

SUBDIVISION & LAND DEV.

Chapter 113

SUBDIVISION AND LAND DEVELOPMENT

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[HISTORY: Adopted by the Borough Council of the Borough of Alburtis 4-13-77 as Ord. No. 185. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 12.
Zoning — See Ch. 137.

ARTICLE I Purpose, Authority, Title and Jurisdiction

§ 113-1. Purpose.

The purpose of this chapter is to regulate subdivision and land development within the Borough of Alburtis, Lehigh County, Pennsylvania.¹

¹ Editor's Note: The following forms, for use with this chapter, are on file in the office of the Borough Secretary:

Application for Classification of Sketch Subdivision or Land Development Plan
Application for Review of Preliminary Subdivision or Land Development Plan
Application for Review of Final Subdivision or Land Development Plan
Preliminary Subdivision Improvements Agreement

§ 113-2. Authority and title.

This chapter is enacted pursuant to the Pennsylvania Municipalities Planning Code and may be cited as the "Subdivision and Land Development Ordinance of the Borough of Alburdis."

§ 113-3. Jurisdiction.

This chapter shall apply in the following circumstances:

- A. To all subdivision and land development plans submitted after the effective date of this chapter.
- B. To all subdivision and land development plans previously approved in accordance with any law or regulation then applicable, the development of which has not been completed in accordance with the terms of such approval within three (3) years of the enactment of this chapter.

**ARTICLE II
Definitions**

§ 113-4. Word usage and definitions.

- A. Word usage. Unless otherwise expressly stated, the following rules and definitions shall be applied in the construction of this chapter:
 - (1) Words in the singular include the plural, and those in the plural include the singular.
 - (2) Words in the present tense include the future tense.
 - (3) The words "person," "developer," "subdivider" and "owner" include a corporation, unincorporated association, a partnership or other legal entity, as well as an individual.
 - (4) The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

- (5) The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
- (6) The word "borough" means Borough of Alburdis, Lehigh County, Pennsylvania.
- (7) The term "Borough Council" means the Borough Council of the Borough of Alburdis.
- (8) The term "Planning Commission" means the Planning Commission of the Borough of Alburdis.
- (9) The term "Board" means the Zoning Hearing Board of the Borough of Alburdis.

B. Definitions. Other terms or words used herein shall be interpreted or defined as follows:

ALLEY — A minor private street primary for service access to the back or sides of properties.

BUILDING, ACCESSORY — A detached structure the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building.

BUILDING SETBACK LINE — The line within a property defining the minimum required front yard distance between any building to be erected and an adjacent right-of-way.

CARTWAY — The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

CODES ADMINISTRATOR — The Borough Zoning Officer, unless otherwise designated by Borough Council.

COMPREHENSIVE PLAN — The maps, charts and textual material adopted by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code and designated, as a whole or in its several parts, as a Comprehensive Plan for the continuing development of the borough.

CUL-DE-SAC — A local street intersecting another street at one end and terminating in a vehicular turnaround at the other.

DEVELOPER — Any person who makes or causes to be made a subdivision of land or a land development.

DOUBLE OR REVERSE FRONTAGE LOT — A lot extending between and having frontage on two (2) generally parallel streets with vehicular access from only one (1) street.

DWELLING UNIT — Any structure or part thereof designated to be occupied as living quarters as a single housekeeping unit.

EASEMENT — A right-of-way for limited use on which no structure may be built.

FLOODPLAIN — The area along a natural watercourse which is periodically overflowed by water therefrom. "Floodplain" areas are designated as "alluvial soils" on the Official Zoning Map.

IMPROVEMENTS — Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

JOINT PLANNING COMMISSION — The Joint Planning Commission of Lehigh and Northampton Counties, Pennsylvania.

LOT — A parcel of land intended for transfer of ownership, use, development or improvement and/or dedication.

MONUMENT — A stone, metal or concrete marker with a flat top at least four (4) inches in diameter or square containing a steel dowel and at least thirty (30) inches in length.

OFFICIAL MAP — The borough map adopted by ordinance showing exact locations of existing and proposed lines for public streets, watercourses and public grounds,

including widenings, narrowings, extensions, diminutions, opening or closing of same for the entire borough.

PERFORMANCE GUARANTY — Any security which may be accepted by the Borough Council to guarantee that the proper construction of improvements be made by the developer.

PLAN, FINAL — A complete and exact plan, with professional engineer's or registered surveyor's seal affixed and prepared for official recording as required by this chapter to define property rights, streets and other proposed improvements.

PLAN, PRELIMINARY — A tentative plan, in lesser detail than a final plan, showing proposed streets and lot layout and such other information as required by this chapter.

PLAN, RECORD — The copy of the final plan which contains the original endorsements of the Joint Planning Commission and the Borough Planning Commission and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH — An informal drawing indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for consideration by the borough.

RIGHT-OF-WAY — Land reserved or dedicated as a street, sidewalk or for other public or semipublic purposes.

SEPTIC TANK — A watertight receptacle which receives sewage or industrial waste and is designed and constructed to provide for sludge storage, sludge decomposition and to separate solids from the liquid, through a period of detention, before allowing the liquid to be discharged.

SOIL STABILIZATION — Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

STREET — A strip of land, including the entire right-of-way (i.e., not limited to the cartway), intended for use as a means of vehicular and pedestrian travel.

STREET LINE — The dividing line between the street and the lot. The “street line” shall be the same as the legal right-of-way line, provided that the street right-of-way line shall be not less than sixteen and one-half (16½) feet from the center line of any existing road or street, and where a future right-of-way width for a road or street has been officially established, then the street right-of-way line shall be the side line of the future right-of-way so established.

STRUCTURE — Any man-made object having an ascertainable stationary location.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBDIVISION, MINOR — The division of a single lot, tract or parcel of land into not more than five (5) lots, tracts or parcels of land, including the remaining portion of the tract, for the purpose, whether immediate or future, of transfer of ownership or of building development, provided the proposed lots, tracts or parcels of land thereby created have frontage on an improved public street or streets, and provided further that there is not created by the subdivision any new street or streets, the need for required improvements and/or an easement of access or the need therefor, and also that the subdivision does not adversely affect the development of the remainder of the parcel or adjoining property and is not in conflict with any provision of an adopted Comprehensive Plan, Official Map or Zoning Ordinance.²

² Editor's Note: See Ch. 137, Zoning.

ARTICLE III
Sketch Plan Submission Procedures
and Requirements

§ 113-5. Sketch plan submission.

- A. Sketch plan maps and materials shall be submitted for all proposed subdivisions and land developments to the Codes Administrator.
- B. Three (3) copies of a completed sketch subdivision or land development application and the appropriate submission fee shall be submitted to the Codes Administrator.
- C. Six (6) copies of all sketch plan maps and materials, as set forth in § 113-7, for four (4) or more lots and three (3) copies for less than four (4) lots shall be submitted to the Codes Administrator.
- D. The Codes Administrator shall retain one (1) copy of the sketch plan maps and materials and refer the remaining copies to the Borough Planning Commission for its review and recommendations.

§ 113-6. Sketch plan review.

- A. The sketch plan maps and materials will be reviewed by the Planning Commission at its next regular meeting, provided that submission has occurred no less than ten (10) days prior to such scheduled meeting.
- B. The Borough Planning Commission shall review sketch plan data to determine the development potential of the site.
- C. Recommendations shall be made by the Borough Planning Commission only after it has received and considered the written reports of the Joint Planning Commission of Lehigh-Northampton Counties and, where applicable, the Pennsylvania Department of Environmental Resources and the Lehigh County Soil and Water Conservation District. However, if such reports are not received within

thirty (30) days after receipt of sketch plan materials, the Borough Planning Commission may make recommendations to the developer without having received and considered such reports.

- D. Within ninety (90) days of submission of sketch plan maps and materials to the Borough Planning Commission, the Commission shall make any recommendations to the developer which it deems necessary or advisable in the public interest in order to provide an acceptable subdivision or land development plan for the site.
- E. Within ten (10) days after the meeting at which the sketch plan was acted upon, the Secretary of the Borough Planning Commission shall send written notice of the Commission's recommendations to the following:
 - (1) The Borough Council.
 - (2) The Joint Planning Commission of Lehigh-Northampton Counties.
 - (3) The developer or his agent.

§ 113-7. Sketch plan requirements.

- A. Before submission of the preliminary plan by the developer, maps and materials will be submitted by the developer to the Borough Planning Commission, thus enabling the Commission to determine the potential of the proposed subdivision or land development tract for development and the general feasibility of the developer's plans for the tract. The sketch plan submission will include the following maps and materials, which may be shown on one (1) plan:
 - (1) A key map, for the purpose of locating the property being subdivided, drawn at a scale not smaller than one (1) inch equals one thousand (1,000) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, streams, municipal boundaries and

recorded subdivision plans existing within two thousand (2,000) feet of any part of the property.

- (2) A topographic map of the site with ten-foot contour intervals and at a minimum scale of one (1) inch equals one hundred (100) feet. Map shall delineate slope areas over five percent (5%) and shall show woodland cover.
 - (3) A letter of intent and a sketch of the proposed subdivision or land development tract, explaining and illustrating the developer's general development concepts for the tract. Sketch plan shall be at a minimum scale of one (1) inch equals one hundred (100) feet.
- B. The sketch plan submission shall bear the name and address of the developer and party preparing the plan.

ARTICLE IV
Preliminary Plan Submission Procedures
and Requirements

§ 113-8. Preliminary plan submission.

- A. Preliminary plans and all required supplementary data for all proposed subdivisions and land developments shall be submitted to the Codes Administrator.
- B. If the preliminary plan submission complies with § 113-10, the Codes Administrator shall acknowledge such compliance by immediate issuance to the developer of a preliminary subdivision plan receipt. A copy of this receipt shall also be sent to the Joint Planning Commission of Lehigh-Northampton Counties (JPC).
- C. Official submission.
 - (1) Official submission of a preliminary plan to the Borough Planning Commission shall comprise submitting the following information to the Codes Administrator no less than ten (10) days prior to a regularly scheduled meeting:

- (a) Submission of three (3) copies of a completed preliminary subdivision or land development application and the appropriate submission fee.
 - (b) Submission of six (6) paper prints of the preliminary plan, which shall fully comply with provisions of this chapter as set forth in § 113-10.
 - (c) Submission of six (6) copies of all required supplemental information as set forth in § 113-10E.
- (2) The Codes Administrator shall refer one (1) application, one (1) plan print and one (1) copy of the supplemental information to the Borough Engineer, and one (1) application, two (2) plan prints and one (1) copy of the supplemental information to the Borough Planning Commission, for recommendations as to changes, alterations and modifications.
- D. Official submission of a preliminary plan to the Joint Planning Commission of Lehigh-Northampton Counties shall be the responsibility of the developer and shall comprise the following:
- (1) Submission of a completed preliminary subdivision or land development application.
 - (2) Submission of one (1) paper print of the preliminary plan, which shall fully comply with provisions of this chapter as set forth in § 113-10.
 - (3) Submission of one (1) copy of all required supplemental information as set forth in § 113-10E.
- E. Official submission of a preliminary plan to other agencies.
- (1) One (1) print of the preliminary plan and one (1) copy of all required supplemental information as set forth in § 113-10E shall be submitted by the developer to the Borough Sewage Enforcement Officer.
 - (2) Additional prints of the preliminary plan shall be submitted by the developer to the respective agencies in each of the following circumstances:

- (a) Whenever the property being subdivided or developed abuts a state legislative route, one (1) print of the preliminary plan shall be submitted to the Pennsylvania Department of Transportation.
- (b) Whenever a proposed subdivision or land development is located in more than one (1) municipality or located adjacent to another municipality, one (1) print of the preliminary plan shall be submitted for each additional or adjacent municipality to the respective municipalities.

§ 113-9. Preliminary plan review.

- A. Review of the preliminary plan by the Joint Planning Commission of Lehigh-Northampton Counties shall proceed in accordance with its rules.
- B. Review of the preliminary plan by the Borough Planning Commission shall proceed as follows:
 - (1) When a preliminary plan has been officially submitted, such plan shall be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that such official submission has occurred no less than ten (10) calendar days prior to such regular meeting. The Planning Commission may hold a public hearing on the preliminary plan at this time.
 - (2) The Borough Planning Commission shall review the preliminary plan to determine its conformance with the standards contained in this chapter and other applicable borough ordinances.
 - (3) No decision shall be made by the Borough Planning Commission with respect to a preliminary plan until the Borough Planning Commission has received and considered the written report of the Joint Planning Commission; provided, however, that if the Joint Planning Commission shall fail to report thereon

within forty-five (45) days after receipt of a preliminary plan, then the Borough Planning Commission may officially act without having received and considered such report. In all cases, however, the Borough Planning Commission must act within ninety (90) days after receipt of a preliminary plan from the developer.

- (4) During review of the preliminary plan, the Planning Commission shall also consider opinions of the Borough Engineer and Borough Solicitor.
- (5) Within five (5) days after the meeting at which the preliminary plan was acted upon by the Planning Commission, the Secretary of the Planning Commission shall send written notice of the Commission's action and the findings and reasons upon which the action is based to the following:
 - (a) The Borough Council.
 - (b) The Joint Planning Commission of Lehigh-Northampton Counties.
 - (c) The Borough Engineer.
 - (d) The developer or his agent.
- (6) The action of the Borough Planning Commission shall be noted, together with the date of the action and signature of the Chairman, on three (3) sets of plans. These plans shall then be distributed as follows:
 - (a) Two (2) sets to the developer or his agent.
 - (b) One (1) set to the Borough Office for filing.

§ 113-10. Preliminary plan requirements.

- A. The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet unless otherwise directed by the Borough Planning Commission at the time of sketch plan review.

B. The original drawing and all submitted prints shall be made on sheets of one (1) of the following sets of dimensions:

- (1) Eighteen by twenty-four (18 x 24) inches.
- (2) Twenty-four by thirty-six (24 x 36) inches.
- (3) Thirty-six by forty-two (36 x 42) inches.

C. If the preliminary plan requires more than one (1) sheet, a key diagram illustrating relative location of the several sections shall be drawn on each sheet.

D. The preliminary plan shall illustrate the following data:

- (1) Name and address of record owner; name of developer if different from owner; names of all adjoining subdivisions, if any; and the names of owners of all adjacent unplotted land, with the Tax Map, block and lot numbers where recorded.
- (2) Name of the proposed subdivision; name of the municipality or municipalities within which subdivision is proposed; total tract boundaries of the property being subdivided, showing bearings and distances at a closure of one (1) foot equals ten thousand (10,000) feet; and a statement of total acreage of the property.
- (3) Name, address, license number and seal of registered engineer, surveyor or landscape architect responsible for the subdivision plan; North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision.
- (4) A key map, for the purpose of locating the property being subdivided, drawn at a scale not smaller than one (1) inch equals one thousand (1,000) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all

streets, streams, roads, municipal boundaries and recorded subdivision plans existing within two thousand (2,000) feet of any part of the property.

- (5) Tax map, block and lot numbers within the proposed subdivision tract, where recorded; the zoning district or districts within which the proposed subdivision is located.
- (6) All existing buildings or other structures within the proposed subdivision tract; all existing streets, including streets of record (recorded but not constructed), on or adjoining the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.
- (7) All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads or other man-made features within the proposed subdivision tract and within two hundred (200) feet of the boundaries of the proposed subdivision tract; location, width and purpose of existing easements and utility rights-of-way within two hundred (200) feet of the proposed subdivision tract.
- (8) Contour lines at vertical intervals of not more than two (2) feet for land with an average natural slope of five percent (5%) or less and at intervals of not more than five (5) feet for land with an average natural slope exceeding five percent (5%). Location and elevation of the data to which contour elevations refer shall be the closest United States Coast and Geodetic Survey established bench mark, where available.
- (9) The full plan of proposed development, including the following:
 - (a) Location and width of all streets and rights-of-way, with a statement of any conditions governing their use; suggested street names and utility easement locations.
 - (b) Building setback lines along each street.

- (c) Lot lines, with approximate dimensions.
 - (d) A statement of the intended use of all nonresidential lots and parcels.
 - (e) Lot numbers and a statement of the total number of lots, parcels, dwelling units and density.
 - (f) Water, sanitary sewer, storm sewer lines (and other drainage facilities), with the size and material of each indicated and any proposed connections with existing facilities.
 - (g) Parks, playgrounds and other areas dedicated or reserved for public or common use, with any conditions governing such use.
 - (h) Certificate of ownership and an indication of the Planning Commission's approval of the sketch plan.
 - (i) Copies of the proposed deed restrictions, protective and restrictive covenants, referenced to the preliminary plan map.
- E. The preliminary plan shall be accompanied by the following supplementary data:
- (1) Site analysis maps.
 - (a) A map illustrating an analysis of natural drainage patterns and water resources within the proposed subdivision tract, including delineation of streams, natural drainage swales, ponds and lakes, wetlands, floodplains and permanent and seasonal high-water table areas.
 - (b) A map illustrating an analysis of types of soils present within the proposed subdivision tract, based on the Lehigh County Soil Survey (United States Soil Conservation Service 1963). The map should include delineation of prime agricultural soil areas, aquifer recharge areas, unstable soils, soils most susceptible to erosion, soils most

suitable for urban development and soils suitable for on-lot sewage disposal.

- (c) A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees, rock outcroppings and scenic views.
- (2) Where feasible and legible, the analysis involved in Subsection E(1)(a) through (c) above may be illustrated on one (1) or a combination of composite maps. The combined impact of the natural characteristics of the tract upon the development potential of the tract shall be clearly illustrated on the map or maps.
- (3) Typical cross sections for proposed streets, preliminary sanitary sewer plan and profile and water system plan; a preliminary storm drainage plan and calculations and profile for the proposed subdivision tract, which conform to design requirements for storm drainage as set forth in § 113-23. Preliminary street profiles shall be required. The above information may be combined on one (1) plan.
- (4) In the case of subdivision or land development plans to be developed in stages or sections over a period of time, a map delineating each stage or section of the proposed subdivision or land development, consecutively numbered so as to illustrate phasing of development, and a schedule indicating the approximate time for which applications for final approval of each stage or section are intended to be filed.
- (5) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources and the Pennsylvania Department of Transportation.
- (6) Three (3) copies of the most current subdivision sewage disposal report, including plan revision module

for land development and any other required documentation.

- (7) Certification of water supply systems. When water service to the proposed subdivision is to be provided by an existing public system, the developer shall submit two (2) copies of a letter from the agency, authority or utility which states that it can adequately serve the subdivision.
- (8) Certification of sewage disposal systems. When sewage disposal service to the proposed subdivision is to be provided by an existing public system, the developer shall submit two (2) copies of a letter from the agency, authority or utility stating that it can adequately serve the subdivision.
- (9) Certification of on-lot sewage systems. When sewage disposal service for the proposed subdivision is to be by individual on-lot sewage disposal systems, the developer shall submit two (2) copies of a letter and report, using the most current standards, which describe the tests and findings as to the feasibility of using on-lot sewage disposal systems, from the Sewage Enforcement Officer.

ARTICLE V

Final Plan Submission Procedures and Requirements

§ 113-11. Final plan submission.

- A. Within twelve (12) months after approval of the preliminary plan, a final subdivision or land development plan and all required supplemental data shall be submitted to the Codes Administrator. An extension of time may be granted by the Borough Planning Commission upon written request. Otherwise, the plan submitted may be considered as a new preliminary plan.

- B. The final plan shall conform in all significant respects to the preliminary plan as previously reviewed by the Borough Planning Commission and the Joint Planning Commission, but shall incorporate all modifications required by the Borough Planning Commission in its review of the preliminary plan.
- C. Copies of the final subdivision or land development plan shall be submitted to the Joint Planning Commission of Lehigh-Northampton Counties or other appropriate county and state agencies by the developer.
- D. The final plan may be submitted in sections or stages, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed preliminary plan, in accordance with regulations as set forth in § 113-15E. In the case of a final subdivision or land development plan which is to be submitted in sections or stages over a period of years, the time between submissions of application for final approval of each stage or section shall be no greater than twelve (12) months.
- E. If the final plan submission complies with § 113-15, the Codes Administrator shall acknowledge such compliance by immediate issuance to the developer of a final subdivision plan receipt. Copies of this receipt shall also be sent to the Borough Council and to the Joint Planning Commission of Lehigh-Northampton Counties.
- F. Official submission.
 - (1) Official submission of a final plan to the Borough Planning Commission shall comprise submitting the following information to the Codes Administrator no less than ten (10) days prior to a regularly scheduled meeting:
 - (a) Submission of three (3) copies of a completed final subdivision or land development plan application and the appropriate submission fee.
 - (b) Submission of six (6) paper prints of the final plan, which shall fully comply with § 113-15A through C.

- (c) Submission of six (6) copies of all required supplemental information as set forth in § 113-15D.
 - (d) Submission of two (2) copies of all offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.
- (2) The Codes Administrator shall refer one (1) copy of a complete final subdivision or land development plan application, one (1) print of the final plan and one (1) copy of all required supplemental information to the Borough Engineer. He shall refer one (1) copy of a complete final subdivision or land development plan application, two (2) prints of the final plan and one (1) copy of all supplemental information, offers of dedication and covenants governing undedicated open space to the Borough Planning Commission.
- G. Official submission of a final plan to the Joint Planning Commission of Lehigh-Northampton Counties, the Pennsylvania Department of Environmental Resources and other appropriate agencies shall be the responsibility of the developer.

§ 113-12. Final plan review.

- A. Review of the final plan by the Joint Planning Commission of the Lehigh-Northampton Counties shall proceed in accordance with its rules.
- B. Review of the final plan by the Borough Planning Commission shall proceed as follows:
 - (1) When a final plan has been officially submitted, such plan shall be placed on the agenda of the Borough Planning Commission for review at its next regular meeting, provided that such official submission has

occurred no less than ten (10) days prior to such regular meeting.

- (2) The Borough Planning Commission shall review the final plan to determine its conformance with the standards contained in this chapter, with other applicable borough ordinances and with such changes and modifications as the Planning Commission required in connection with approval of the preliminary plan. During review of the final plan, the Planning Commission shall also consider the opinions of the Borough Engineer, Borough Solicitor and, if required, of the Joint Planning Commission.
 - (3) When a final plan has been reviewed by the Joint Planning Commission, no recommendations shall be made by the Borough Planning Commission to the Borough Council with respect to the final plan until the Commission has received and considered the written report of the staff of the Joint Planning Commission; provided, however, that if the Joint Planning Commission shall fail to report thereon within forty-five (45) days after official submission of a final plan, then the Borough Planning Commission may act without having received and considered such report.
 - (4) The Planning Commission shall recommend to the Borough Council, in writing, that the final plan be approved or disapproved. The findings and reasons upon which action is based shall be included in the written recommendation.
- C. Borough Council, within ninety (90) days after official submission of the final plan, shall approve or disapprove the final plan, and within five (5) days after the meeting at which the final plan is acted upon by the Borough Council, the action taken by the Council in approving or disapproving the final plan, together with the findings and reasons upon which such action is based, shall be given, in writing, to the following:

- (1) The Borough Planning Commission.
 - (2) The Joint Planning Commission of Lehigh-Northampton Counties.
 - (3) The developer or his agent.
- D. The action of the Borough Council shall be noted, together with the date of action and signatures of its President and Secretary, on the final plan. Copies of the final plan, with the appropriate endorsement of the Borough Council, shall be distributed as follows:
- (1) One (1) copy to the developer for recording.
 - (2) Two (2) copies to the developer or his agent for his files.
 - (3) One (1) copy to the Borough Office for its files.

§ 113-13. Recording of final plan.

- A. Before the Borough Council approves any final plans and as a prerequisite for approval, the developer shall deliver to the Borough Council a performance guaranty, maintenance guaranty and assurances of escrowed amounts for inspection in accordance with § 113-15D(3), (4) and (5), respectively.
- B. Upon written application signed by both the obligor and surety of performance guaranty in a form approved by the Borough Solicitor, the Borough Council may, at its discretion, extend the period for installation of guaranteed improvements by not more than three (3) additional years, or, when the improvements have been partially completed, may reduce proportionally the amount of the performance guaranty, by formal resolution. In the event of the default under a performance guaranty, the proceeds of the performance guaranty received by the borough shall be used to construct and install the improvements.
- C. The Borough Engineer shall notify the Borough Council upon the completion of procedures as set forth in Sub-section A above.

- D. After completion of procedures as set forth in Subsection A and after the final plan is approved by the Borough Council, the record plan and as many other copies of the final plan as may be desired shall be endorsed by the Council and by the Joint Planning Commission of Lehigh-Northampton Counties. No subdivision or land development plan may be recorded unless it bears Borough Council and Joint Planning Commission and Borough Planning Commission endorsements and the corporate seal of the borough.
- E. The record plan shall be a clear and legible print of a type and material required by the Lehigh County Recorder of Deeds.
- F. After endorsement by the Borough Council, Borough Planning Commission and the Joint Planning Commission, the developer shall file the record plan with the Lehigh County Recorder of Deeds within ninety (90) days of the date of final approval by the Council. If the developer fails to record the final plan within such period, the action of the Borough Council shall be null and void, unless an extension of time is granted in writing by the Borough Council upon written request of the developer.
- G. At the time the record plan is endorsed by the Borough Council, the borough shall receive one (1) reproducible print of the final plan as approved for its permanent files. A reproducible Mylar shall be provided to the borough.
- H. At the time the record plan is endorsed by the Joint Planning Commission, the Commission shall receive two (2) endorsed paper prints of the final plan as approved by the Borough Council.
- I. The developer shall submit reproducible plans of as-built public improvements after construction.

§ 113-14. Plans exempted from standard procedure; minor subdivisions.

- A. In the case of any proposed residential subdivision which does not and will not in the future involve more than a total

of five (5) lots and does not involve the provision of any new street or easement for access (i.e., one in which all proposed lots will have frontage on an existing public street), the following procedure may be followed:

- (1) The developer shall prepare and submit sketch plan maps and materials according to procedures as set forth in § 113-7.
 - (2) When no major incompatibility is found between the development potential of the site and the developer's general concept plan for the site, the Borough Planning Commission may authorize the preparation of a plan application which meets the requirements for final plans as set forth in § 113-15, as well as requirements for supplementary data in § 113-10E which are applicable to the specific subdivision or land development.
 - (3) The final plan shall be submitted and reviewed according to procedures as set forth in § 113-12.
 - (4) The plan may be granted final approval by the Borough Council upon recommendation of the Planning Commission and shall be recorded according to requirements as set forth in § 113-13.
- B. In the case of boundary line adjustments between adjoining property owners where no new lots are involved, and in the case of tracts to be used exclusively for agricultural purposes, the following procedures may be followed:
- (1) Upon written request to the Borough Planning Commission, the Commission may exempt the above-mentioned cases from normal submission and plan preparation requirements as set forth in Articles III, IV and V.
 - (2) The written request for exemption shall be accompanied by a plan of the proposed adjustment or subdivision, which will enable the Planning Com-

mission to determine that it will not result in a lot which does not conform to the minimum requirements of the Borough Zoning Ordinance and does not prevent the logical development of the remaining tract. The plan shall meet the following requirements:

- (a) The plan shall be a clear and legible reproduction of the Tax Map, illustrating the area which includes the adjustment or subdivision.
- (b) The plan shall illustrate the existing and proposed lot lines, the existing streets in the area and the existing structures on the properties involved.

§ 113-15. Final plan requirements.

- A. The final plan shall conform to standards and data requirements as set forth for preliminary plans in § 113-10.
- B. It shall not be necessary to resubmit supporting maps and data submitted with the preliminary plan, provided there has been no change.
- C. The following additional data shall be illustrated on the final plan:
 - (1) The latest source of title to the land, as shown by the deed, page number and book of the Lehigh County Recorder of Deeds.
 - (2) The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearing to thirty (30) seconds. These boundaries shall be determined by accurate survey in the field, to an error of closure not to exceed one (1) foot in ten thousand (10,000) feet. The tract boundary shall be subsequently closed and balanced. However, the boundary or boundaries adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be

calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

- (3) The following data for all proposed and existing streets:
 - (a) The name, proposed name or number of the street.
 - (b) The cartway width and cartway edge (curblines) of the street.
 - (c) The right-of-way width and right-of-way lines of the street.
- (4) Block and lot numbers and a statement of the total number of lots; all lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes and seconds). All internal angles and tangents within the lots shall be designated to within the nearest second.
- (5) All easements or rights-of-way where provided for or owned by public utility companies, and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or be specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities; the exact location of all utility line installations also shall be shown.
- (6) Such private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.

- (7) A statement of the intended use of all nonresidential lots or parcels, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots or parcels contained in the subdivision, and if covenants are recorded, including the book and page number of the Lehigh County Recorder of Deeds.
 - (8) If the subdivision proposes a new street intersection with a state legislative route, the occupancy permit application shall be completed and a copy submitted to the borough.
 - (9) The location of all existing and proposed street monuments, as required by § 113-27E, a certification of ownership, acknowledgment of plan and offer of dedication shall be lettered on the plan, duly acknowledged and signed by the owner of the property and notarized; a certificate for approval of the plan by the Borough Planning Commission and Borough Council shall be presented; space shall be left, preferably adjacent to the borough certification, in which the review stamp of the Joint Planning Commission may be applied; space shall be left along the lower edge of the sheet in order that the Lehigh County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented; if the final plan requires more than one (1) sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet. Information required in § 113-10D(3) shall also be required.
- D. The final plan shall be accompanied by the following supplementary data:
- (1) A plan showing the following information:
 - (a) Location, size and invert elevation of all sanitary sewer, water distribution and storm drainage systems, and the location of all manholes, inlets and culverts.
 - (b) Final profiles, typical sections and specifications for proposed streets, sanitary sewers, water

distribution systems and storm drainage systems, each shown on one (1) or more separate sheets.

- (c) A contour grading plan and a plan for minimizing erosion and sedimentation, in accordance with erosion and sediment control standards as set forth in § 113-25A; a landscape plan, according to standards as set forth in § 113-25B(4).
 - (d) A streetlighting plan shall be submitted, as prepared by the electric company after final plans are approved.
- (2) A completed and executed copy of the preliminary subdivision improvements agreement (shown as Appendix B).
 - (3) A performance guaranty for all required public improvements, as estimated by the Borough Engineer, in a form and with surety approved by the Borough Solicitor, guaranteeing the construction and installation of all such improvements within a stated period, which shall not be longer than two (2) years from the date of final subdivision approval. Where the final plan is submitted in stages or sections, the amount of the guaranty may also be provided in stages if acceptable to the Borough Council.
 - (4) A maintenance guaranty, in an amount not less than ten percent (10%) of the Borough Engineer's estimate of the cost of all required improvements, guaranteeing that the developer shall maintain all such improvements in good condition for a period of one (1) year after completion of construction and acceptance of all such improvements by the Borough Council.
 - (5) Sufficient funds shall be escrowed to pay the cost of required inspections as estimated by the Borough Engineer.
- E. In the case of a subdivision or land development proposed to be developed in stages or sections over a period of years,

the final plan requirements as listed in Subsections A through D above shall apply only to the stage or section for which final approval is being sought. However, the final plan presented for the stage or section must be considered as it relates to information presented for the entire subdivision or land development in the application for preliminary approval.

ARTICLE VI
Design Standards

§ 113-16. Applicability.

The design standards and requirements outlined in this Article will be utilized by the Borough Planning Commission in determining the adequacy of all plans for proposed subdivisions and land developments.

§ 113-17. General standards.

- A. Consideration shall be given to applicable provisions of the Borough and Regional Comprehensive Plans, emphasizing future school sites, recreation sites, water supply and sewage treatment systems, highway alignments and other public facilities. However, consideration must be given to the need for the facilities and utilities mentioned above whether or not they are proposed as part of a Comprehensive Plan.
- B. The development of the proposed subdivision shall be coordinated with adjacent existing development so that the area, as a whole, may develop harmoniously.

§ 113-18. Block standards.

- A. Block layout. The length, width and shape of blocks shall be determined with due regard to:

- (1) Provisions of adequate sites for buildings of the type proposed.
- (2) Borough zoning requirements.³
- (3) Topography.
- (4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.

B. Block length.

- (1) Residential blocks shall ordinarily be no less than five hundred (500) feet in length nor more than one thousand six hundred (1,600) feet in length.
- (2) In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- (3) Where practicable, blocks along arterial and collector streets shall not be less than one thousand (1,000) feet long.

C. Block depth. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except:

- (1) Where reverse frontage lots are required; or
- (2) Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Borough Planning Commission may approve a single tier of lots.

D. Commercial, industrial and planned residential development blocks. Blocks in commercial, industrial and planned residential developments may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for traffic circulation, off-street parking and loading areas.

³ Editor's Note: See Ch. 137, Zoning.

§ 113-19. Lot standards.**A. General standards.**

- (1) Within the requirements of the borough ordinances, the size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.
- (2) Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.
- (3) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- (4) Generally, the depth of residential lots shall be not less than one (1) nor more than three (3) times their width.
- (5) Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
- (6) If, after subdividing, there exist remnants of land, they shall be either:
 - (a) Incorporated in existing or proposed lots, or
 - (b) Legally dedicated to public use, if acceptable to the borough.

B. Lot frontage. All lots shall have direct access to an existing or proposed public street.**C. Lot access.**

- (1) Residential lots having direct access to an arterial street shall be avoided whenever possible. Where direct access to an arterial street cannot be avoided, adequate turnaround space shall be provided behind the right-of-way line.
- (2) Where access is permitted to a state road or highway, authorization from the Pennsylvania Department of

Transportation must be proven by the display of a valid highway occupancy permit. Driveways to single-family residences shall intersect streets at angles of no less than sixty degrees (60°). All other driveways or access roads shall intersect streets at right angles, where practicable, and in no case less than seventy-five degrees (75°).

- (3) Widths of access roads or driveways shall be in accordance with the following standards:
 - (a) Access roads for multifamily residential and all nonresidential subdivisions shall be no less than twenty-four (24) feet in width, shall not exceed thirty (30) feet in width at the street line and shall be clearly defined by use of curbing.
 - (b) Driveways for single-family residential subdivisions shall be no less than ten (10) feet in width but shall not exceed twenty (20) feet in width at the street line.
- (4) To provide safe and convenient ingress and egress, access road and driveway entrances shall be rounded at the following minimum radii:
 - (a) Access road entrances for multifamily residential developments, mobile home parks and all nonresidential subdivisions shall be rounded at a minimum radius of ten (10) feet.
 - (b) Driveway entrances for single-family residential subdivisions shall be a depressed curb.
- (5) Access road grades or driveway grades shall not exceed the following:
 - (a) Seven percent (7%) when access is to an arterial street.
 - (b) Ten percent (10%) when access is to a collector or local street.

§ 113-20. Street standards.**A. General requirements.**

- (1) Proposed streets shall be properly related to the road and highway plans of the state, county and municipality. Streets shall be designed to provide adequate vehicular access to all lots or parcels and with regard for topographic conditions, projected volumes of traffic and further subdivision possibilities in the area.
- (2) The street system of a proposed subdivision or land development shall be designed to create a hierarchy of street functions which includes collector and local streets.
- (3) The street system of a proposed subdivision or land development shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.
- (4) Proposed local streets shall be designed so as to discourage through traffic and excessive speeds. However, the developer shall give adequate consideration to provision for the extension and continuation of arterial and collector streets into and from adjoining properties.
- (5) Where, in the opinion of the Borough Planning Commission, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. Distances between access points to adjoining property shall be based on block length standards set forth in § 113-18B.
- (6) Where a subdivision or land development abuts an existing street of improper width or alignment, the Borough Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.
- (7) If the lots in the development are large enough for resubdivision, or if a portion of the tract is not sub-

divided, suitable access and street openings for such an eventuality shall be provided.

B. Street right-of-way and cartway widths. Street right-of-way and cartway widths in proposed subdivisions shall conform to the general standards in the following table:

Type of Subdivision	Classification of Street	Right-of-Way Width* (feet)	Cartway Width (feet)	Curbs and Sidewalks**
R-1	Local	50	30	Required
	Collector	60	36	Required
R-2	Local	50	30	Required
	Collector	60	36	Required
R-3	Local	50	30	Required
	Collector	60	36	Required
C-1 and L-1	Local	60	36	Required
	Collector	60	36	Required

* Paved street sections, including parking lanes or shoulders, shall be centered within the street right-of-way.

** All curbing, parking lane and shoulder requirements are required, subject to review and final determination by the Planning Commission at the sketch plan review stage.

C. Horizontal curves.

- (1) Whenever street center lines are deflected more than five degrees (5°) within five hundred (500) feet, connection shall be made by horizontal curves.
- (2) Horizontal curves shall be designed to produce the following minimum sight distances:

- (a) Local streets, two hundred (200) feet.
- (b) Collector streets, three hundred (300) feet.
- (3) A minimum tangent of one hundred (100) feet shall be required between reverse curves on collector and minor arterial streets, and a minimum tangent of fifty (50) feet shall be required between reverse curves on local streets. Measurements shall be made on the center line of the intersecting streets.

D. Street grades.

- (1) There shall be a minimum center line grade on all streets of seventy-five hundredths percent (0.75%), unless otherwise permitted by the Borough Planning Commission.
- (2) Unless approval is obtained from the Borough Planning Commission upon recommendation from the Borough Engineer, center-line grades shall not exceed the following:
 - (a) Local streets, ten percent (10%).
 - (b) Collector streets, seven percent (7%).
- (3) Intersections shall be approached on all sides by leveling areas. Such leveling areas shall have a minimum length of seventy-five (75) feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of four percent (4%).
- (4) Cross-slopes for roadways and parking lanes shall be two percent (2%) and cross-slopes for shoulders shall be six percent (6%).

E. Vertical curves.

- (1) Vertical curves shall be used in changes of grade exceeding one percent (1%).
- (2) Vertical curves shall be designed to produce the following minimum sight distances:
 - (a) Local streets, one hundred fifty (150) feet.

(b) Collector streets, three hundred (300) feet.

F. Street intersections.

- (1) Streets shall intersect at right angles whenever practicable. Where local streets intersect collector or arterial streets, the angle of intersection at the street center lines shall in no case be less than seventy-five degrees (75°). No two (2) streets shall intersect at an angle of intersection at the center lines of less than sixty degrees (60°).
- (2) Multiple intersections involving the junction of more than two (2) streets shall be prohibited.
- (3) Two (2) streets intersecting a third street from opposite sides shall either intersect with a common center line or their center lines shall be offset according to the following standards:
 - (a) The two (2) streets shall be separated by a distance of one hundred (100) feet between center lines, measured along the center line of the street being intersected, when all three (3) streets involved are local streets.
 - (b) The two (2) streets shall be separated by a distance of two hundred (200) feet between center lines, measured along the center line of the street being intersected, when one (1) or more of the streets involved is a collector or minor arterial street.
- (4) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - (a) Twenty (20) feet for intersections involving only local streets.
 - (b) Twenty-five (25) feet for all intersections involving a collector and minor arterial street.
- (5) Street right-of-way lines, whenever possible, shall be parallel to (concentric with) curb arcs at intersections.

- (a) Street right-of-way lines at intersections shall be rounded by a tangential arc with a minimum radius of fifteen (15) feet.
- (6) Clear-sight triangles shall be provided at all street intersections. Within such triangles no object greater than two and one-half (2½) feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be established as measured from road center lines a distance of:
 - (a) Seventy-five (75) feet from the point of intersection of the center lines of two (2) streets where both are local streets.
 - (b) One hundred (100) feet from the point of intersection of the center lines of two (2) streets where one is a collector or minor arterial street.
- (7) Wherever a portion of the line of such triangles occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

G. Cul-de-sac.

- (1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- (2) Any dead-end street which is constructed for future access to an adjoining property or because of authorized stage development and which is open to traffic and exceeds two hundred (200) feet in length shall be provided with a temporary all-weather turnaround. The turnaround shall be completely within the boundaries of the subdivision and the use of the turnaround shall be guaranteed to the public until such time as the street is extended.
- (3) Cul-de-sac streets, permanently designed as such, shall not exceed six hundred (600) feet in length or

shall not furnish access to more than twenty-five (25) dwelling units.

- (4) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The turnaround may be offset to the left or right.
 - (a) If parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curbline shall be forty (40) feet and the minimum radius of the right-of-way line shall be fifty (50) feet.
 - (b) If parking will be permitted on the turnaround, the minimum radius to the pavement edge or curbline shall be fifty (50) feet and the minimum radius of the right-of-way line shall be sixty (60) feet.
- (5) The center-line grade on a cul-de-sac street shall not exceed ten percent (10%), and the grade of the diameter of the turnaround shall not exceed five percent (5%).

H. Street names. Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.

I. Sidewalks. Installation of sidewalks shall be in accordance with Borough Ordinance No. 149, entitled "Installation of Curbing and Sidewalks."⁴

§ 113-21. Sanitary sewage disposal.

The developer of any subdivision or land development shall connect to the public municipal sewer system in accordance with the requirements of the Borough Sewer Authority.

⁴ Editor's Note: See Ch. 110, Streets and Sidewalks, Art. I, Curb and Sidewalk Construction.

§ 113-22. Water supply and distribution systems.

The developer shall connect to the public municipal water supply and provide a distribution system to service the proposed subdivision or land development tract.

§ 113-23. Storm drainage systems.

- A. Storm drainage systems shall be provided in order to:
- (1) Permit unimpeded flow of natural watercourses, except as may be modified by stormwater detention pond requirements in Subsection D hereof.
 - (2) Ensure adequate drainage of all low points along the line of streets.
 - (3) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.
 - (4) Take surface water from the bottom of vertical grades, lead water from springs and avoid excessive use of cross-gutters at street intersections and elsewhere.
- B. General requirements. A site drainage plan for the proposed subdivision or land development tract shall be prepared.
- C. Calculation of storm runoff. Storm runoff shall be calculated by the rational method as described in Manual No. 37 of the American Society of Civil Engineers, using storm design frequency of ten (10) to fifty (50) years as determined by the Borough Planning Commission. Complete detailed calculations shall be submitted to the Borough Engineer.
- D. Permanent ponds and stormwater detention areas.
- (1) Where permanent ponds are used as part of the site development or detention ponds or recreation areas are included as part of the stormwater and drainage plans, they shall be designed using specifications of the United States Soil Conservation Service

Engineering Field Manual or other specifications acceptable to the Borough Engineer.

- (2) Where detention ponds are included as part of the stormwater and drainage plans, they shall be designed using specifications of the United States Soil Conservation Service Engineering Field Manual or other specifications acceptable to the Borough Engineer.

§ 113-24. Underground utilities and easements.

A. All electric utility distribution lines shall be installed underground in subdivisions or land developments of five (5) or more dwelling units. In addition, the following design standards shall be observed:

- (1) Whenever practicable, telephone and cable television utilities shall also be installed underground.
- (2) Whenever practicable, trenches through utility easements may be occupied jointly by electric, water, sewer and communication utilities.
- (3) A plan for providing utility service to the proposed subdivision or land development shall be prepared by the developer in cooperation with the appropriate public utility companies and governmental agencies.
- (4) Unless sufficient reasons are provided by the developer, all utility lines serving commercial and industrial developments shall be installed underground.

B. Utility easements.

- (1) Utility easements shall be provided for wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures shall be placed within such easements. Local utility companies shall be consulted by the developer when locating utility easements.

- (2) Utility easements shall be located either:
- (a) Abutting the street right-of-way, in which case a minimum easement width of ten (10) feet shall be required; or
 - (b) Along rear or side lot lines, in which case a minimum easement width of twenty (20) feet, ten (10) feet on each side of the lot line, shall be provided. Where the lot line coincides with the subdivision or land development boundary, a minimum easement width of ten (10) feet is required by the Borough Planning Commission.

§ 113-25. Environmental protection and open space preservation.

- A. Erosion and sediment control shall be submitted in accordance with the appropriate current legislation.
- B. Natural features preservation. The design and development of all subdivisions or land developments shall preserve, whenever possible, natural features which will aid in providing adequate open space for recreation and conditions generally favorable to the health, safety and welfare of the residents. Some of these natural features are the natural terrain of the site, woodland areas, large trees, natural watercourses and bodies of water, wetlands, rock outcroppings and scenic views. More detailed standards concerning the preservation of specific natural features are set forth in the following subsections:
 - (1) Floodplain regulations. The developer shall consult floodplain areas designated as "alluvial soils" on the Borough Official Zoning Map in order to delineate floodplain areas within the proposed subdivision or land development tract and meet the requirements in Section 808 of the Borough Zoning Ordinance.⁵
 - (2) Stream frontage preservation. Stream frontage shall be preserved as open space whenever possible. This

⁵ Editor's Note: See Ch. 137, Zoning, § 137-59.

area may be credited toward the open space requirement set forth in Subsection C hereof.

- (3) Tree preservation and planting.
 - (a) Trees six (6) inches or more in diameter, measured at a height of four and one-half (4½) feet above grade, shall not be removed unless they are located within the proposed cartway or sidewalk portion of a street right-of-way or within fifteen (15) feet of the foundation area of a new building. Areas in which trees are retained shall remain at original grade level and undisturbed wherever possible.
 - (b) Where no existing trees are retained along street rights-of-way or where the existing trees are more than fifty (50) feet apart, trees shall be planted at intervals of fifty (50) feet.
 - (c) Trees shall be retained or planted behind the sidewalk.

C. Open space, recreation areas and community facilities.

- (1) Street rights-of-way reservation. At the request of the Borough Engineer, the Borough Planning Commission and/or the Borough Council, any subdivider may be required to dedicate land, in addition to that required under § 113-20B, to the borough for future street widening, if either:
 - (a) Vehicular traffic generated by the subdivision will cause congestion or safety hazards on existing streets; or
 - (b) Such street widening is in accordance with Borough and/or Regional Comprehensive Plans.
- (2) Open space, playlots, neighborhood and community parks.
 - (a) In proposed subdivisions and land developments which are intended to provide housing for forty

(40) or more families, the Borough Council may require the developer to dedicate land for park and open space use and to expend one hundred dollars (\$100.) per dwelling unit for recreation improvements to the park and open space land.

- (b) The borough would have the option of requesting the developer either to provide park and open space land and expend one hundred dollars (\$100.) per dwelling unit for recreation improvements on this land or to pay the borough two hundred dollars (\$200.) per dwelling unit in lieu of the park and open space land dedication in any one (1) of the following instances: where a proposed subdivision or land development is intended to provide housing for less than forty (40) families; where a neighborhood recreation area exists or is planned within one-half ($\frac{1}{2}$) mile of all homes within the proposed subdivision or land development; where an arterial street is not located between the recreation area and the proposed subdivision or land development and where the recreation area adequately fulfills the recreational needs of the residents of the proposed subdivision. This cash must be used for the purchase or development of parks and open space in the borough.
- (c) The developer shall use a guideline of one thousand (1,000) square feet of park and open space land per dwelling unit to determine the amount of park and open space land to be set aside in proposed subdivisions and land developments. The Borough Council may modify this guideline, but only after receiving and reviewing a written request by the developer to deviate from the park and open space dedication guidelines and after receiving a recommendation from the Borough Planning Commission.

- (d) The expenditure of one hundred dollars (\$100.) or two hundred dollars (\$200.) per dwelling unit shall remain in effect throughout the 1976 calendar year. For each succeeding year, the expenditure shall be increased four percent (4%) per year.
- (e) Where a neighborhood recreation facility exists or is planned within one-half (½) mile of all homes within the proposed subdivision, where an arterial street is not located between the recreation area and the proposed subdivision and where the recreation area adequately fulfills the recreational needs of the residents of the proposed subdivision, cash in lieu of open space dedication may be accepted at the discretion of the Borough Council.

ARTICLE VII Improvement Specifications

§ 113-26. General requirements.

Physical improvements to the proposed subdivision or land development tract shall be provided, constructed and installed as shown on the record plan, in accordance with the requirements of the Borough Council.

§ 113-27. Detailed specifications.

The following improvements shall be provided, constructed and installed by the developer as shown on the record plan:

A. Streets, curbs, sidewalks.

- (1) Streets shall be graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross sections submitted by the developer and approved by the Borough Planning Commission.

- (2) Materials and construction requirements shall be as specified by the borough and as follows:
- (a) Subgrade. Subgrade construction and preparation shall basically be performed in accordance with current Pennsylvania Department of Highways Form 408, Section 210, for all classifications of streets.
 - (b) Subbase and underdrain. Subgrade conditions may require the installation of subbase and/or underdrain; the extent of this work shall be as specified by the borough. Work shall basically be as stipulated in current Pennsylvania Department of Highways Form 408 for subbase and underdrain for all classifications of streets.
 - (c) Base course (roadway).
 - [1] Local streets: six-inch minimum compacted depth of crushed aggregate base course as specified in current Pennsylvania Department of Highways Form 408.
 - [2] Collector streets: eight-inch minimum compacted depth of crushed aggregate base course as specified in Subsection A(2)(c)[1] above.
 - [3] The borough may approve the use of an equivalent depth bituminous concrete base course in lieu of the above-specified crushed aggregate base course. The bituminous concrete base course shall be as specified in current Pennsylvania Department of Highways Form 408.
 - (d) Surface course (roadway). The surface course for all classifications of streets shall consist of a one-and-one-half-inch minimum compacted depth of an ID-2A binder course and a one-inch minimum compacted depth of an ID-2A wearing course, as

basically specified in current Pennsylvania Department of Highways Form 408.

- (3) Curbs shall be installed in accordance with Borough Ordinance No. 149, entitled "Installation of Curbing and Sidewalks."⁶
- (4) Where unusual or unique conditions prevail with respect to prospective traffic and/or safety of pedestrians, different standards of improvements from those set forth in the previous subsections may be required. Crosswalks may be required when deemed necessary by the Borough Planning Commission.
- (5) Prior to laying of street surface, adequate subsurface drainage for streets and underground utilities shall be provided and installed by the developer.
- (6) In all respects in which standards for required improvements are not set forth herein, the applicable standard requirements of the Pennsylvania Department of Transportation shall govern, and all work shall be performed in the manner prescribed in the standard specifications for road construction of the Department.
- (7) Sidewalk specifications. All sidewalks shall be installed in accordance with Borough Ordinance No. 149, entitled "Installation of Curbing and Sidewalks."

B. Sanitary sewers. Sanitary sewers shall be installed in accordance with the Alburtis Sewer Authority specifications.

C. Water supply and distribution systems.

- (1) Water supply and distribution systems shall be installed in accordance with the design standards and specifications of the Borough of Alburtis Water Authority.

⁶ Editor's Note: See Ch. 110, Streets and Sidewalks, Art. I, Curb and Sidewalk Construction.

- (2) Curb stops and boxes. Curb stops and boxes shall be installed on all laterals and in accordance with the Borough Plumbing Code.⁷
- (3) Fire hydrants. Fire hydrants shall be three-way of the compression type having a five-and-one-fourth-inch main valve opening, six-inch mechanical joint inlet connection, two (2) two-and-one-half-inch hose nozzles, one (1) four-and-one-half-inch pumper nozzle, all opening to the left, and seven and one-half (7½) threads per inch, National Standard.

D. Storm drainage system.

- (1) Storm drainage systems shall be installed in accordance with the design standards and requirements set forth in § 113-23.
- (2) Inlets or catch basins shall be placed at points of abrupt changes in the horizontal or vertical directions of storm sewers, at points where the flow in gutters exceeds three (3) inches and at a maximum distance of six hundred (600) feet apart. In streets, inlets shall normally be located along the curblines and at or beyond the curb radius points. For the purpose of inlet locations at corners, the depth of flow shall be considered for each gutter. At intersections, the depth of flow across through streets shall not exceed one (1) inch. Pennsylvania Department of Transportation two-by-four-foot and two-by-six-foot spacial inlets or equivalents should be used and can be considered to have capacities of four and zero-tenths (4.0) cubic feet per second and six and zero-tenths (6.0) cubic feet per second, respectively. Inlets shall be depressed two (2) inches below the grade of the gutter or ground surface. Manholes may be substituted for inlets at locations where inlets are not required to handle surface runoff.
- (3) Storm sewers shall have a minimum diameter of fifteen (15) inches and shall be made of reinforced concrete or corrugated metal. Sewers shall be installed

⁷ Editor's Note: See Ch. 92, Plumbing.

on sufficient slopes to provide a minimum velocity of three (3) feet per second when flowing full.

- (4) Headwalls shall be used where storm runoff enters the storm sewer horizontally from a natural or man-made channel. The capacity of such storm sewers shall be calculated for both steady flow and culvert design. The lower values of the two shall be used to determine the capacity of the storm sewer.
 - (5) Open channels shall be designed to handle, without overflowing, the calculated runoff from a storm of ten-year frequency or as specified by the Planning Commission.
 - (6) Materials and construction requirements shall be as specified by the borough and shall conform to Pennsylvania Department of Highways specifications where applicable.
- E. Monuments and markers. Permanent stone, metal or concrete monuments shall be accurately placed, as specified by § 113-15C(2), at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property subdivided.
- F. Street signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Borough Council.
- G. Streetlights. In accordance with the conditions to be agreed upon by the developer, the Borough Council and the appropriate public utility, streetlights are to be installed in subdivisions and land developments.

§ 113-28. Contracts.

Before the Borough Council shall cause its approval to be endorsed upon the final plans of any subdivision or land development (except in the case of minor subdivision wherein the Borough Council imposes no condition or conditions for the approval of the plan) and as a requirement for the approval thereof,

the owner shall enter into a written agreement with the borough, in the manner and form set forth by the Borough Solicitor, wherein he shall agree:

- A. To construct or cause to be constructed at his own expense all improvements shown on said final plan.
- B. To maintain in good repair, at his own cost, the said improvements until the same are accepted by the borough for public use and for a period of one (1) year thereafter.
- C. To pay the inspection fees required by the borough as specified in § 113-35 hereof.
- D. To obtain all easements and releases required.
- E. To promptly reimburse to the borough reasonable attorneys' and engineers' fees as specified in § 113-35 hereof.

§ 113-29. Guaranty.

In order to assure the borough that the streets, drainage facilities, curbs, sidewalks, street signs, fire hydrants, streetlighting facilities, monuments, parks and capped sewers shown on said final plans, and other improvements shown on said final plans which the Borough Council shall require the owner to install, at his own expense, will be constructed and installed in strict accordance with the plans as finally approved and with the standards, regulations and specifications of the borough, and will be maintained until accepted by the borough, the owner shall furnish to the borough a bond, with such surety as the Borough Council shall approve, or in lieu thereof, when deemed adequate by the Borough Council, shall deposit with the borough securities, in either case in an amount sufficient to cover cost, as estimated by the Borough Council, of the construction and installation of the aforesaid improvements and of lighting the streets, until the same shall be accepted by the borough.

- A. In lieu of posting bond or depositing securities as above provided, the borough may require the owner to deposit with the borough funds in an equivalent amount to be held

in escrow in accordance with the terms of a written escrow agreement prepared by the Borough Solicitor.

- B. After the Borough Council shall have accepted the streets, facilities and other improvements as public streets, public facilities and public improvements in the manner provided in § 113-30 hereof, the ten percent (10%) remaining in the fund shall serve to guarantee the maintenance, repair or reconstruction of the said improvements by the owner for a period of one (1) year thereafter required under the provisions of § 113-28 and of this section.

§ 113-30. Approval of improvements; release of performance guaranty.

- A. When the developer has installed or constructed all required improvements as set forth in § 113-27, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall thereupon file a report, in writing, with the Borough 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 thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall recommend approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be recommended for approval by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- B. The Borough Council shall notify the developer, in writing, by certified or registered mail, of the action of said Borough Council with relation thereto.

ARTICLE VIII
Administration

§ 113-31. Amendments.

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 subdivision and land development ordinance by the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

§ 113-32. Appeals.

The decisions of the Borough Planning Commission with respect to the approval or disapproval of subdivision or land development plans may be appealed directly to court in the same manner and within the same time limitations as is provided for zoning appeals in the Pennsylvania Municipalities Planning Code.

§ 113-33. Violations and penalties.

Any person, partnership or corporation who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plan of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this chapter and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof such person or the members of such partnership or the

officers of such corporation, or the agent of any of them, responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000.) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Borough Council. The description in metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

§ 113-34. Severability; conflicts.

- A. Should any section or provision of this chapter be declared by the courts to be invalid, such decision shall not affect the validity of the chapter as a whole, nor the validity of any section or provision of the chapter other than the one so declared.
- B. Whenever there is a conflict between minimum standards or requirements set forth in this chapter and those contained in other borough ordinances and regulations or other applicable laws and regulations, the most stringent standard or requirements shall apply.

§ 113-35. Fees.

- A. The Borough Council shall establish, by resolution, a collection procedure and schedule of fees to be paid by the developer at the time of filing of the sketch, preliminary and final plans.
- B. Charges for field inspection as required by Borough Council for public improvements shall be based on actual costs incurred for such inspections.
- C. No final plan shall be approved unless all fees and charges are paid in full.