intends to make to the land to make it suitable for its intended purpose, such as rough grading, landscaping or development of trails. Such land shall be free of construction and other debris at the time of dedication.

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- (2) The method of ownership and maintenance of the open space shall be approved by the Planning Commission. The default method of ownership and maintenance shall be a legally binding homeowner association. Alternative methods of ownership and maintenance include by the Borough, the School District, the County, a Water Authority, an environmental conservancy or a similar entity acceptable to the Planning Commission. In the case of a rental development, the Borough may permit the common open space to be retained by the owner of the rental development.
 - (3) If required common open space is to be owned by a homeowner association, the developer shall establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of the common open space. Provisions of any homeowner association agreements regarding required common open space shall be subject to acceptance by the Planning Commission, based upon review by the Planning Commission Solicitor. The provisions of §705(f) of the MPC should serve as a model for such agreement.
 - (4) Any required common open space dedication shall include deed restrictions to permanently prevent the development of buildings, except buildings for noncommercial recreation or to support maintenance of the land for recreation.
 - (5) Areas intended for active recreation shall be well-drained, of less than six percent average slope and not require filling in of a wetland for use.
 - (6) Land shall meet the standards for "Open Space, Common" in Section 202 of the Zoning Ordinance. In addition, land shall not be allowed to be used to meet the requirements of this Section if it has any of the following conditions:
 - (a) Lacks adequate access for maintenance and for pedestrians.
 - (b) Is not suitable for either active or passive recreation.
 - (8) Residual Lands. If only a portion of a larger tract is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands in case they would be developed in the future.
 - (9) Coordination With Future Adjacent Dedication. The Planning Commission may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with an open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed.
- G. Combination of Land and Fees. Upon approval of the Planning Commission, the Borough may accept a combination of common open space and fees in lieu of land to meet the requirements of this Section for a residential subdivision or land development. This combination shall be based upon the common open space requirement that applies to a certain number of dwelling units and the fee in lieu of land requirement that applies to the remaining number of dwelling units.
- H. Timing of Fees. Fees required under this Section shall be paid prior to the recording of the final plan, except as follows:
- (1) If the Borough agrees to provisions in a binding development improvement agreement to require the payment of all applicable recreation fees prior to the issuance of any building permits within each clearly defined phase of the development, then the fees are not required to be paid prior to recording of the final plan but may instead be paid within the requirements of that development agreement.

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- (2) If the applicant agrees to pay such fees in installments, then all such fees shall not be considered to be paid, for the purposes of any applicable time limitations for utilization under the MPC, until all such fees are paid in full, including all installments and phases.

- I. **Facilities in Place of Land or Fees.** An applicant may seek a modification from the recreation fee or open space requirements of this Section under the procedures of §1202 of this Chapter by substituting for such fee the construction of permanent recreation facilities within the proposed subdivision or land development, on nearby public open space, and/or within existing nearby parks or recreation areas. The applicant must demonstrate to the satisfaction of the Planning Commission that the value of the proposed permanent recreation facilities will be approximately equal or greater than the land or fees that would otherwise be required. Permanent recreation facilities may include any play equipment, courts, ballfields, picnic areas, pavilions, bike paths, parking areas or other facilities related or accessory to public recreation.

§1018. Traffic Impact Studies and Traffic Improvements.

1. **Purposes.** To allow the Borough to determine the safety and congestion impacts, and related costs, of proposed major traffic generating uses. To require that applicants respond with reasonable proposals to resolve the negative traffic impacts that their proposed uses will cause on the public. To recognize that sufficient Federal, State, and Borough funds are not available to resolve traffic problems caused by private development. To assist in carrying out §§502(2)(ii) and 503(3) of the MPC as amended. To ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection. To ensure that the access into and out of subdivisions and land developments is reasonably safe.
2. **Administration.**
 - A. See the standards for when a traffic study is required at the end of Part 5 of this Ordinance. The full cost of the traffic study shall be borne by the applicant.
 - B. The traffic study shall be reviewed by the Borough Engineer or alternate Borough Engineer, with such reasonable costs borne by the applicant.
 - C. The project manager for any traffic impact report shall be a registered professional engineer with expertise in traffic studies.
 - D. The Planning Commission shall require such onsite traffic improvements to be provided by the applicant, as the Commission deems appropriate, in light of the traffic impact study as a specific condition of plan approval for all land developments or subdivisions for which a study has been required.
 - E. Joint traffic studies between different applicants are acceptable and are strongly encouraged.
3. **Contents of a Traffic Study.**
 - A. Project information containing the following data:
 - (1) Applicant and project name.
 - (2) Site size and location.
 - (3) Identification of an appropriate transportation study area for the proposal. (Prior to the start of a traffic study, the applicant's traffic engineer shall meet with the Borough Engineer or alternate Borough Engineer to establish the limits of the study area and the streets and intersections to be studied).

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- (4) Identification of existing and proposed site use(s) and intensity of development (e.g., number and type of dwelling units, square footages, etc.).
 - (5) Identification of current and proposed land uses within the identified study area.
 - (6) Any staging of development and completion date.
- B. Traffic Facilities Description. Existing traffic conditions shall be measured and documented for all streets and intersections in the identified study area. (see §1018(3)(A)(3)). Existing traffic volumes for average daily traffic, peak highway hour(s) traffic and peak development-generated hour(s) traffic shall be recorded. Traffic counts at designated intersections in the study area shall be conducted, encompassing the peak highway and peak development generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) for all designated streets and intersections in the study area. Levels of service shall be determined for each roadway segment to be studied and including all turning movements.
- (1) Detailed traffic counts of existing local streets are not required, unless recommended by the Borough Engineer or Alternate Borough Engineer. A tabulation of specific accident data including locations and types of accidents for the most recent four year period shall be included in the analysis. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand.
 - (2) Roadways and/or turning movements experiencing levels of Level of Service (LOS) D, E, or F, as described in TRB Special Report 209: Highway Capacity Manual, latest edition, shall be noted as congestion locations.
- C. An analysis of future traffic conditions without proposed development. The total future traffic demand shall be calculated and analyzed. This demand shall consist of a combination of the existing traffic expanded to the proposed project build-out year and the traffic generated by other anticipated development within the study area. This analysis shall be performed for the peak hour(s) for all roadways and designated intersections in the study area. LOS calculations shall be provided for all designated intersections within the study area. All access points shall be examined as to the necessity of installing traffic signals. This evaluation shall compare the projected traffic to PennDOT warrant regulations for traffic signal installation.
- D. Traffic Impact of the Development. Estimation of vehicular trips resulting from the proposed project shall be completed for the peak highway and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the most recent Trip Generation Manual, published by the Institute of Transportation Engineers. These development generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated.
- (1) These generated volumes shall be distributed to the area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution shall be provided. Traffic volumes shall be assigned to individual access points. Any characteristics of the site that will cause particular trip generation problems shall be noted. The impact of any diversion or rerouting of existing traffic by the proposal shall be analyzed. For retail sales uses, the increased traffic during the Christmas season and during weekends shall be forecast and analyzed.
- E. An analysis of future traffic conditions with proposed development. The total future traffic demand shall be calculated and analyzed. This demand shall consist of a combination of the existing traffic expanded to the proposed project build-out year, the proposed development-generated traffic, and the traffic generated by other

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proposed development within the study area. This analysis shall be performed for the peak hour(s) for all designated roadways and intersections within the study area. All access points shall be examined as to the necessity of installing traffic signals. This evaluation shall compare the projected traffic to PennDOT warrant regulations for traffic signal installation.

- F. Recommendations and Conclusions. Levels of service for all designated streets and intersections within the study area shall be listed. The applicant shall describe any measures that will be funded, installed and/or constructed to address deficiencies. This listing of recommended improvements should include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, and traffic signal installation and operation including signal timing. All physical street improvements and existing traffic control devices shall be shown on plan drawings.
 - G. An estimate of the costs of the needed improvements shall be provided.
 - H. The applicant shall respond to the traffic impact report by stating what onsite improvements he/she proposes and to what degree he/she is willing to assist in funding any off-site improvements that are identified in the traffic study, along with a schedule for completion.
4. Timing of Required Traffic Improvements. For developments not the subject of an improvements agreement under this Chapter, no occupancy permit shall be granted for a use or uses until such traffic improvements that have been required by PennDOT and the Borough to serve the use are in place and operating, unless the Planning Commission require or allow funds for any required traffic improvement to be placed in a dedicated escrow account to be used when such improvements are warranted.

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Part 11

Manufactured/ Mobile Home Parks

§1101. Permits and Inspections.

1. It shall be unlawful for any person to operate, maintain, construct, alter or extend any manufactured/mobile home park within the Borough unless a person holds a zoning permit issued by the Borough.
2. Permits for new manufactured/mobile home parks, or any expansion of manufactured/mobile home parks, shall be issued after the land development plans have been approved subject to the requirements of this Chapter and other applicable ordinances of the Borough. The plans shall comply with all of the requirements of this Ordinance, except provisions that may be specifically modified by this Part 11, as well as requirements of the Zoning Ordinance.
3. The Zoning Officer or any other representative of the Borough may inspect a manufactured/mobile home park at reasonable intervals and at reasonable times to determine compliance with this Part and other applicable Borough regulations.
4. If a term is not defined by this Ordinance, but is defined by the Zoning Ordinance, the Zoning Ordinance definition shall apply. The following definitions shall apply to this Part 11 in addition to the definitions of Part 2 of this Chapter.

MANUFACTURED/MOBILE HOME LOT – a parcel of land in a manufactured/mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured/mobile home, which is leased or rented by the park owner to the occupants of the manufactured/mobile home erected on the lot.

MANUFACTURED/MOBILE HOME STAND – that part of an individual lot which has been reserved for the placement of the manufactured/mobile home, appurtenant structures or additions.

§1102. Design Standards.

1. Any land development plan for a manufactured/mobile home park shall meet all requirements of the Zoning Ordinance, such as in Section 402
2. The interior, private street system shall be designed and built to the following standards:
 - A. Any road serving five or more dwellings shall meet the designs standards of §1004 of this Chapter.
 - B. The roads shall be built as outlined in Borough specifications for streets, curbs, and sidewalks, although curbs and sidewalks are not required within private streets within manufactured/mobile home parks.
 - C. Since the internal street system will remain private, the developer of the manufactured/mobile home park or any subsequent property owner will be responsible to maintain and repair all streets and street signs located within the manufactured/mobile home park.

§1103. Water Supply.

1. All manufactured/mobile home parks shall be connected to and served by the public

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water system. It shall be the developer's responsibility to demonstrate that the existing water distribution system and the availability of service are both adequate to service the proposed manufactured/mobile home park.

2. The new water supply distribution and proposed fire protection system within the manufactured/mobile home park shall remain private and shall meet the standards and requirements of §1008 of this Chapter.

§1104. Sewage Disposal.

1. All manufactured/mobile home parks shall be connected to the public sewerage system upon construction or expansion. It shall be the developer's responsibility to demonstrate that the existing public system is adequate to convey and treat the additional flows.
2. The new sanitary sewerage collection system shall remain private and shall be installed in a manner that complies with all requirements of §1007 of this Chapter and the Borough specifications for sanitary sewers and appurtenances.

§1105. Electrical Distribution System.

Power Lines. All power service lines shall be located underground.

§1106. Refuse Handling.

Any trash dumpsters shall meet requirements in the Zoning Ordinance .

§1107. Additional Requirements.

1. No part of any manufactured/mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing of park residents and for the management and maintenance of the park, recreation facilities and utility appurtenances. The display and sale of manufactured homes that are intended for placement in the park shall be allowed.
2. All manufactured/mobile home parks shall be furnished with lighting standards so spaced and equipped so that they provide levels of illumination for the safe movement of pedestrians and vehicles at night without causing a glare or nuisance on adjoining private property or streets.
3. Responsibilities of the Management.
 - A. The person to whom a permit for a manufactured/mobile home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - B. The management shall supervise the placement of each manufactured/mobile home on its manufactured/mobile home stand which includes securing its stability and installing all utility connections.
 - C. The management shall give Borough officials free access to all manufactured/mobile home lots, service buildings and other community service facilities for the purpose of inspection.
 - D. The management shall report the names of new residents age 18 or older to the person or entity responsible for collecting Borough earned income taxes, at least once a year.

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Part 12

Administration and Amendments

§1201. Amendments.

The Borough Council may, from time to time, amend this Chapter in accordance with the MPC.

§1202. Waivers/ Modifications.

1. The Planning Commission may grant a waiver or modification of the requirements of one or more provisions of this Chapter if it is demonstrated to the satisfaction of the Planning Commission that the waiver or modification would not be a threat to public health and safety and at least one of the following conditions are met:
 - A. Literal enforcement of the provision(s) of this Chapter will exact undue hardship or is unreasonable because of peculiar conditions pertaining to the land in question.
 - B. An alternative standard is proposed that will serve the same public purposes.
 - C. The requirement is unreasonable because of the small size and limited impact of the proposed subdivision or land development.
2. All requests for a waiver or modification shall be in writing. The request shall state in full the reasons for the request and the section numbers involved. The Planning Commission may attach reasonable conditions or limitations upon an approved waiver or modification.
3. The Planning Commission, in considering requests for a waiver or modification that involves engineering matters, shall consider any recommendations of the Borough Engineer.
4. The Planning Commission shall keep a written record of all action on all requests for waivers or modifications.
5. If a waiver or modification of one or more requirements of this Chapter is granted, a note stating the provision(s) waived or modified shall appear on the plan sheet to be recorded at the Recorder of Deeds Office.
6. The Planning Commission shall also have the authority to defer the construction of a specific improvement, such as allowing a sidewalk to be built by the lot owner prior to occupancy of a lot, but after the lot is sold.

§1203. Fees.

1. The Borough Council shall establish, from time to time by resolution, a schedule of application fees to be paid by the developer to the Borough and a schedule of escrow deposits for money to be posted by the developer with the Borough at the time of filing a sketch, preliminary, preliminary/final and/or final plan submission. No plan shall be accepted for filing unless the required number of plans are submitted to the Borough, accompanied by the supplemental materials required under this Chapter for any such plan submission and the required application fee and escrow deposit.
2. The developer shall be required to reimburse the Borough for all of the reasonable and necessary administrative costs, legal, engineering and other professional consultant fees and costs actually incurred by the Borough for the review and processing of a proposed subdivision or land development plan.
3. The money placed in escrow with the Borough shall be utilized to reimburse the Borough

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for any and all reasonable and necessary administrative costs, engineering, legal or other professional consultant fees and expenses incurred by the Borough for reviewing and processing any plan submission. Whenever the escrow deposit balance is 50 percent or less of the required initial escrow deposit, the developer shall make payment within 15 days after request by the Borough in an amount necessary to fully fund the escrow account.

4. Upon the recordation of the subdivision and/or land development plan with the County Recorder of Deeds and the payment of all Borough administrative costs, engineering, legal and other professional consultant fees and expenses, the balance of the escrow account shall be refunded to the developer. Money held in escrow will not be returned until all invoices from the Borough Engineer, Borough Solicitor or other professional consultant have been received by the Borough and paid by the developer.
5. In the event the developer disputes the amount of such review fees, the developer shall, within 10 days of the billing date, notify the Borough Administrative Office in writing that such fees, or any portion thereof, are in dispute.
6. In the event that the developer and the Borough cannot reach agreement, within 20 days of the billing date, on the amount of the review fees, then the developer and the Borough shall follow the procedures for dispute resolution set forth in §510(g) of the MPC.

§1204. Enforcement and Enforcement Remedies.

The preventative and enforcement remedies as delineated in §§515.1 and 515.3, respectively, of the MPC shall apply.

- A. The Borough Administrator (or the successor position) and his/her designees (which may include the Borough Engineer) shall have the authority to enforce the provisions of this Chapter and the accompanying design standards and improvement specifications required under this Chapter.
- B. Employees and representatives of the Borough shall have the authority to inspect construction to determine compliance with Borough requirements and conditions that were placed upon plan approval.
- C. Any action inconsistent with the provisions of this Chapter shall be subject to a cease and desist order by the Borough Staff, and other appropriate measures deemed appropriate by the Borough Council or agent authorized by it to enforce the provisions of this Chapter.

§1205. Enforcement Remedies.

1. Completion of Improvements. In the event that any improvements which may be required have not been installed as required in the Subdivision and Land Development Ordinance or in accord with the approved final plat, the Borough may enforce any security by appropriate legal and equitable remedies, as outlined in the MPC.
2. In addition, any person, partnership or corporation violating the provisions of this Chapter may be named in a civil enforcement proceeding commenced by the Borough, pursuant to the enforcement remedies provided for in the MPC.
3. Any person, partnership or corporation who or which has violated any provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough Council or their authorized representatives, pay a judgement of not more than \$500 plus all court costs, including reasonable attorneys fees incurred by the municipality as a result thereof, unless a higher penalty is established under State law. This shall include, but not be limited to, any person, partnership or corporation that accomplishes any act listed under Section 104 "Application" without following the applicable procedures of this Ordinance.

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4. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
5. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. Imprisonment shall not be authorized as a penalty under this Ordinance.

§1206. Appeals.

An appeal from a decision of the Planning Commission with respect to the approval or disapproval of a subdivision or land development plan shall be appealed directly to the Court of Common Pleas within the time period and in the manner prescribed by the MPC.

This Index is not officially part of the Ordinance, and is not intended to list every section where a particular matter may be addressed.

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APPENDIX A

SUBDIVISION OR LAND DEVELOPMENT
APPLICATION FORM
Borough of Fountain Hill

DATE RECEIVED:
OFFICE FILE NO.:

New Submittal Resubmission

Date Application Submitted: _____, 20____

Sketch Plan (recommended but not required)

Preliminary Plan

Name of Project _____

Final Plan

Location _____

Landowner's Name _____

Phone Number _____

Address _____

Email _____

Applicant's Name _____

Phone Number _____

Address _____

Email _____

Plan Preparer's Name _____

Phone Number _____

Address _____

Email _____

Other Contact (Attorney, Realtor, Local Agent, etc.) Name _____

Role _____

Address _____

Phone No. _____

Email _____

SITE INFORMATION:

Existing Zoning District _____

Total Acreage _____

Number of Lots _____

Minimum Lot Size _____

County Property Identification No. _____

PROPOSED IMPROVEMENTS:

Lineal Feet of New Streets _____

Water Supply: Private (on lot) Public

Sewage System: Private (on lot) Public

INFORMATION CHECKLIST: For submittals other than sketch plans, photocopy the list of required information from the applicable section of the Subdivision and Land Development Ordinance and check off whether an item has been included in the submitted, or whether a waiver is requested.

Will a PennDOT Highway Occupancy Permit application be needed? (if access onto a State road or construction work within a State road right-of-way)

Borough Application Fee and Escrow Submitted? _____

APPLICANT OR HIS/HER AUTHORIZED REPRESENTATIVE SHOULD BE PRESENT AT REVIEW MEETING

I hereby certify that the information on this application is correct and authorize the submittal of this application.

Applicant's Printed Name and Title _____

Applicant's Signature _____

Date _____

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**APPENDIX B
STATEMENTS, FORMS AND LETTERS**

B.1 PLAN PREPARER'S STATEMENTS. - Model Forms.

I, _____, a registered surveyor of the Commonwealth of Pennsylvania, do hereby certify that the Plan, prepared from a field survey on _____, 20____ correctly represents the property boundary of the proposed subdivision or land development.

Date Registered Surveyors' Signature

I, _____, a registered surveyor, registered landscape architect or licensed professional engineer in the Commonwealth of Pennsylvania, do hereby certify that the accompanying application, plans and supporting documentation are true and accurate, to the best of my knowledge.

Date Plan Preparer's Signature

Address Printed Name

B.2 OWNER'S STATEMENT. - Model Form.

I/we make this statement being duly sworn according to law. I/we state that for the land involving the accompanying plans, we are the majority owners of this property or the authorized officers of the corporation that owns this property, and are in peaceful possession of it, and that there are no suits pending affecting the title of same, and that I/we acknowledge and endorse the accompanying plans and that we will propose a record plan for recording (as applicable), after receiving all required Borough approvals.

OWNER'S OR AUTHORIZED CORPORATE OFFICER'S SIGNATURES

Printed Name Printed Name

SWORN AND SUBSCRIBED BEFORE THIS _____ DAY OF _____,
20____.

B.3 PERMIT/APPROVAL CERTIFICATION - Required, Unless Alternative Text Pre-Approved by the Borough.

I/we hereby certify this date of _____ that I/we am/are the owners or authorized equitable owners of the property shown and depicted on the accompanying plans and that I/we and my/our heirs and assigns shall comply with all requirements and obtain all permits and approvals required by all local, state and federal agencies and bodies; and I/we agree and acknowledge that any approval of this plan by Fountain Hill Borough is contingent upon my/our obtaining such permits and approvals, and that if all such permits and approvals are not obtained as required, any and all approvals given by Fountain Hill Borough with respect to this plan shall automatically become null and void without further action on the part of the Fountain Hill Borough.

Notary Public

My Commission Expires:

B.4 APPROVAL/REVIEW BLOCK

REVIEWED BY THE LEHIGH VALLEY PLANNING COMMISSION

Lehigh Valley Planning Commission Staff Person Date

REVIEWED BY THE BOROUGH ENGINEER

Borough Engineer Date

APPROVED BY THE FOUNTAIN HILL PLANNING COMMISSION

Chair Secretary Date

APPROVED FOR RECORDING BY THE FOUNTAIN HILL PLANNING COMMISSION

Chair Secretary Date