

## **Chapter 22**

### **Subdivision and Land Development**

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**Part 1****Purpose and Authority****§22-101. Authority.**

This Chapter is enacted pursuant to the authority contained in Article V, §501 of Pennsylvania Municipalities Planning Code, 53 P.s. §10501 *et seq.*, as amended.

(*Ord. 381, 11/14/2005, §100*)

**§22-102. Short Title.**

This Chapter shall be known and may be cited as the “Subdivision and Land Development Ordinance of the Borough of Thornburg.”

(*Ord. 381, 11/14/2005, §102*)

**§22-103. Subject Properties.**

No subdivision or land development of any lot, tract or parcel of land in the Borough shall be effected, no street, sanitary sewer, stormwater sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting said improvements and no grading of the property shall be commenced except in strict accordance with the provisions of this Chapter.

(*Ord. 381, 11/14/2005, §103*)

**§22-104. Exclusions and Waivers.**

1. Land development that involves the conversion of an existing detached or semidetached single-family dwelling into not more than three residential units, unless intended as a condominium, is hereby excluded from regulations contained herein, as are additions of accessory buildings, including farm buildings, on lots upon which a principal structure exists, and additions or conversions of buildings or rides within the confines of an amusement park.

2. Newly acquired land to be included within the confines of an amusement park, as defined, is not excluded from the application of regulations contained herein.

3. If land development is proposed on a lot of record, verification of which shall be supplied by the applicant, the required procedure for the recording of plats is hereby waived.

(*Ord. 381, 11/14/2005, §104*)

**§22-105. Compliance Required.**

No lot in a subdivision may be sold, no permit to erect alter or repair any structure or building upon land in a subdivision shall be issued, and no building shall be erected in a subdivision, or grading the property commenced, unless and until a subdivision or land development plan has been approved and recorded where required, and until the improvements therewith have either been constructed or guaranteed as hereinafter provided.

(*Ord. 381, 11/14/2005, §105*)

**§22-106. Purpose.**

This Chapter is adopted for the following purposes:

A. To guide the orderly and efficient development of the Borough of Thornburg.

B. To promote the health, safety, morals and general welfare of the residents of the Borough.

C. To provide for the equitable processing of subdivision and land development plans by establishing uniform procedures and standards.

(*Ord. 381, 11/14/2005, §106*)

**Part 2****Definitions****§22-201. Interpretation.**

For the purpose of this Chapter certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural.
- C. Words used in the plural number shall include the singular
- D. The word “person” includes a corporation as well as an individual, or an association of individuals.
- E. The words “shall” and “will” are always mandatory.
- F. The word “may” is permissive or discretionary where compliance is indicated.

(Ord. 381, 11/14/2005, §200)

**§22-202. Meaning of Words.**

Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Chapter, have the meaning herein indicated and shall be literally applied in interpreting this Chapter. Words or terms used but not defined in this Chapter shall have the same meaning as stated in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, or the Thornburg Zoning Ordinance [Chapter 27].

*Alley* - a public thoroughfare that affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

*Amusement park* - a tract of land or an area used principally as the location for permanent amusement structure or rides.

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

*Application for development* - every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

*As-built plans* - plans, profiles, cross-sections and construction details showing the exact final location, elevation, grade, size and material used in the construction of all facilities installed, to the same scale as the approved construction drawings.

*Available sanitary sewer* - a municipal sanitary sewer is considered available if an existing municipal sanitary sewer line, with sufficient capacity, is located within 1,000 feet of the nearest point of a subdivision.

*Block* - an area bounded by streets.

*Borough* - the Borough of Thornburg, Allegheny County, Pennsylvania.

*Borough Council* - the governing body of the Borough of Thornburg, Allegheny

County, Pennsylvania.

*Borough Engineer* - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer by Borough Council.

*Building* - a structure having a roof supported by columns or walls used for the housing or sheltering of persons, animals or tangible personal property.

*Building setback line* - the line within a property defining the minimum required distance between the front of any building and the adjacent street line.

*Cartway* - that portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

*Clear sight triangle* - the triangular area formed by a diagonal line connecting two points located on intersecting right of way lines (or right of way line and the curb of a driveway), each point being that distance from the intersection, and the two intersecting right of way lines (or right of way line and a driveway) specified in this Chapter.

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

*Contour* - a line which joins all points of equal elevation on the ground.

*Construction activity* - earth moving, tree removal, building construction or any other activity undertaken to prepare a site for development.

*Corner lot* - a lot situated at and abutting the intersection of two streets, having an interior angle of intersection not greater than 135 degrees.

*Council* - see "Borough Council."

*Covenant* - an obligation defined by law or agreement, the violation of which can be restrained by court action; usually stated in the deed.

*Cul-de-sac street* - a street or road with one end open to traffic and pedestrian access and permanently terminated at the other end by a vehicular turn-around. A cul-de-sac is the vehicular turn-around at the end of a cul-de-sac street.

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

*Driveway, common* - an improved vehicular access facility serving a maximum of two lots which may be under separate or common ownership which connects the lots and provides access to a public street. All subdivisions proposing to create a common driveway shall submit a common driveway maintenance agreement for approval prior to plan approval. Said maintenance agreement shall be recorded with the plat.

*Driveway, private* - an improved vehicular access facility serving only one lot which connects and provides access to a public street but which does not provide access to any other lot under separate ownership.

*Easement* - an area of land within which certain rights are granted by the owner for public or private purposes.

*Elevation* - a point or series of points (see contours) which are a known vertical distance above or below a predetermined elevation datum. All elevations used shall be based on United States Geological Survey (USGS) Datum.

*Engineer* - a professional engineer licensed as such in the Commonwealth. The use of the word "engineer" shall not exclude the practice of topographic surveying as provided for in the laws of the Commonwealth. (See also "Borough Engineer")

*Flood hazard area, flood prone area*: A land area adjoining a river, stream, water body, or water course which may periodically flood as established by the United States Federal Emergency Management Agency.

*Forested area* - any area or stand of trees, the majority of which are greater than 12 inches caliper, covering an area greater than  $\frac{1}{4}$  acre; or groves of a substantial number of mature trees of the size specified totaling five or more trees, regardless of whether the area comprises  $\frac{1}{4}$  acre.

*Form 408* - see "Publication 408."

*Front yard* - see "yard, front."

*Improvements* - those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curb, gutter, stormwater sewers, individual sanitary sewage system, improvements to existing water courses, sidewalks, crosswalks, street signs, monuments, water supply and water distribution systems and facilities, sanitary sewers, sanitary sewerage collection systems and sanitary sewage treatment plant facilities.

*Inspector* - an authorized representative of Borough Council assigned to make any or all on site inspection of work performed and materials furnished by the developer or his agents.

*Land development* - any of the following activities:

(1) The improvement of one lot or two or more contiguous lots 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 tenants.

(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, leasehold, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development other than those activities specified as exclusions in §22-105 of this Chapter.

*Land development plan* - a plan prepared in accordance with the requirements of this Chapter for approval of a land development.

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

*Lot* - a tract of land in a plan of subdivision or any other parcel of land

described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

*Lot area* - that area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right of way.

*Lot, corner* - see "corner lot."

*Lot depth* - the horizontal distance between midpoint of the front lot line and the midpoint of the rear lot line.

*Lot, flag* - a lot abutting and located to the rear or behind another lot connected to a public or private street by a contiguous area of land that is a part of said lot.

*Lot, interior* - a lot other than a corner lot.

*Lot, through* - a lot, the front lot line and rear lot line of which abut streets.

*Lot lines* - the boundary line describing the limits of a property and separating it from adjacent properties or a public street or way.

*Lot line, front* - that line which bounds the lot contiguous with the street right of way line. (In the case of a corner lot or a through lot, there are two front lot lines.)

*Lot line, rear* - that line which is generally opposite to the front lot line.

*Lot line, side* - any lot line which is not a front lot line or a rear lot line.

*Lot width* - the straight line distance between the points of intersection of the building setback line with the side lot lines.

*Major subdivision* - see "subdivision, major."

*Minor subdivision* - see "subdivision, minor."

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

*Modification* - a departure from the specific regulations of this Chapter which may be granted by Borough Council in accordance with Part 4 and upon recommendation by the Planning Commission and Borough Engineer in cases of physical hardship or equal or better specifications

*Monument* - a permanent marker constructed of concrete or metal and placed in the ground by survey, to establish the legal right-of-way line of streets, property corners and property boundaries. Each monument shall be constructed and placed as specified herein this Chapter.

*Off-site sewer service* - a sanitary sewage collection system approved by the Borough in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

*Off-site water service* - a potable water distribution system approved by the Borough in which water is carried to individual lots or dwelling units by a system of pipes from a central water source, located beyond the limits of the lot being serviced, which may be publicly or privately owned and operated. Applicants for subdivision and land development approval shall be required to connect to a public

water distribution system unless lots are to be served by private wells.

*Official date of filing* - the date of the regular Planning Commission meeting at which the application is accepted by the Planning Commission as complete in content and properly filed in accordance with the requirements of this Chapter.

*On-site sewer service* - a single system of piping, tanks or other facilities approved by the Borough serving only a single lot and disposing of sewage in whole or in part into the soil.

*On-site water service* - a single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

*Ordinance* - the terms “ordinance” and “this Chapter” refer to the Borough Subdivision and Land Development Ordinance [this Chapter].

*Owner* - see “landowner.”

*Parking space* - a portion of a garage or parking area designated for the parking of one motor vehicle designed in accordance with the requirements of the Zoning Ordinance [Chapter 27].

*Planning Commission* - the planning agency appointed by Borough Council in accordance with Article II of the Pennsylvania Municipalities Planning Code, 53 P.S. §10201 *et seq.*

*Plat, preliminary subdivision* - the map or plan of a proposed subdivision which contains all the information required by this Chapter for approval of a preliminary subdivision plat.

*Plat, final subdivision* - the map or plan of a proposed subdivision containing all the information required by this Chapter and the Allegheny County Subdivision and Land Development Ordinance for final subdivision plat approval and in a form acceptable for recording in the Office of the Allegheny County Recorder of Deeds.

*Professional consultants* - persons who provide expert and professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects and planners.

*Public hearing* - a formal meeting held pursuant to public notice, as defined herein, by Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

*Public meeting* - a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the “Sunshine Act.”

*Public notice* - notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 7 days from the date of the hearing.

*Publication 408* - Pennsylvania Department of Transportation Form 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication No. 408.

*Rear yard* - see “yard, rear.”

*Reserve strip* - a strip of land adjacent to a street intended to control access to

the street from an adjacent property.

*Reverse frontage lot* - a lot extending between and having frontage on a major traffic street and a local street, and with vehicular access solely from the latter.

*Right-of-way* - an area of land reserved or dedicated for public or private purposes to provide access across property of another.

*Side yard* - see “yard, side.”

*Sight distance* - the maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye height of 3.5 feet above the pavement and a height of an object of 0.5 feet.

*Site* - the entire property included in a proposed subdivision or land development.

*Street classifications* - the following street classifications shall apply to streets in the Borough of Thornburg and shall be applied as defined in the most recently adopted Comprehensive Plan and/or the Zoning Ordinance [Chapter 27].

(1) *Arterial* - a public street that serves large volumes of high speed and/or long distance traffic. Average daily traffic (ADT) volumes carried by an arterial street exceed 3,500 trips per day.

(2) *Collector* - a public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. Average daily traffic (ADT) volumes carried by a collector street exceed 800 trips per day, but do not exceed 3,500 trips per day.

(3) *Local* - a public street that primarily serves abutting properties and carries traffic from the abutting properties to collector streets. Average daily traffic (ADT) carried by a local street does not exceed 800 trips per day.

*Street, private* - a street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A “private street” which provides access to three or more lots which do not have access to a public street shall be considered as access to a public street. (See also “driveway, private” and “driveway, common.”) Design standards for private streets shall comply with the requirements of Part 5 herein and improvements shall comply with the standards of Part 6 herein.

*Street, public* - a street, including the entire public right-of-way, which has been dedicated to and accepted by the Borough or which has been devoted to public use by legal mapping, use or other means.

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

*Subdivision* - the division or redivision of a lot, tract or parcel of land by any means including partition by a court among heirs 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, transfer of ownership or building or lot development, provided that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or

easement of access or any residential dwelling shall be exempted.

*Subdivision, major* - a subdivision containing four or more lots or any subdivision, regardless of the number of lots, which involves the creation, extension or improvement of a public street.

*Subdivision, minor* - a subdivision containing no more than three lots, all of which have frontage on an improved public street and which subdivision does not involve the creation, extension or improvement of any public street, but which may involve the extension or creation of any other public improvements and which does not adversely affect the future development of any remaining parcel or any adjoining property.

*Subdivider* - see “developer.”

*Substantially completed* - when, in the judgment of the Borough Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to §22-702 of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

*Topographic map* - a map showing ground elevations by contour lines and the location of important, natural and man-made features.

*Watercourse* - the word watercourse shall include all existing channels, creeks, ditches, drains, dry runs, springs and streams, also all proposed channels, ditches, drains and drainage facilities.

*Wetlands* - those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as defined and regulated by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (COE), and the Pennsylvania Department of Environmental Protection (DEP).

*Yard* - a required open space on a lot which is unobstructed by any portion of a principal structure other than certain projections expressly permitted by the Zoning Ordinance [Chapter 27].

*Yard, front* - a yard extending across the full lot width and parallel to or concentric with the front lot line, the minimum depth measurement required by the Zoning Ordinance [Chapter 27].

*Yard, rear* - a yard extending across the width of the lot between the side yards and parallel to the rear lot line, the minimum depth measurement required by the Zoning Ordinance [Chapter 27].

*Yard, side* - a yard extending between the building setback line and the rear yard line, parallel to the side lot line, the minimum depth measurement required by the Zoning Ordinance [Chapter 27].

*Zoning Officer* - the individual appointed by Borough Council to administer and enforce the provisions contained in Borough Zoning Ordinance [Chapter 27].

*Zoning Ordinance - Ord. 378* adopted by Borough Council of the Borough of Thornburg on February 14, 2005, in accordance with the authority of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.*, including

all amendments to said ordinance, as now or hereafter enacted.  
(*Ord. 381, 11/14/2005, §201*)

**Part 3****Application and Plat Requirements****§22-301. Procedure.**

The plat requirements and application procedures shall be followed by developers as set forth herein and shall be submitted to the Planning Commission for review prior to consideration by Borough Council.

(Ord. 381, 11/14/2005, §300)

**§22-302. Preapplication Conference.**

1. Prior to the filing of an application for approval of a preliminary subdivision plat, the developer may submit the following plans and data to the Planning Commission.

A. *General Information.* Describe existing covenants, land characteristics, community facilities and utilities, the number of lots and sizes, business areas, playgrounds, utilities and street improvements.

B. *Location Map.* Map showing relationship of the proposed subdivision to existing community facilities which serve or influence it and existing facilities, title, scale and north arrow.

C. *Sketch Plan.* Sketch plan at a scale of 1 inch equals 100 feet or larger showing in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions, including the following information, if available:

- (1) Deed and/ or property survey.
- (2) Tax parcel map showing the property and surrounding properties.
- (3) U.S.G.S. Quadrangle Map showing natural features and topography of the site and surrounding areas.
- (4) National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps showing the property's location.
- (5) Natural Resources Conservation Service Maps of soil types.
- (6) U.S. Bureau of Mines coal mine maps.

2. The preapplication conference is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

3. A preapplication conference shall not constitute formal filing of any application for approval of a subdivision or land development, shall not bind the Planning Commission to recommend approval any concept presented in the preapplication conference and shall not protect the application from any subsequent changes in ordinance provisions that may affect the proposed development between the date of the preapplication conference and the official date of filing of an application for preliminary approval of a subdivision or land development under the terms of this Chapter.

(Ord. 381, 11/14/2005, §301)

**§22-303. Preliminary Subdivision Plat.**

1. *Preliminary Subdivision Plat Application.* The developer shall prepare and submit to the Borough Secretary at least 15 business days prior to the regular monthly meeting of the Planning Commission, seven copies of the preliminary subdivision plat of the total land to be ultimately developed for review by the Planning Commission according to the requirements and standards contained herein. Upon receipt of the plat, the Borough Secretary shall forward a copy to Borough Council and to the Allegheny County Department of Economic Development for review and recommendation at least 30 days prior to the regular meeting of Borough Council.

2. *Application Fee.* At the time of filing an application for preliminary subdivision plat approval the developer shall pay to the application filing and review fees set by Resolution of Borough Council to defray the cost of processing of such plat approval applications and for payment to consultants hired by the Borough to conduct reviews of said applications.

3. *Preliminary Subdivision Plat Content.* The preliminary subdivision plat shall be drawn at a scale of 100 feet to the inch or greater and shall show or be accompanied by the following information. All information required shall be supplied to the extent and in the manner required by the Borough Engineer:

- A. Names and addresses of the owner or owners of the property.
- B. Name of the subdivision to be recorded.
- C. North point, scale and date.
- D. Name of the professional land surveyor who surveyed the property and prepared the plat.
- E. Contours at vertical intervals of 2 feet, or in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
- F. U.S.G.S. datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
- G. All existing watercourses, wetlands, banks, tree masses, and other significant natural features.
- H. Any floodplain, flood hazard area, floodprone area as established by the Federal Emergency Management Agency.
- I. Location and size of all existing buildings, location, size and invert elevation of all sanitary and stormwater sewers, and location of all manholes, inlets, culverts and bridges; water mains, gas mains, fire hydrants, telephone conduit lines, electric power transmission line, petroleum or petroleum products lines, and other significant man-made features.
- J. All existing streets located on or adjacent to the tract, including name, right-of-way widths and cartway width and type of improvement materials used on the cartway.
- K. All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.

L. Location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with approximate dimensions, proposed minimum set backs, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

M. The names of owners of all abutting unplatted land and the names of all abutting subdivisions.

N. Where the preliminary plat covers only a part of the developer's entire holding, a sketch shall be submitted of the prospective street and lot layout of the remainder of the land.

O. A plan of the proposed public water distribution system for review and approval by the water company.

P. A plan of the proposed sanitary sewer collection system or treatment facilities when proposed will be required for review and approval of the appropriate authority.

Q. Where on lot sewage disposal systems are proposed, the developer or owner shall submit a completed Department of Environmental Protection sewage facilities planning module in accordance with the requirements of the Pennsylvania Sewage Facilities Act, 53 P.S. §750.1 *et seq.*, as amended.

R. Preliminary plat shall identify the zoning district, in which the property is located and show the zoning boundaries, if any, that traverse or are within 300 feet of the area covered by the plan.

S. A tabulation of applicable zoning requirements for the district in which the property is located, indicating whether the proposed plan meets or exceeds the requirements.

T. Such street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining or contiguous developed or undeveloped areas.

U. Subsurface conditions (whether undermined, etc.) of the tract to be subdivided or proposed to be developed.

V. Profiles showing existing ground and proposed centerline grades of streets and storm and sanitary sewers.

W. Typical cross sections of roadways showing cartways, water, sanitary and stormwater sewers, gas, electric and telephone utilities, and sidewalks.

X. Such additional information as may be required by the Planning Commission, Borough Council, Borough Engineer, Zoning Officer, or Sewage Enforcement Officer in order to more fully evaluate the proposed subdivision and its effect on adjacent property or the Borough as a whole.

Y. A utility plan showing the approximate location and size of the proposed gas, electric, telephone and cable television systems with written approval from the appropriate utility company.

Z. A grading plan as per §22-617 of this Chapter and the Borough Grading Ordinance [Chapter 9, Part 1].

AA. A plan, calculations and narrative for the collection, management and discharge of all stormwater. The developer shall further provide all information

and plans necessary to indicate that the existing off-lot watercourse and drainage system is adequate to accommodate the stormwater resulting from the proposed subdivision or a plan for improving the off-lot drainage system to meet the demand. Plans and reports shall be prepared in accordance with Borough policy, guidelines and the Pennsylvania Storm Water Management Act, 32 P.S. §680.1 *et seq.*

BB. The preliminary plan shall identify location of any proposed recreational facilities.

4. *Supplementary Data Required.* The preliminary plan shall be accompanied by the following supplementary data:

A. A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.

B. Typical street cross-section drawings for all proposed streets.

C. A written report from the municipal water and sewer authority on the availability of public water and sewer service to proposed development.

D. If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirements and procedures of the Pennsylvania Department of Environmental Protection, as to how these utilities are proposed to be furnished.

E. Environmental impact statement, if required by §22-307.6.

F. Traffic study, if required by §22-307.7.

5. *Planning Commission Review and Action; Preliminary Subdivision Applications.*

A. The Planning Commission shall review the preliminary plats and prepare a written report for Borough Council. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action. No report or recommendation shall be prepared prior to receipt of the Allegheny County Department of Economic Development's recommendation or expiration of the 30-day time period granted for County reviews.

B. Consideration of the preliminary plat shall be conducted at the next regularly scheduled meeting of the Planning Commission following submission of a complete and properly filed application.

C. At the Planning Commission meeting when considering the preliminary plats, the developer shall be given an opportunity to discuss any matters in the preliminary plat which might assist the Planning Commission in making its recommendation to Borough Council.

6. *Action of Borough Council.* Borough Council shall render its decision on the preliminary plat and communicate such decision to the developer not later than 90 days following the official date of filing, unless the applicant agrees in writing to an extension of time.

A. The decision of Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

B. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which

have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

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

D. Before acting on any subdivision plat, Borough Council or the Planning Commission, as the case may be, may hold a public hearing thereon after public notice.

7. *Nature of Approval.*

A. Approval of a preliminary plat shall not constitute approval of a final plat, unless said preliminary plat consists of a maximum of three new lots intended for development as residential uses, in which case preliminary plat approval may act as final plat approval where Borough Council and the Borough Engineer find that further review is not required. The provisions of §22-305 shall apply to any applications herein described. In all other cases preliminary plat approval shall be an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

B. Granting of preliminary approval shall not qualify a plat for recording, nor authorize development nor the issuing of any building permit, except as herein specified. Where warranted, due to the nature of an application for subdivision approval, the Planning Commission at its sole discretion may consolidate the review processes for both preliminary plat approval, this Section, and final plat approval, §22-304. Information required in §22-304 shall be submitted for review and consideration in accordance with the time limits established in this Section.

8. *Expiration of Preliminary Approval.* Preliminary approval shall expire automatically 5 years from the date of the meeting at which Borough Council grants preliminary approval, except in the case of a phased development which conforms to the provisions of §508(4) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508(4).

(Ord. 381, 11/14/2005, §302)

**§22-304. Final Subdivision Plat.**

1. Upon approval of the preliminary plat, the developer shall submit an application for approval of a final plat. The application shall be submitted to the Borough Secretary at least 15 business days prior to a regular meeting of the Planning Commission and shall include seven copies of the final plat.

2. Upon receipt of the plat, the Borough Secretary shall forward a copy to Borough Council at least 30 days prior to the regular meeting of Borough Council. Only in the case of a final plat that contains variations from the plan granted preliminary approval, the Borough Secretary shall forward a copy of the plat to the Allegheny County Department of Economic Development for review and recommendation at least

30 days prior to the regular meeting of Borough Council.

A. *Specifications for Final Plan.* The plat submitted for Final Approval shall meet the following specifications:

(1) Evidence that the applicant is the landowner.

(2) Certification by the owner of the tract of land proposed to be subdivided that there are no restrictions or covenants in place which would affect any future development or which limits any existing development.

(3) Shall be drawn and submitted on reproducible mylar.

(4) Shall be on sheets not larger than 24 inches by 34 inches over all. It is recommended that as far as practicable final plat sheets be held to an overall size of either 24 inches by 34 inches or 18 inches by 24 inches. There shall be a border of ½ inch on all sides except the binding end which shall be 1½ inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plats shall be drawn in two or more sections accompanied by a key diagram showing relative location of the section.

(5) Shall be drawn with waterproof ink and all records, data entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.

(6) Shall be drawn to a scale of 100 feet to the inch or larger; more than one sheet may be used for larger tracts and must be indexed.

(7) Shall contain a title block in the lower right hand corner with the name under which the subdivision plat is to be recorded. In addition, blocks for the following information shall be provided:

(a) Name of the recorded owner and developer.

(b) Municipality in which the subdivision is located.

(c) Name, address and seal of the Registered Professional Land Surveyor preparing the plat.

(d) Certificate of ownership, including name of owner of record, deed book volume, date of instrument and date of recording.

(e) Beyond the boundary lines of the proposed subdivision all final plats submitted shall be drawn according to the following:

1) Rights of way by medium solid lines.

2) Property lines of adjacent subdivision by medium dashed and two dotted lines.

3) Lot lines by light lines.

4) Restriction lines, easements, etc., by light dashed lines.

(f) Within the subdivision boundary lines all final plats shall be drawn according to the following:

1) Rights of way by heavy solid lines.

2) Perimeter property lines of subdivision by heavy dashed and two dotted lines.

3) Lot lines by medium solid lines.

- 4) Building setback lines by medium dashed lines.
- 5) Easements or other reserved areas by light dashed lines.

B. *Application Fee.* At the time of filing of the application for approval of a final subdivision plat, the developer shall pay to the application filing and review fees set from time to time by resolution of Borough Council to defray the cost of processing such plat approval applications, and drafting same on the official Zoning Map of the Borough, and for payment to consultants hired by the Borough to conduct reviews of said applications.

C. *Final Subdivision Plat Content.* All final plats submitted shall show the following information:

(1) Primary control points, or permanent monuments or description and ties to such control points or monuments, to which all dimensions, angles, bearings, and similar data shall be referred.

(2) Accurate description shown by bearings and dimensions in feet and hundredths of a foot shall be shown on all tract boundary lines, property lines of lots, radii, arcs, cord bearings and distances. The error of closure for all descriptions subject to approval shall not exceed 1 foot in 1,000 feet.

(3) Profile sheets of all proposed streets and improvements with the following information:

(a) Existing and finished profile along centerline of proposed street.

(b) Finished grade at 50 foot stations located along the centerline of the proposed street, all vertical curve elevations information, length, including beginning-ending elevations, high and low points located along said vertical curve.

(c) Finished profile for all sanitary sewers, stormwater sewers, and water lines with stations, identification numbers, invert and top elevations, size and type of materials, and percent of slope of each utility proposed.

(d) The sight distance for all vertical curves shall be identified on the street profiles.

(4) Name and right-of-way width of each street or right-of-way.

(5) Location, dimensions and purpose of all easements in or across the subdivision plat.

(6) Number to identify each lot.

(7) Purpose for which lots, other than residential, are to be dedicated.

(8) Building setback lines on all lots.

(9) Location and description of survey monuments.

(10) Names of recorded owner of adjoining platted or unplatted land.

(11) Certification of professional land surveyor who prepared the plat certifying to the accuracy of the survey and plat.

(12) Evidence that the applicant is the landowner.

(13) Statement by the owner dedicating the streets, the right-of-way,

easements and any lots proposed for public use.

(14) A plan for the control of erosion and sedimentation for review by the Allegheny County Conservation District office, as required by the Pennsylvania Clean Streams Act, 35 P.S. §691.1 *et seq.*, or 25 Pa.Code, Chapter 102, “Erosion Control,” of the rules and regulations of the Pennsylvania Department of Environmental Protection.

(15) All plats which will require access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a 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,” 36 P.S. §670-420 before driveway access to a state owned right-of-way is permitted.

(16) Such other certificates, bonds, affidavits, endorsements or dedication as may be required in the enforcement of this Chapter.

(17) North point, scale and date.

(18) Approvals required by County, State or Federal agencies with jurisdiction.

*D. Planning Commission Review and Action; Final Subdivision Applications.*

(1) The Planning Commission shall review the final subdivision plat and prepare a written report for Borough Council. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action.

(2) Consideration of the final plat shall be conducted at the next regularly scheduled meeting of the Planning Commission following submission of a complete and properly filed application.

(3) Mediation may be offered as an option in order to expedite the approval process, said mediation shall be conducted as per the provisions of §908.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908, as amended.

(4) At the Planning Commission meeting when considering the final subdivision plat, the developer shall be given an opportunity to discuss any matter in the final plat which might assist the Planning Commission in making its recommendation to Borough Council.

*E. Action of Borough Council.* Borough Council shall render its decision on the final plat and communicate its decision to the developer not later than 90 days following the official date of filing, unless the applicant agrees in writing to an extension of time.

(1) The decision of Borough Council shall be in writing and shall be communicated to the developer personally or mailed to him at his last known address not later than 15 days following the decision within the 90-day review period.

(2) When the application is not approved as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

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

(4) From the time an application for approval of a final plat is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment to the Zoning Ordinance [Chapter 27], this Chapter or other governing ordinance or plan shall affect the decision on such application adversely to the developer and the developer shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

(5) When an application for approval of a final plat has been approved or approved subject to conditions acceptable to the developer, no subsequent change or amendment to the Zoning Ordinance [Chapter 27], this Chapter or other governing ordinance or plan shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval. Where final approval is preceded by preliminary approval, the 5-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

(6) Before acting on any subdivision plat, Borough Council or the Planning Commission, as the case may be, may hold a public hearing thereon after public notice.

*(Ord. 381, 11/14/2005, §303)*

#### **§22-305. Procedure for Minor Subdivisions.**

Plans and data involving minor subdivisions, as defined by this Chapter, shall include, but not be limited to, the following:

A. The provisions of §22-303 may be waived for minor subdivisions if no new street construction or openings are required, no wetlands are disturbed, and no unusual physiographic or topographic conditions exist. The requirements of §2-304 for final plats shall be applicable.

B. The Planning Commission shall have a period of 45 days within which to determine if a duly filed application for plat approval may be considered for final approval under this Section and make recommendations to Borough Council. Action by Borough Council shall be in accordance with §22-304.E.

*(Ord. 381, 11/14/2005, §304)*

**§22-306. Resubdivision or Replatting.**

The adjustment of lot lines or other amendment, alteration or revision of a previously recorded plat, or the combination or recombination of lots or portions of previously platted lots, where the resultant lots are increased in street frontage and total area size, which meets or exceeds the standards of this Chapter and the previously approved final plats, shall subject the replatted subdivision to the procedures and regulations of §22-305, except as they may be modified on application at the sole discretion of the Planning Commission and approved by Borough Council.

(*Ord. 381, 11/14/2005, §305*)

**§22-307. Land Development Plans.**

1. *Land Development Plan Review Criteria.* Any developer or landowner who proposes a land development, as defined herein, shall provide the Planning Commission with seven copies of plans as described in this Chapter.

2. *Conditional Use.* If a developer or landowner proposes a use listed as a conditional use in the Borough's Zoning Ordinance [Chapter 27], which requires that a public hearing be held by Borough Council, zoning approval shall be prerequisite to land development plan approval, unless plans submitted meet all applicable requirements of this Part, then zoning approval and land development plan approval can be considered simultaneously.

3. *Procedure for Consideration and Approval.*

A. The developer or landowner shall submit seven copies of the required plans to the Borough Secretary at least 15 days prior to the regular meeting of the Planning Commission. Upon receipt, the Borough Secretary shall submit one copy of the application to each member of the Planning Commission, to Borough Council and to the Allegheny County Department of Economic Development at least 30 days prior to the next regularly scheduled meeting of Borough Council.

B. The regularly scheduled meeting of the Planning Commission following submission of a complete and properly filed application shall constitute the official date of filing and the Planning Commission shall begin a review of said plans for conformity with this Chapter. The Planning Commission shall evaluate the physical appearance and arrangement of the structures on the property; vehicular access and circulation into and within the property; parking layout; pedestrian walks; likely points of congestion or other dangerous conditions that may be created by the proposed development on adjacent roads; stormwater drainage systems; signs; outdoor lighting; landscaping and other features of the proposal that may be pertinent to the public health and safety.

C. The Planning Commission may recommend approval, approval with conditions, or disapproval of the proposal as presented. The developer or landowner may make revisions as suggested by the Planning Commission and resubmit plans to the Borough for reconsideration. Where the reconsideration and review will extend beyond the 90-day period authorized, the Planning Commission or Borough Council may request an extension of time from the applicant. Where no extension is granted, action by Borough Council shall be taken within 90 days of the official date of filing of the application.

D. Immediately after the Planning Commission has made its recommendation

or after the developer or landowner proposes no further revisions, the plans shall be submitted to Borough Council which shall review them at its next regular meeting along with the Planning Commission's recommendations. Borough Council shall approve or reject the plan or may approve it with conditions, which shall be attached to any permit issued for any construction on the property, within 90 days of the official date of filing. The decision shall be in writing and shall be communicated to the applicant personally or mailed no later than 15 days following the decision.

E. After final approval by Borough Council, no changes shall be made in a plan unless a new application for final approval is submitted in accordance with all applicable requirements of this Chapter. A change in sequence in the development shall require review and approval as for any other change in the development.

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

5. *Contents of Land Development Plan Submission.*

A. The land development plan submission shall include seven prints at a scale not smaller than 1 inch equals 50 feet and a location map at a scale of not less than 1 inch equals 2,000 feet on the same sheet if desired, indicating the site in relation to major roads and major landmarks in the vicinity.

B. The land development plan shall contain at least the following information as prepared by a registered professional engineer, surveyor, landscape architect or architect, unless otherwise specified. Additional information may be required by the Planning Commission at its discretion. For existing structures where only the use is changing, design requirements of this Chapter may be waived by Borough Council upon the recommendation of the Planning Commission.

(1) Bearings and distances of all property lines and area of property in square feet as prepared by a registered land surveyor.

(2) Location of adjacent road curbs or edge of paving and existing and proposed curb cuts.

(3) Public sanitary sewer, water supply, stormwater management, gas, electric, telephone, and other utility lines overhead or underground, existing and proposed, in street rights-of-way or in easements, inside the property or within 50 feet of a boundary.

(4) Existing contours, slopes in excess of 25 percent and proposed regrading at 2-foot intervals or spot elevations 50 feet apart in two directions over the property where there are less than 4 percent slopes.

(5) Location, height and use of all existing structures to remain and new structures, with structures to be removed shown by a dotted outline.

(6) Distances between all proposed structures or additions and property lines.

(7) Paving including access drives from adjacent streets and parking and loading areas on the property, showing treatment of edges, parking layout with

dimensions of aisles and spaces, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system, and devices to retard stormwater drainage.

(8) Forested areas, as defined herein.

(9) Proposed landscaping by type of feature (tree, shrub, ground cover, etc.), as well as walls, fences, etc.

(10) Lighting plan, including standards and specifications for poles and fixtures and a photometric plan.

(11) Proposed signs showing elevation view and noting height of the top of the sign above the ground below, and dimensions of sign faces and distances from property lines.

(12) Areas subject to soil erosion, landslide prone soils, natural water-courses or drainageways, and wetlands.

(13) Elevation of each wall of each proposed structure showing architectural treatment, or, optionally, a rendered perspective drawing of a structure showing two walls at least one facing the access street.

(14) The name and address of the owner, developer, engineer and architect (if involved) with the Pennsylvania seals of the professional preparing the surveys and drawings, together with verification from the owner, if not the developer, that he concurs with the plan.

(15) North arrow, graphic scale, title and date of submission.

(16) Narrative describing the present and proposed use of the property.

(17) Traffic study if required by subsection .8 of this Section.

(18) Environmental impact statement, if required by subsection .6 of this Section.

(19) Certification by the owner of the tract of land proposed to be developed that there are no restrictions or covenants in place which would affect any future development or which limits any existing development.

C. *Request for Additional Information.* Whenever it is determined by the Planning Commission at the outset of the review that additional information is needed in order to make an informed recommendation related to the land development plan application, the Planning Commission will notify the applicant of such and said information shall be provided at the applicant's expense before the application will be considered complete.

6. *Environmental Impact Statement Requirement.*

A. Where required by this subsection, seven copies of an environmental impact statement shall be submitted to the Borough Secretary at least 15 business days prior to the regular meeting of the Planning Commission in order for the application to be considered complete and properly filed.

B. Where any of the following site characteristics are present, the Planning Commission may require that an environmental impact statement be submitted as part of the application. Where indicated, all information submitted shall comply with standards established by the Pennsylvania Department of Environmental Protection.

(1) Construction activity in undermined areas with less than 100 feet of overburden, as designated by the Bureau of Mining and Reclamation.

(2) Construction activity or encroachment involving a natural stream, watercourse or wetland.

(3) Construction activity within a landslide-prone area as delineated on landslide susceptibility maps as maintained by the Pennsylvania Geological Survey or as prepared by recognized experts acceptable to the Borough Engineer.

(4) Construction activity involving the removal of 10,000 square feet or more of forested area, as defined by this Chapter, or construction activity involving the removal of natural vegetation of 1 acre or more in area.

(5) Construction activity within 100 feet of any wetland.

(6) Construction activity in identified flood-prone areas.

(7) Construction activity proposing the alteration of steep slopes in excess of 25 percent.

7. *Environmental Impact Statement Content.*

A. The environmental impact statement shall contain:

(1) A description of the project.

(2) A map indicating.

(a) Limits of the following slope areas.

1) 0 - 15 percent.

2) 15-25 percent.

3) over 25 percent.

(b) All natural watercourses and wetlands.

(c) Undermined areas with less than 100 feet of overburden.

(d) Landslide-prone soils.

(e) All forested areas.

(f) Flood-prone areas.

(3) A list of all licenses, permits and other approvals required by municipal, County, State and Federal law and the status of each shall be required before final consideration of the land development plan. Where applicable, the applicant shall submit at the time of consideration of final approval stream encroachment or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.

(4) A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.

(5) Where evidence exists of deep mining, strip mining, landslide-prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer whose credentials are acceptable to the Borough regarding soil and subsurface conditions and the probable measures

needed to be considered in the design of the development, the location of structures and the design of foundations, if any.

(6) The environmental impact statement shall be signed and sealed by a professional engineer, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geo-technical consultant for undermining and landslide problems, etc.

8. *Traffic Study*. In the case of a subdivision or land development that proposes 50 or more dwelling units or 50,000 or more square feet of gross floor area of a building or buildings, a traffic study prepared by a qualified traffic engineer detailing the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the manuals of the Institute of Transportation Engineers (ITE). The report shall include current and projected capacities and levels of service of all streets and intersections within 1,000 feet of the site of the proposed development and recommendations for improvements to the streets and/or traffic control devices necessary within the site or on streets immediately adjacent to the site to alleviate problems identified.

(*Ord. 381, 11/14/2005, §306*)

**Part 4****Modifications****§22-401. Modifications in Cases of Physical Hardship.**

1. In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Chapter would cause practical difficulty or exceptional and undue hardship, Borough Council may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Chapter or the desirable general development of the neighborhood and the community.

2. Borough Council shall have the authority to consider modifications in cases of physical hardship only in the case of requirements of this Chapter which do not involve zoning regulations. Relief from any provision of the Zoning Ordinance [Chapter 27] shall be within the sole discretion of the Zoning Hearing Board.

*(Ord. 381, 11/14/2005, §400)*

**§22-402. Modifications to Allow Equal or Better Specifications.**

When an equal or better specification is available to comply with the construction standards or the design standards of this Chapter, Borough Council may make such reasonable modifications to such requirements of this Chapter to allow the use of the equal or better specification, upon recommendation of the Borough Engineer, provided such modification will not be contrary to the public interest. In approving such modification, Borough Council may attach any reasonable conditions that may be necessary to assure adequate public improvements and protect the public safety.

*(Ord. 381, 11/14/2005, §401)*

**§22-403. Procedure for Authorizing Modifications.**

1. Any request for a modification to any requirement of this Chapter authorized by this Chapter shall be submitted in writing by the applicant as part of the application for approval of a preliminary or final application, stating the specific requirements of this Chapter which are to be modified and the reasons and justification for the request.

2. The request for a modification to this Chapter shall be considered by Borough Council at a public meeting. If warranted, Borough Council may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification.

3. If the Planning Commission has not made a recommendation on the request for modification, Borough Council shall refer the request to the Planning Commission for a recommendation. In all cases, the Planning Commission recommendation shall be entered into the official record of the meeting.

4. The reasons relied upon by Borough Council in approving or disapproving the request also shall be entered into the minutes of the meeting and any resolution or ordinance adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or

disapproval.

5. If a modification is granted by Borough Council, a notation shall be placed on the final subdivision plat for recording or the land development plan granted final approval which indicates the nature of the modification granted and the date of approval of the modification by Borough Council.

*(Ord. 381, 11/14/2005, §402)*

**Part 5**

**Design Standards**

**§22-501. Application of Standards.**

The following minimum subdivision principles, standards, and requirements will be applied by the Planning Commission, Borough Council, Borough staff and consultants hired to provide comment in evaluating applications for preliminary and final plat approval.

(Ord. 381, 11/14/2005, §500)

**§22-502. Land Requirements.**

1. Land shall be suitable for the intended purpose for which it is to be subdivided or developed, as demonstrated by the environmental impact statement and traffic study and other application materials submitted.

2. Land subject to hazards of life, health, and safety such as strip or surface mined land, quarry land, open ditched and land subject to flooding or subsidence shall not be subdivided for residential purposes until all such hazards have been eliminated or unless guarantee is given that adequate safeguards against such hazards are provided by the subdivision plat.

(Ord. 381, 11/14/2005, §501)

**§22-503. Street Requirements.**

1. Proposed streets shall be within recorded rights of way and shall be properly related to Borough, County and State road and highway plans that have been prepared and officially adopted and/or filed as prescribed by law.

2. Where a subdivision plat abuts or contains an existing or proposed arterial street, the Planning Commission and Borough Council may require local access streets, reverse frontage lots, or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with arterial streets, and separation of local and through traffic.

3. Cul-de-sac end streets may be permitted when it is clear that through traffic at such a street end is not essential to the street system in that district, or to the development of adjacent properties in the area, or the topography of the ground prohibits the future extension of the streets.

A. The maximum length of a cul-de-sac street shall be 1,200 lineal feet, exclusive of the turn-around portion.

B. A turn-around with a cartway diameter of at least 80 feet with a right-of-way diameter of at least 100 feet shall be required at the end of all streets.

4. *Maximum Allowable Grades; Centerline of Streets.*

Arterial Streets	6 percent
Collector Streets	10 percent

Local Streets	12 percent
Cul-de-Sac	Maximum grade of the turn-around pavement portion of the cul-de-sac shall be 5 percent.

5. Minimum grades on all streets shall not be less than 1 percent.

6. Vertical curves of proper and adequate length shall be installed on all street grade changes exceeding 1 percent, and provide a minimum sight distance as follows:

Design Speed = 60 mph	Arterial Streets	500 feet
Design Speed = 40 mph	Collector Streets	275 feet
Design Speed = 30 mph	Local Streets	200 feet

7. *Alignment.*

A. Whenever street lines are deflected in excess of 2 degrees, connection shall be made by horizontal curves.

B. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

Design Speed = 60 mph	Arterial Streets	1,000 feet
Design Speed = 40 mph	Collector Streets	400 feet
Design Speed = 30 mph	Local Streets	125 feet

8. *Widths.* Minimum street right-of-way widths and cartway (roadway) widths shall be as follows:

Type of Street	Cartway	Right-of-Way
Arterial	40 feet	60 feet
Collector	26 feet	50 feet
Local	24 feet	50 feet

9. *Street Intersections.*

A. Curbs, where required, shall be installed by the developer along the streets or where deemed necessary for public safety as determined by Borough Council. The curbs shall be of the type and material as specified and approved by Borough Council. All curbs at intersections shall be rounded by a minimum radius of 25 feet for local streets, 30 feet for collector streets, and 40 feet for arterial streets.

B. Where the grade of any street at the approach to an intersection exceeds 5 percent, a leveling area shall be provided with a transitional grade not to exceed 2 percent for a distance of 25 feet from the nearest right-of-way line of the intersection.

C. Multiple intersections of more than four roads shall be prohibited.

10. *Sight Distances.*

A. *Along Streets.* Proper sight distance must be provided for both horizontal and vertical curves. Sight distance measurements shall be made along a simulated driver's line of vision. Minimum sight distances, thus measured, shall be:

Local Street	110 feet
Collector Street	200 feet

B. *At Intersections.* Appropriate sight distances must be maintained on all approaches. When measured from the intersecting curb line extension along an approach vehicle travel path, there shall be uninterrupted sight distance of:

Local Street	70 feet
Collector Street	90 feet

11. *Street Offsets.* Street offsets of less than 125 feet shall be avoided.

12. *Reverse Curves.* Reverse curves shall be designed to accommodate anticipated volumes of traffic at designed speeds.

13. Alleys shall be permitted subject to design approval of the Planning Commission and Borough Council.

14. *Driveways.*

A. Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway serves, and shall be designed and constructed in accordance with the requirements of the Borough.

B. Private driveways which function as local streets providing access to individual residential lots shall be designed in accordance with this Chapter and in compliance with the minimum standards for public streets.

(Ord. 381, 11/14/2005, §502)

**§22-504. Lots.**

1. Residential lots shall be subdivided in accordance with the terms of the Zoning Ordinance [Chapter 27] and the provisions contained herein.

2. Subdivision and development of land other than for residential purposes shall be subject to review by the Planning Commission and Borough Council insofar as size, depth, width of lots, access to public roads and parking are concerned.

3. The frontage width of lots fronting a cul-de-sac shall be a minimum of 50 feet at the right-of-way line.

4. All lot lines shall be set perpendicular or radial to the centerline of the street whenever possible. All nonradial lines shall be denoted as such on the plat.

5. Flag lots shall have a reserve strip that has a minimum width of 25 feet for its total length and is for the express purpose of providing vehicular egress, ingress, and utility access to said lot. The area of the flag lot used for access shall not be used in computing the minimum lot area required by the Zoning Ordinance [Chapter 27]. The building setback line shall not be established within any part of the reserve strip. Lot width at the building setback line shall comply with the requirements of the Zoning Ordinance [Chapter 27].

(Ord. 381, 11/14/2005, §503)

**§22-505. Building Setback Lines.**

1. Building setback lines shall be in accordance with the terms of the Borough

Zoning Ordinance [Chapter 27].

2. Building setback lines shall be recorded on each lot.

(*Ord. 381, 11/14/2005, §504*)

**§22-506. Blocks.**

1. Block length shall not exceed 1,200 feet nor be less than 500 feet.
2. Blocks shall be at least two lots in depth except for reverse frontage lots.

(*Ord. 381, 11/14/2005, §505*)

**§22-507. Easements.**

1. Easements for sanitary sewer and stormwater sewer shall have a minimum width of 20 feet and be placed at the side or rear of lots whenever possible. When Borough Council determines that easements are required to extend proposed or future utilities the required easements shall be provided.

2. Anchor easements shall be approximately 4 feet by 30 feet and placed on a lot line, at such locations as deemed appropriate by the utility requiring such easements.

3. Aerial easements shall be a minimum of 15 feet, and located as deemed appropriate by the utility requiring such easements.

4. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve the natural flow of water and to provide sufficient width for maintenance, but not less than 20 feet.

(*Ord. 381, 11/14/2005, §506*)

**§22-508. Street Names.**

The developer may choose his street names subject to the approval of the Planning Commission and Borough Council. No street, other than an extension, may be given the name of an existing street in the 911 or postal service area of which the Borough of Thornburg is a part.

(*Ord. 381, 11/14/2005, §507*)

**§22-509. Access.**

In subdividing land, it shall be done in a manner that will not have the effect of barring adjacent property owners from access to any existing or proposed public streets

(*Ord. 381, 11/14/2005, §508*)

**Part 6****Improvements****§22-601. Grading.**

1. Streets shall be graded to street profile grades and cross sections as established on and presented with the preliminary plats and as approved by Borough Council.

2. Street cross sections shall be in accordance with standards and specifications established by the Borough.

3. Streets shall be graded to the full width of the street right-of-way and slopes of a minimum of 2 feet to 1 foot shall be constructed commencing at the street right-of-way and extending on to the lots of properties adjoining the street right-of-way, this applies to both cut and fill sections.

4. Subgrade of streets shall be brought to the proper grade and contour, and shall be rolled, and cross rolled using compaction equipment meeting the requirements of Publication 408, or an acceptable alternative. Compaction of the subgrade shall also meet the density requirements of Publication 408, or an acceptable alternative. Where subgrade displaying pronounced elasticity or deformation under rolling equipment is found and stability cannot be obtained, the unsuitable material shall be removed and replaced until the subgrade is suitably stabilized.

5. No base course shall be placed until the street subgrade has been inspected and approved by the Borough Engineer. Said inspections shall be paid for as specified in §22-801 of this Chapter.

*(Ord. 381, 11/14/2005, §600)*

**§22-602. Under Drainage.**

1. In areas where springs, poor soil drainage conditions, wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed street pavement there shall be constructed pipe underdrain, stone underdrain or subgrade drains according to current Pennsylvania Department of Transportation specifications, subject to approval of drawings by the Borough Engineer.

2. If during construction unknown poor drainage conditions are encountered by the landowner, he shall notify the Borough Engineer and correct such conditions encountered at the direction of the Borough Engineer to his complete satisfaction.

3. Permanent pipe underdrain of a size, depth, width and slope as determined by the Borough Engineer shall be installed on the upper or high side, and all cut areas where they are required or necessary to prevent the infiltration of water under the paved roadway.

*(Ord. 381, 11/14/2005, §601)*

**§22-603. Curbing.**

1. Type of curb used and location shall conform to the Construction Standards.

2. Concrete curbs shall be of the following types in accordance with standards and specifications established by the Borough:

Straight curb	(8" x 24")
Battered curb	(6" x 8" x 24")
Rolled curb and gutter	
Combined curb and sidewalk	

3. Bituminous curbing shall be wedged construction and installed on both sides of street in accordance with standards and specifications established by the Borough. (*Ord. 381, 11/14/2005, §602*)

#### **§22-604. Base Course.**

1. The base course shall be constructed to lines, grades and cross-sections as approved with all materials used and all construction requirements performed in conformity with the latest edition of the Pennsylvania Department of Transportation Publication 408 and consist of a subbase course and a bituminous concrete base course as follows:

A. A crushed aggregate subbase course with a compacted thickness of not less than 10 inches in depth, all in accordance with §350, "Subbase," of Publication 408.

B. A bituminous concrete base course with a compacted thickness of not less than 5 inches in depth, all in accordance with §305, "Bituminous Concrete Base Course," of Publication 408, shall be constructed on the subbase course.

C. A bituminous surface course using ID-2 bituminous material with a compacted depth of 1½ inches, all in accordance with Pennsylvania Department of Transportation Publication 408, current edition, §420, "Bituminous Wearing Course ID-2," shall be installed on the bituminous concrete base course for use during construction phase of development.

2. The base course shall be installed and constructed in accordance with standards and specifications established by the Borough.

(*Ord. 381, 11/14/2005, §603*)

#### **§22-605. Pavement Wearing Course.**

1. The pavement wearing course shall not be installed until 90 percent of the dwellings are completed and construction equipment is not using the roadway or street. All damaged base course shall be replaced using same depth and materials specified herein in §22-604. Any uneven base course shall be leveled with a bituminous leveling course. All repairs shall be completed and approved by the Borough Engineer prior to the placement of the final wearing course.

2. The pavement wearing course shall be constructed to lines, grades and cross-sections as approved with all materials used and all construction requirements performed in conformity with the latest editions of the Pennsylvania Department of Transportation Publication 408 as follows:

A. A bituminous wearing course (ID-2) with a compacted thickness of not less than 1½ inches in depth, all in accordance with the latest edition of the Pennsylvania Department of Transportation, §420 of Form 408, shall be constructed on the bituminous concrete base course.

B. The pavement wearing course shall be installed and constructed in accordance with standards and specifications established by the Borough.

(Ord. 381, 11/14/2005, §604)

**§22-606. Sidewalks.**

1. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having sidewalks on one or both sides.

2. Sidewalks shall be of Portland Concrete 5 inches in thickness except at driveways where they shall be a minimum of 6 inches in thickness. Sidewalks shall be a minimum of 4 feet in width exclusive of the width of the curb in the manner approved in the preliminary plat.

3. Sidewalks, where provided, shall be within the right-of-way and in residential areas, where conditions permit, 2½ feet from the curb and a landscaped strip shall be provided between the sidewalk and the curb, if feasible. Sidewalks should line up with sidewalks in adjoining subdivisions.

(Ord. 381, 11/14/2005, §605)

**§22-607. Street Signs.**

1. Street name signs shall be installed at each street intersection in accordance to type of materials, design and standards established by Borough Council prior to the occupancy of any dwellings.

2. A traffic control signage plan and supporting documentation shall be submitted for approval and shall be installed prior to occupancy of any dwellings.

3. All traffic control, no parking and speed limit signs shall meet PennDOT standards and locations for such signs and the *Manual of Uniform Traffic Control Devices*.

(Ord. 381, 11/14/2005, §606)

**§22-608. Sanitary Sewers.**

1. Installation of sanitary sewers, including house lines, laterals, trunk lines, manholes, and other appurtenances, shall comply with the rules and regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and ALCOSAN.

2. In areas where a public sanitary sewer is available, all properties within the subdivision shall be connected thereto.

3. All individual properties now using sanitary sewage facilities and all future properties requiring sanitary sewage facilities shall be connected to the municipal sewage system if it is available.

(Ord. 381, 11/14/2005, §607)

**§22-609. Sanitary Sewage Treatment Plant.**

1. Installation of sanitary sewage treatment plants and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Protection and Borough Council.

2. No building permit will be issued for any construction or development until

documentation is submitted guaranteeing capacity for treatment of effluent.

(*Ord. 381, 11/14/2005, §608*)

**§22-610. Stormwater Management.**

1. Adequate stormwater drainage facilities shall be installed in conformance with a stormwater management plan to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause a detrimental effect. The stormwater management plan shall ensure to the satisfaction of the Borough Engineer that rates of runoff after development shall not be greater than the runoff which would occur on the site in its natural state.

2. The stormwater management plan shall comply with the Pennsylvania Storm Water Management Act, P.L. 869, No. 167, 32 P.S. §680.1 *et seq.*, and be prepared in accordance with standards and specifications established by the Borough.

3. All materials and methods of construction and installation shall meet and comply with the requirements of Commonwealth of Pennsylvania Department of Transportation's Publication 408, current edition and their Standards for Roadway Construction Series RC-0 to 100, current edition.

4. Approved precast concrete inlets and cast iron castings shall be placed at all low points, street intersections and at points along both sides of the street to ensure adequate drainage, but in no case shall the distance between inlets along the street exceed 400 feet unless approved by the Borough Engineer. Inlets at street intersections shall be placed on the tangent and not on the curved portion.

5. Manholes and cast iron castings of the type shown on the standards and specifications established by the Borough shall be installed at all changes in alignment and grades of stormwater sewers as may be directed by the Borough Engineer to provide for proper maintenance. Inlets may be substituted for manholes where practical.

6. Stormwater sewers shall be located in the street right-of-way or in a drainage easement.

7. Stormwater sewers shall be reinforced concrete or a high density polyethylene corrugated pipe with an integrally formed smooth interior and have a minimum diameter of 15 inches and a minimum grade of 1 percent.

8. In the design of stormwater sewer installations, special consideration shall be given to avoidance of problems which may arise from concentration of stormwater runoff over adjacent properties, including release or discharge of stormwater onto and across adjacent land when required.

9. Bridges and culverts shall be designed to support the expected loads, to carry expected flows, and be constructed the full width of the right-of-way, where deemed necessary by the Borough Engineer.

10. Stormwater management plans shall be in compliance with the Borough Engineer's guidelines adopted by resolution and be submitted for approval with preliminary plat application. Such plan shall include pipe sizes and materials, details of proposed catch basins and inlets, location of manholes and finish elevations.

(*Ord. 381, 11/14/2005, §609*)

**§22-611. Water Supply.**

1. If public water supply is available or definitely planned for the area by the Borough, then provision shall be made for its immediate and eventual use.

2. Community wells or project wells for water supply shall be approved by the Pennsylvania Department of Environmental Protection and the Borough Council.

3. All water supply systems shall be constructed as per the specifications of the Pennsylvania American Water Company or its successor and approved by the same, and copies of such agreements for supply of water service shall be submitted to Borough Council for approval.

4. Fire hydrants shall be installed as per the Borough's specifications for locations and must meet minimum static pressure levels as specified for fire protection.

(*Ord. 381, 11/14/2005, §610*)

**§22-612. Monuments.**

Permanent monuments of reinforced concrete or metal shall be installed after all grading and improvements have been installed to identify all street right-of-ways and set in locations as determined by the Borough Engineer. The developer shall furnish a certification that monuments have been set in the locations as shown on recorded subdivision plan.

(*Ord. 381, 11/14/2005, §611*)

**§22-613. N/A.**

(*Ord. 381, 11/14/2005, §612*)

**§22-614. Street Trees.**

Street trees shall be provided along all new streets and extensions of existing streets. Their proposed locations, spacing and species shall conform to the Borough construction standards and the recommended list of trees in Appendix A. A planting plan shall be submitted for approval by the Planning Commission and Borough Council. On narrow rights-of-way or where the planting strip between sidewalk and the curb is less than 5 feet wide, trees will not be permitted, but are to be placed inside the property lines.

(*Ord. 381, 11/14/2005, §613*)

**§22-615. Existing Natural Conditions.**

In wooded areas or where other natural conditions exist, in such a manner that their presence adds to the desirability of a subdivision, Borough Council shall require that the developer preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required for the construction of the improvements in accordance with the improvement standards included herein and approved by Borough Council.

(*Ord. 381, 11/14/2005, §614*)

**§22-616. Grading Plan.**

1. At the time of submission of a subdivision plan or development plan for preliminary approval a grading plan prepared in compliance with the Borough Grading Ordinance [Chapter 9] shall be presented for review. The grading plan shall identify the existing and proposed grade contours at 2-foot intervals with sufficient elevations to show proposed grading of streets, lots, drainage ways, stormwater detention ponds and any other proposed grading activity.

2. *Topsoil Preservation.* No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored in accordance with the approved erosion and sedimentation control plan as required under §22-304.2.C(14) of this Chapter. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding, both temporary and permanent, or planted in accordance with the approved erosion and sedimentation control plan as required under §22-304.2.C(14) of this Chapter.

(*Ord. 381, 11/14/2005, §615*)

**§22-617. As-Built Plans.**

After completion of all required improvements the developer shall have his engineer or surveyor prepare and submit to the Borough, plans and profiles showing the exact location, elevation, grade, size stormwater detention pond volumes and material used to install all facilities. Said plans shall be dated, signed and sealed by the person preparing plan and be submitted on reproducible mylar or in CAD format.

(*Ord. 381, 11/14/2005, §616*)

**Part 7****Conditions of Acceptance****§22-701. Performance Requirements.**

1. Before approving any subdivision or land development plan, Borough Council shall require a written agreement that necessary grading, paving and street improvements, sidewalks, street lights, fire hydrants, water mains, sanitary sewers, storm sewers and stormwater management facilities, shade trees, landscaping, open space and recreation facilities, as may be required by the Borough, shall be installed by the developer in strict accordance with the design standards and specifications of said Borough, within a specified time period. Such agreement shall be prepared by the Borough Solicitor at the expense of the developer. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit.

2. When requested by the developer in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat shall not be signed nor recorded until the financial improvements agreement is executed. If within 90 days, unless written extension is granted by Borough Council, the financial improvement agreement is not executed, then the resolution or letter of contingent approval shall expire.

(Ord. 381, 11/14/2005, §700)

**§22-702. Performance Guarantees.**

1. Borough Council shall insure, through receipt of certificates of compliance submitted and attested by the Borough Engineer, that required improvements have been installed according to the specifications of the final plat, or alternately require the posting of adequate surety to cover the cost for such improvements. In lieu of completion of the required improvements, Borough Council shall be authorized to accept financial security guaranteeing completion of the required improvements in accordance with subsection .2, hereof.

2. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the developer's scheduled date of completion. The amount estimated shall be prepared by a licensed professional engineer for submittal to the Borough by the developer. If the amount of the estimated financial security is contested by the Borough Engineer, a third licensed professional engineer chosen mutually by the developer, and the Borough, shall estimate the amount of financial security necessary, which estimate shall be presumed fair and reasonable. Fees for the services of the third engineer shall be paid equally by the Borough and the developer.

3. *Completion of Improvements Prior to Final Approval.* Prior to final plat approval, the developer shall complete, in a manner satisfactory to Borough Council and the Borough Engineer, all improvements required in these regulations specified in

the final plat, and as approved by Borough Council and shall dedicate same to the Borough in accordance with these regulations. Final plat approval shall not be granted until the dedication of said improvements has been accepted by Borough Council.

4. *Guarantee of Future Performance.* In lieu of requiring the completion of all improvements prior to final plat approval, the developer shall guarantee the completion of all improvements required by this Chapter, or otherwise specified by Borough Council in a manner satisfactory to Borough Council. The developer shall provide, subject to the approval of Borough Council, one of the following guarantees:

A. *Surety Bond.* The developer shall obtain a security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Borough and shall be in an amount sufficient to cover the entire cost, as estimated by the Borough Engineer, as herein provided, for the installation of all improvements. The duration of the bond shall be until such time as the improvements are accepted by the Borough in accordance with the requirements of this Chapter.

B. *Escrow Account.* The developer shall deposit cash, or other instruments readily convertible into cash at face value, either with the Borough, or in escrow with a bank. The form of any instruments other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Borough Solicitor. The amount of the deposit shall be at least equal to the cost, as estimated by the Borough Engineer, of installing all required improvements, plus 10 percent.

In case of an escrow account, the developer shall file with Borough Council an agreement between the financial bank and himself guaranteeing the following:

(1) That the funds of said escrow account shall be held in trust until released by Borough Council and may not be used or pledged by the developer as security in any other matter during the period.

(2) That in the case of a failure on the part of the developer to complete said improvements, the bank shall immediately make the funds in said account available to the Borough for use in the completion of those improvements.

C. *Irrevocable Letter of Credit.* An irrevocable letter of credit in an amount equal to the cost of all required improvements, as estimated by the Borough Engineer, plus 10 percent, shall be posted naming Borough Council as beneficiaries. The financial institution that provides the irrevocable letter of credit shall be first approved by Borough Council. Failure on the part of the developer to complete said improvements shall cause the funds posted as an irrevocable letter of credit to be made available to the Borough upon written notice of a claim against said funds.

(Ord. 381, 11/14/2005, §701)

#### **§22-703. Release from Improvement Bond.**

1. When the developer has completed all of the required improvements, the developer shall notify Borough Council, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy to the Borough

Engineer.

2. Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

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

4. If any portion of the required improvements shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of Borough Council or the Borough Engineer.

6. The applicant or developer shall be charged by the Borough for all fees reasonable and necessary, to cover costs incurred by the Borough for engineering review and inspection of improvements, as outlined in Part 7. In the event that the amount of the expense is disputed, the procedures outlined in Part 7 shall be implemented.

7. At the time of final approval and prior to the issuance of any required Borough permit, a 10 percent deposit shall be made by the applicant with the Borough for the costs of review and inspection where public utilities and facilities are proposed. Said 10 percent shall be calculated as 10 percent of the total costs of installation of said public utilities and facilities. Any funds unexpended at the time of acceptance of the aforementioned public utilities and facilities, shall be returned to the applicant.

(*Ord. 381, 11/14/2005, §702*)

#### **§22-704. Remedies to Effect Completion of Improvements.**

1. In the event that any improvements which may be required have not been constructed and installed as provided for in the written agreement, this Chapter and the requirements of Borough Council or in accordance with the approved final plan, Borough Council shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.

2. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, Borough Council, may at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

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

(*Ord. 381, 11/14/2005, §703*)

**§22-705. Maintenance Bond.**

1. Before the Borough Engineer shall issue to Borough Council a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development and in compliance with the specifications, standards, ordinances and requirements of the Borough, the developer shall be required to deposit with the Borough, a corporate maintenance bond, or other surety acceptable to the Borough Solicitor, in such amount, under such conditions, and in such form as shall be required by Borough Council. The maintenance bond shall guarantee the structural integrity and the functioning of all improvements required in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. The amount of the maintenance bond shall not exceed 15 percent of the actual cost of installation of said improvements.

2. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

(*Ord. 381, 11/14/2005, §704*)

**§22-706. Acceptance of Public Improvements.**

Upon completion of the inspection and approval of the public improvements, the Developer shall submit a request to Borough Council, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare a resolution or ordinance and shall be submitted at least 20 days prior to the regular meeting of Borough Council. At the regular meeting, Borough Council shall enact a resolution or ordinance accepting the public improvements as part of the Borough's public facilities, subject to the posting of the maintenance bond required by this Chapter.

(*Ord. 381, 11/14/2005, §705*)

**§22-707. Final Inspection of Public Improvements.**

Prior to the end of the 18-month period when the maintenance bond expires and before the maintenance bond is released, the Borough Engineer shall make a final inspection and certify in writing to Borough Council that all the public improvements are in good order. If any repairs are required or maintenance needed, the developer shall be notified in writing, and such repairs or maintenance shall be done and approved prior to certification by the Borough Engineer.

(Ord. 381, 11/14/2005, §706)

**§22-708. Snowplowing.**

The applicant shall be responsible from the time there is at least one occupant in the proposed development to plow snow and disperse anti-skid material on development roads as may be necessary to provide ingress and egress to the occupants at the applicant's cost, prior to the acceptance of dedicated streets. The applicant shall post with the Borough the sum of \$1,000 as an escrow to provide for snow removal and the dispersal of anti-skid material prior to acceptance of dedication of the streets. All payments to the Borough for said snow removal and dispersal of anti-skid material shall be made from the escrow fund. In the event that the escrow should become depleted, the applicant shall post an additional sum of \$1,000 and such further amounts as may be necessary until such time as the dedication of the streets is accepted by the Borough.

(Ord. 381, 11/14/2005, §707)

**§22-709. Higher Standards.**

1. No road, street, lane, way or related improvement shall be accepted as a part of the street system of the Borough or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Borough. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum and Borough Council may as it deems advisable revise said specifications and requirements by amendment of this Chapter to secure a higher standard of improvements and community development.

2. No stormwater drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution systems and facilities, or any other facilities or improvements will be accepted as a part of the Borough's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Borough.

(Ord. 381, 11/14/2005, §708)

**§22-710. Recording Plat.**

1. Upon approval of the final plat, the developer shall within 90 days of such final approval deliver to the Borough offices the following plats and documents for Borough signatures:

- A. One original mylar and two duplicate mylars and six prints.
- B. Four sets of prints of the "as-built" construction drawings and supporting documents.
- C. Executed developer's agreement meeting the requirements of §22-701, "Performance Requirements," and of §22-702, "Performance Guarantees," of this Chapter.

2. At the time of submittal of the plans and documents as specified in this Section, the developer shall deposit a sum with the Borough equal to the prevailing fee

of the Allegheny County Recorder of Deeds for recording the original plat to guarantee the recording of the plat; however, the developer shall be responsible for recording the original plat. Upon presentation of a certificate evidencing recording of the plat, the Borough shall refund the deposit.

3. Upon recording of plats, the developer shall provide to the Borough one duplicate mylar plat and one set of approved construction drawings.

4. After an approved subdivision plan shall have been officially recorded, the streets, parks, and other public improvements shown thereon shall be considered to be a part of the official comprehensive plan of the Borough or Borough.

5. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan, or the owner may note on such plan that any improvements have not been offered for dedication to the Borough.

6. Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Borough and accepted by ordinance or resolution, or until it shall have been condemned for use as a public street, park or other improvement.

7. Any land development shall be recorded in the Allegheny County Recorder of Deeds Office following completion of all contemplated improvements and structures. One mylar drawing shall be submitted to the Allegheny County Recorder of Deeds and two paper copies filed with the Borough.

*(Ord. 381, 11/14/2005, §709)*

**§22-711. Approval Refused by Council.**

In any case where Borough Council shall refuse to approve any plat submitted to them in accordance with this Chapter, any person aggrieved by the action of Borough Council may appeal as provided by law to the Court of Common Pleas of Allegheny County, Pennsylvania.

*(Ord. 381, 11/14/2005, §710)*

**§22-712. No Responsibility of Borough Where Plans Not Approved.**

If any road or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plats approved and recorded as herein provided, neither Borough Council nor any public authorities shall place, construct, or operate any sewer, drain, water pipe or other facilities, or do any work of any kind, in or upon such road; and neither Borough Council nor any other public authorities, shall have responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public.

*(Ord. 381, 11/14/2005, §711)*

**Part 8****Fees****§22-801. Application Filing, Review and Inspection Fees.**

All applications submitted for approval of a subdivision or land development shall be subject to the following fees:

A. *Application Filing Fees.* A schedule of application filing fees shall be established, from time to time, by resolution of Borough Council. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development and shall be payable at the time of submission of the application.

B. *Application Review Fees.*

(1) An application review escrow deposit in an amount established from time to time by resolution of Borough Council also shall be payable at the time of submission of the application to guarantee payment of the estimated application review fees required by this subsection. The actual amount of the review fees in excess of the escrow deposit shall be payable within 14 days of the applicant's receipt of the bill from the Borough Secretary. Any monies remaining in the escrow account after all review fees have been paid shall be returned to the applicant.

(2) Failure to pay the required escrow deposit or any additional review fees required by this subsection shall cause the application to be determined to be incomplete and the application shall not be scheduled for review by the Planning Commission or the Borough Council until such fees are paid.

(3) Application review fees shall include reasonable and necessary charges by the Borough's professional consultants or the Borough Engineer for review and report on the application to the Borough. Such review fees shall be based upon a schedule established from time to time by resolution of Borough Council. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or other professional consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Borough Engineer or other professional consultants to the Borough when fees are not reimbursed or otherwise imposed on applicants.

(4) Borough Council shall submit to the applicant an itemized bill showing the work performed, identifying the person performing the services and the time and date spent for each task.

(5) In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than 45 days after the date of transmittal of the bill to the applicant, notify the Borough and the Borough's professional consultant that such fees are disputed, and shall explain the basis of their objections to the fees charged, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within 45

days shall be a waiver of the applicant's right to arbitration of that bill.

(6) In the event that the Borough's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for resolution of disputes as set forth below in paragraph .C of this Section, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

(7) Subsequent to a decision on an application, Borough Council shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of approval, the review fees shall be charged to the applicant as a supplement to the final bill.

*C. Inspection Fees.*

(1) The applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established from time to time by resolution of Borough Council. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Borough Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

(2) The applicant shall not be required to reimburse the Borough for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant.

(3) An inspection fee escrow deposit in an amount established from time to time by resolution of Borough Council shall be payable at the time of execution of the development agreement required by this Chapter to guarantee payment of the estimated inspection fees required by this Section. Any unused balance remaining in the application review escrow account shall be rolled over into the inspection fee escrow account. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant.

(4) Borough Council shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent on each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the Borough and the Borough's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged,

in which case the Borough shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 30 days shall be a waiver of the applicant's right to arbitration of that bill.

(5) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to Borough Council a bill specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

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

(7) The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and render a decision within 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event that the Borough has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

(8) In the event that the Borough's professional consultant and the applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Borough's professional consultant nor any professional consultant who has been retained by, or performed services for, the Borough or the applicant within the preceding 5 years.

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

(*Ord. 381*, 11/14/2005, §800)

**Part 9****Amendments****§22-901. Enactment of Amendments to this Chapter.**

1. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by §504 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10504.

2. In addition, in case of an amendment other than that prepared by the Planning Commission, Borough Council shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing to be conducted by Borough Council on such proposed amendment.

3. At least 30 days prior to the date of the hearing on the amendment, the Borough shall submit the proposed amendment to the Allegheny County Department of Economic Development for recommendation.

4. Within 30 days after adoption, Borough Council shall forward a certified copy of the amendment to this Chapter to the Allegheny County Department of Economic Development.

(Ord. 381, 11/14/2005, §902)

**§22-902. Publication, Advertisement and Availability of Ordinance.**

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

A. A copy of the full text shall be supplied to the newspaper of general circulation in the Borough at the time the public notice is published.

B. An attested copy of the proposed ordinance amendment shall be filed in the Allegheny County Law Library which may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance amendments.

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

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

(*Ord. 381*, 11/14/2005, §901)

**Part 10****Enforcement Remedies****§22-1001. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter and all amendments thereto, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.

2. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

3. Each day that a violation continues shall constitute a separate violation, unless the district justice, in determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that 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.

4. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

5. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

*(Ord. 381, 11/14/2005, §1000)*



**Part 11****Preventive Remedies****§22-1101. Preventive Remedies.**

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Act 247, the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* This authority to deny such a permit or approval shall apply to any of the following applicants:

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

2. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(*Ord. 381, 11/14/2005, §1100*)

