

LAND SUBDIVISION REGULATIONS

The Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, for the purpose of assuring sites suitable for building purposes and human habitation, and to provide for the harmonious development of a borough, for adequate open spaces for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens hereby adopts the following land subdivision regulations, in accordance with the terms and provisions of the Act of General Assembly of the Commonwealth of Pennsylvania, July 19, 1951, P.L. 1026, Section 16:

Therefore, be it enacted and ordained by the Council of the Borough of Alburtis, and it is hereby enacted and ordained by the authority of the same, as follows:

ARTICLE I - NAME

These regulations shall be known and may be cited as the "Borough of Alburtis Land Subdivision regulations".

ARTICLE II - JURISDICTION

No subdivision of any lot, tract, or parcel of land shall be effected unless a street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of these regulations.

ARTICLE III - DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the following meaning:

Alley or Service Drive: A minor, private street primarily for service access to the back or sides of properties.

Cartway: The surface of the roadway available for vehicular traffic.

Curb Line: The outside edge of the cartway.

Crosswalk: A right-of-way, municipally or privately owned, at least twelve (12) feet in width, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Cul-De-Sac: A residential street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

Easement: A right-of-way for a limited purpose; a space within which no structure may be built.

Preliminary Plan or Plat: A preliminary plan indicating the proposed layout of a subdivision, prepared by the subdivider for submission to the Borough Council for its consideration.

Final Plan or Record Plan: The final plan for the immediate development of a subdivision which, if approved, will be presented to the County Recorder of Deeds for recording.

Right-of-Way: Land opened for use as a street, alley or crosswalk.

Street Line: The property line or limit of right-of-way.

Set-Back or Building Line: The line within a property between which and the adjacent right-of-way no enclosed structure may be built.

Sub-divider (or Developer): A person, co-partnership or corporation who is the owner, of land to be subdivided.

Sub-division: The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development. Provided, however, that divisions of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

#### ARTICLE IV - PROCEDURES

##### Section 1 - Approval of Preliminary Plan

Any subdivider or developer who plans to subdivide his lot, tract or parcel of land shall submit a preliminary plan, prepared in accordance with Article VII hereof, to the Secretary of Council not less than 15 days prior to a regularly scheduled meeting of said Council, at which time his plans will be discussed. The Council and the Borough Engineer shall have viewed the site, and will be familiar with the plans. When the Preliminary Plan meets the approval of the Council, it shall be signed by the President of the Council, and it shall bind the developer to the general scheme of subdivision shown. It shall serve only as authorization for the Developer to proceed with a Final Plan (See Article VIII) of such portion of the Preliminary Plan as he intends to develop at once. Approval of the preliminary plan shall not authorize sale of lots.

##### Section 2 - Approval of Final Plan

(A) The developer shall submit to the Borough Engineer not less than ten days prior to a regularly scheduled Borough meeting a properly prepared Final Plan of the area he intends to develop at once. The Borough Engineer shall determine whether the Final Plan conforms to this Ordinance and whether it follows that portion of the Preliminary Plan to which it refers. The Borough Engineer shall also determine what amount of performance bond, if any, the developer shall file with the Borough Secretary before the Final Plan shall be approved.

(B) The developer shall appear at a regular scheduled Borough meeting to request approval of his Final Plan. Before approving any Final Plan, Council shall either require that the necessary grading, paving and other street improvement, including where specified by the Borough, curbs, side walks, sanitary sewers and storm sewers, street signs and any other improvements shall have been installed in strict accordance with the standards and specifications of the Borough, or that the Borough be insured by means of a proper completions guarantee, in the form of a bond or the deposit of funds in escrow sufficient to cover the cost of the required improvements, as estimated by the Borough Engineer or Council,

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that the said improvements will subsequently be installed by the owner. Approval of a Final Plan shall be designated by means of a notation so indicating, followed by the date and signature of Council President, the Secretary and Engineer. The approved Final Plan shall be retained by the Borough Engineer until a reproducible linen tracing copy and three other prints have been made for the Borough at the Developers' expense.

Section 3 - Combination of the Preliminary and Final Plans.

In case of a small subdivision to be developed all at once, the developer may use the Preliminary Plan as a Final Plan, provided all the requirements for a Final Plan are met.

Section 4 - Recording of the Final Plan

After approval of the final plan, the Subdivider shall file a copy of the same with the Recorder of Deeds within thirty (30) days of the date of approval. Should the subdivider fail to record the Final Plan within such period, the approval of Council shall be null and void.

Section 5 - Resubdivision Procedure

For any replanning or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for any original subdivision.

Section 6 - Sale of Lots and Erection of Building

No lot in a subdivision may be sold and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded, and until the improvements required by Council, in connection therewith have either been constructed or guaranteed, as herein above provided.

ARTICLE V - DEVELOPMENT STANDARDS

Section 1 - General Requirements

(A) Council shall not approve any subdivision plan unless all street shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the Borough Plan of Streets; and the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes, without danger to health or peril from fire, flood or other hazard.

Section 2 - Streets

Street System - Streets shall be so laid out as to discourage through traffic on local residential streets, but provide for the extension and continuation of major streets into and from adjoining areas. The developer shall, where possible, avoid facing residential lots on existing or proposed major thorough-fares.

2. Suitable access streets to adjacent property shall be provided, as well as temporary easements for turn-arounds where necessary.

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3. Cul-de-sac streets shall be permitted for residential use, not to exceed 400 feet in length. Dead end streets which provide no vehicular turn-around at the end, shall not be permitted.

4. Local residential streets shall not intersect major highways at intervals of less than 800 feet.

5. The use of alleys in residential areas will be permitted where unusual topographic conditions make it impossible to provide access to garages from the front street, otherwise utility easements shall be provided. In commercial or industrial districts without expressly designed unloading area, the use of alleys is required.

Street Alignment - Curvilinear streets shall be composed of true, circular curves; straight portions shall be tangent to the beginning or end of curves. Where spiral easements or other curvilinear alignments are used, complete engineering data shall be furnished.

2. Proper sight distances measured on centerline shall be 400 feet for collector or arterial streets, 200 feet for primary streets and 100 feet for residential streets.

3. Vertical curves shall be used in changes of grade exceeding one percent.

Street Grades and Cross Sections - In general, recommended street grades shall be limited to from 1% to 10%. Where unusual conditions warrant, grades as low as 0.5% or as high as 12.5% will be permitted for distances not exceeding 1500 feet.

2. Street Cross sections shall conform to a parabola, and shall be so constructed that the crown shall lie 4" below a line stretched between the tops of the curbs.

3. The difference in elevation between curbs in cross sections shall not be greater than six (6) inches, except at and near street intersections.

Street Widths - Standard widths between right-of-way lines and between curb lines shall be:

<u>Type of Street</u>	<u>Width of Right-of-Way</u>	<u>Width of Cartway</u>
Cul-de-sac street	50 feet	30 feet
Cul-de-sac turnaround	50 ft. radius	35 ft. radius
Alleys or service drives	20 feet	14 feet
Minor residential streets	50 feet	30 feet
Secondary (Collector) Residential or minor commercial streets	60 feet	36 feet
Main arterial streets	Shall conform to standards of the Pennsylvania Department of Highways.	

The Borough Council may, at its discretion, depart from this table of widths, where unusual conditions warrant.

2. Extensions of existing streets shall generally be continued at their existing width unless a change in width is authorized.

Street Intersections - (1) Right angle intersections shall be used wherever practicable.

2. Street curb intersections shall be rounded by a radius of not less than 10 feet; alley intersections by a radius of 5 feet.

Other Requirements - (1) The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half must be furnished by the sub-divider. Where there exists a half street in an adjoining sub-division, the remaining half shall be provided by the proposed development.

2. Reserve strips controlling access or egress are prohibited.

Section 3. Blocks and Lots

Blocks - In general, blocks on which building lots face shall be not less than 500 feet, nor more than 1000 feet, in length. Where longer blocks are necessary, provision shall be made for a cross walk.

Lots - Each subdivision presents peculiar problems as to lot shapes and sizes, and the following regulations are offered as a guide rather than a strict set of rules for the subdivider to follow.

Corner lots should be from 10 to 25 feet wider than interior lots.

No lots should front on two streets, except along main highways where lots can face on an interior street and back on the highway.

In general, side lot lines shall be perpendicular to or radial to street lines.

Section 4 - Building Lines and Utility Easements

Building setback lines shall be not less than 25 feet from the front street line, and on corner lots not less than 20 feet from the side street line, unless special permission is granted to reduce the set-back in extensions of existing developments not conforming to this standard.

Utility easements not less than 12 feet in total, comprising 6' in width along the rear, and side lines of lots should be provided unless public alleys are provided. Electric and telephone lines shall be carried along the rear of lots wherever possible.

ARTICLE VI - GENERAL SPECIFICATIONS FOR IMPROVEMENTS

The subdivider shall complete (or furnish a proper completion guarantee for) such of the improvements as Council may require in the public interest, as heretofore states in Article IV, Section 2. The following specifications cover only the improvements which will be required in most subdivisions; specifications for improvements not contained herein will be furnished by Council as required.

Before construction of any public improvements is undertaken, sufficient notice shall be given to the Borough Engineer to enable him to check the work.

Section 1 - Street Grading

All streets shall be graded to profiles as approved by the Borough Engineer.

Section 2 - Cartway Paving

Minimum paving requirements are:

- (a) Width: All streets shall be paved from curb line to curb line.
- (b) Base Course: On the properly rolled and crowned subgrade, there shall be constructed a six(6) inch when compacted, waterbound macadam base course, conforming to the P. D. of H. specifications, Section 4.2, Crushed Stone Base Course.
- (c) Surface Course: On the stone base course a 2" bituminous surface course shall be constructed, conforming to P. D. of H specifications for ID-2 or CP-2.

Section 3 - Curbs and Sidewalks

(a) Curbs: In general, Council shall require a 22" cement concrete curb on all streets throughout a development, six (6") inch wide at the top and battering to eight (8") inches at the bottom. Six (6") inches of curb height shall be exposed after construction of the street paving.

(b) Sidewalks: In developments or areas where sidewalks are provided, the following requirements shall be met: Sidewalks shall be concrete 4" thick, 4' wide, with at least a 2'6" grass plot between curb and sidewalk, the area from the curb line to the back of the sidewalk shall slope 3/8 inch per foot toward the street.

(c) Council may change the specifications of curbs and sidewalks on request of the Developer or to meet unusual conditions.

Section 4 - Storm and Surface Drainage

All storm drains and drainage facilities such as gutters, inlets, bridges, storm sewers and culverts as may be required by the Borough, shall be installed by the developer and the land graded for adequate drainage. Street grades shall be such that no surface drainage is discharged over lots; where topographic conditions require that drainage ways other than streets or alleys must be employed, prepared easements shall be provided over them.

All details of drainage systems shall be shown on the Final Plan, or by means of an accompanying Drainage Plan.

Section 5 - Monuments

Permanent reference monuments of 1" I.D. galvanized iron pipe, 24" long, with the top 12" encased in a 12" cube of concrete, set flush with the finished grade, shall be set at such points as will be designated by the Borough Engineer, and the location and elevation of each monument shall be shown on the Final Plan.

Section 6 - Water Supply and Sanitary Sewers

(a) Water Supply - Where no public water supply is available, the developer shall comply with the current requirements of the Pennsylvania

Department of Health, pertaining to individual water supply systems. Where the Borough water supply is available, the Developer shall install all water lines at his expense in accordance with the Borough Engineer's requirements as to size and materials.

(b) Sanitary Sewers - Where no sanitary sewer is available, the developer shall comply with the current requirements of the Pennsylvania Department of Health pertaining to individual sewage disposal systems.

#### ARTICLE VII - PRELIMINARY PLAN

The subdivider shall supply three (3) copies (black and white prints) of the Preliminary Plan and one (1) copy of other required material. The Preliminary Plan may be drawn in pencil in a neat but not elaborate style. It shall show or be accompanied by the following:

1. Title block giving names of sub-division, scale, date, owners name, engineers or surveyor's name and registration number and seal.
2. North point; signature block for President of Council, Secretary and Borough Engineer, explanatory notes and any other relevant information.
3. Complete topography, showing contours at 2 foot vertical intervals on a datum approved by the engineer, and referenced to two (2) permanent bench marks. All existing water courses, existing buildings, public works and all significant features within or immediately adjacent to the tract.
4. Boundary lines of the tract, showing courses and distances, as plotted by deed (unless an accurate survey has been made) and the names of the present owners of all adjacent lands.
5. Layout of proposed street system, showing right-of-way and cart-way widths, street names; locations, widths and names of existing streets within or adjacent to the subdivision.
6. Lot lines and approximate dimensions of lots; building setback lines, utility easements (may be given in form of a note); any areas offered for public use or reserved for special uses.
7. Any existing easements, rights-of-way, or restrictions over or upon the land, with complete information regarding them.
8. Small scale key map showing the subdivision in relation to the surrounding neighborhood and community.
9. Proposed drainage system, showing the location and approximate sizes, capacities and grades of inlets, sewers, culverts and other structures, and where water will be drained and how it will effect adjacent properties. For large areas, or subdivisions possessing unusual topographic features, the Borough Engineer may require that this be shown on a separate Drainage or Grade Plan.
10. Any other public improvements necessary for the complete development of the subdivision.
11. A cross section and profiles of each street showing the existing ground on the centerline finished grade.

## ARTICLE VIII - FINAL PLAN

### Section 1 - Final Plan

The final Plan shall be clearly drawn in ink on linen tracing cloth. If the area covered by the Final Plan is only a portion of the area of the preliminary plan, it shall indicate in a key map the area of the Preliminary Plan to which it refers. The maximum size of any Final Plan shall be 36" x 48" and if two or more drawings are required, each shall be accompanied by a key map showing the location of the various sections, and each Final Plan shall show:

1. Title block giving name of subdivision, scale, date, owners name engineer or surveyor's name and registration number and seal, owners certification, engineers certification, drainage certification and monument certification.

2. North point (indicate true or magnetic), signature block for President of Council, Secretary and Borough Engineer; explanatory notes, etc.

3. Boundary lines of the tract, showing courses and distances as found by accurate survey, all corners permanently marked.

4. The full plan of development, including street lines, lot lines, building lines, crosswalks, easements and open spaces. Any limitations of the easements shall be noted on the plan. All streets shall be named all lots shall be numbered, and all areas not laid out in streets or lots shall be given explanatory notes.

5. Sufficient information acceptable to the Borough Engineer to determine readily the location, bearing and length of every boundary, street, lot and easement line, and to reproduce such lines upon the ground. In the case of curved lines, the radii, lengths of curves and tangent bearings and Delta shall be given. All dimensions shall be shown in feet and hundredths of feet, and all dimensional data shall be accurately computed to the nearest hundredth of a foot, or 10 second of arc.

6. The location of permanent reference monuments (see Article VI, Section 5) or the plan may indicate where such monuments will be placed after street construction has been completed. However, streets will not be adopted until such reference monuments have been set. The location, description and elevation of at least two permanent Bench Marks shall be shown.

### Section 2 - Accompanying Material

Council may, in its discretion, require that the Final Plan shall be accompanied by:

1. Street profiles, drawn at a scale of one inch equals 40 feet, horizontal, and one inch equals either 2 or 4 feet vertical, showing the existing ground on the centerline and along each property line, and the tentative centerline finished grade; a typical cross section of each street, showing width and type of paving, curbs or gutters, slopes.



2. Performance bond or other assurance, in an amount approved by the Borough Engineer, to cover the cost of all public improvements, unless such improvements have been completed.

3. A copy of such private deed restrictions as may be imposed upon the property as a condition of sale (or these may be printed directly on the Final Plan), together with any restrictions previously imposed which may affect the title to the land being subdivided.

4. Two copies of the final drainage plan (when needed), and two copies of such detailed plans of storm drainage facilities or other public improvements as may be required.

5. Results of percolation tests, or such other information as may be required by the Pennsylvania Department of Health pertaining to individual sewage disposal systems.

## ARTICLE IX - ADMINISTRATION

### Section 1 - Hearings

Before acting on any subdivision plan, Council may arrange for a public hearing thereon, after giving such notice as Council may deem desirable in each case.

### Section 2 - General Policy

These provisions shall be considered the minimum requirements for the protection of the public welfare, and the Council may require alterations, changes or modifications as may be necessary in the public interest. However, waivers or variations of the requirements outlined herein may be permitted by the Council on application when, in its judgment, special factors warrant, and when such waivers and variations are not detrimental to the public health, safety or general welfare.

### Section 3 - Validity

The provisions of this resolution are hereby declared to be severable, and if any of its provisions shall be held to be invalid or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof.

## ARTICLE X - ADOPTION OF STREETS

To secure adoption by Borough Council of streets and alleys, laid out and built in conformance with these regulations, a developer shall submit to the Borough Engineer in writing a request that such streets as he may designate shall be adopted, together with a plan showing the exact length of streets to be adopted, a profile showing the centerline finished grade of the street as built, and curb grades, and a cross-section showing the graded and paved width, and the paving construction. If the streets built are in conformance with these regulations, and all requirements herein have been met, the Borough Council shall adopt such streets by ordinance, notifying the developer of their action, and canceling any performance bond filed for their consideration.

## ARTICLE XI - WAIVER OF PROVISIONS

Where, owing to special conditions or emergencies, a literal enforcement of some or all of the foregoing provisions would result in

unnecessary hardship, the Borough Council may make such reasonable exception thereto, or waive such provisions, as will not be contrary to the public interest.

ARTICLE XII - PENALTY

Any person, co-partnership or corporation who or which shall subdivide any lot, tract or parcel of land, layout, construct, open or dedicate any street, sanitary sewer, storm sewer, or water main for public use or travel or for the common use of occupants of buildings abutting thereon, sell any lot or erect any building in a sub-division without having first complied with the provisions of the act of assembly of May 24, 1951, P.L. 370, Paragraph 16, and of the Alburdis Land Sub-division Regulations, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such co-partnership, or the officers of such corporation responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court. Provided: the fact that a violator has been penalized hereunder shall not preclude the borough from instituting proceedings in the Courts of Equity for injunctive or other relief, in the name of the Borough of Alburdis against any person or persons who violates any provision of the Borough of Alburdis Land Subdivision Regulations.

Adopted this First day of February A.D., 1960.

Borough Council, Borough of Alburdis

By George K. Scherer  
President

Attest:

Joyce Schaller  
Secretary

Richard Borg  
Burgess

Approved this First day of February, 1960.