

ORDINANCE NO. 185

- 100 The purpose of this Ordinance is to regulate subdivision and land development within the Borough of Alburtis, Lehigh County, Pennsylvania.
- 110 This Ordinance is enacted pursuant to the Pennsylvania Municipalities Planning Code and may be cited as the Subdivision and Land Development Ordinance of the Borough of Alburtis.
- 120 This ordinance shall apply in the following circumstances:
- 121 To all subdivision and land development plans submitted after the effective date of this Ordinance.
- 122 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 Ordinance.

DEFINITIONS

Unless otherwise expressly stated, the following rules and definitions shall be applied in the construction of this Ordinance.

- 200 Words in the singular include the plural and those in the plural include the singular.
 - 1 Words in the present tense include the future tense.
 - 2 The words "person", "developer", "subdivider", and "owner" include a corporation, unincorporated association, a partnership, or other legal entity, as well as an individual.
 - 3 The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".
 - 4 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
 - 5 The word "Borough " means Borough of Alburtis, Lehigh County, Pennsylvania
 - 6 The term of "Borough Council" means the Borough Council of the Borough of Alburtis.
 - 7 The term "Planning Commission" means the Planning Commission of the Borough of Alburtis.
 - 8 The term "Board" means the Zoning Hearing Board of the Borough of Alburtis
 - 9 Other terms or words used herein shall be interpreted or defined as follow
 - 10 Alley - a minor private street primary for service access to the back or sides of properties.
 - 11 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.

- 212 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.
- 13 Cartway - The portion of a street right-of-way, paved or unpaved, intended for vehicular use.
- 14 Codes Administrator - The Borough Zoning Officer, unless otherwise designated by Borough Council.
- 15 Cul-De-Sac - A local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.
- 16 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.
- 17 Developer - Any person who makes or causes to be made a subdivision of land or a land development.
- 18 Double or Reverse Frontage Lot - A lot extending between and having frontage on two generally parallel streets with vehicular access from only one street.
- 19 Dwelling Unit - Any structure, or part thereof, designated to be occupied as living quarters as a single housekeeping unit.
- 20 Easement - A right-of-way for limited use on which no structure may be built.
- 21 Flood Plain - The area along a natural watercourse which is periodically overflowed by water therefrom. Flood plain areas are designated as "Alluvial Soils" on the official zoning map.
- 22 Improvements - Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.
- 23 Joint Planning Commission - The Joint Planning Commission of Lehigh and Northampton Counties, Pennsylvania.
- 24 Lot - A parcel of land intended for transfer of ownership, use, development or improvement and/or dedication.
- 25 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.
- 26 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.
- 27 Performance Guarantee - Any security which may be accepted by the Borough Council to guarantee that the proper construction of improvements be made by the developer.
- 28 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.

- 229 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 Ordinance.
- 30 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 Ordinance to define property rights, streets and other proposed improvements.
- 31 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.
- 32 Right-of-Way - Land reserved or dedicated as a street, sidewalk, or for other public or semi-public purposes.
- 33 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.
- 34 Soil Stabilization - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- 35 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.
- 36 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 (1) the street right-of-way line shall be not less than 16-1/2 feet from the center line of any existing road or street, and (2) 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.
- 37 Structure - Any man-made object having an ascertainable stationary location.
- 38 Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or buildings, 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.
- 39 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 or ownership or of building development, providing the proposed lots, tracts, or parcels of land thereby created have frontage on an improved public street or streets,

and providing 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 therefore, 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.

Article 3 - Sketch Plan Submission Procedures and Requirements

300 Sketch Plan Submission-

- 1 Sketch plan maps and materials shall be submitted for all proposed subdivisions and land developments to the Codes Administrator.
- 2 Three (3) copies of a completed Sketch Subdivision or Land Development Application and the appropriate submission fee to the Codes Administrator.
- 3 Six (6) copies of all sketch plan maps and materials, as set forth in Section 320, for four or more lots and three (3) copies for less than four lots shall be submitted to the Codes Administrator.
- 4 The Codes Administrator shall retain one (1) and refer the remaining copies of the sketch plan maps and materials to the Borough Planning Commission for its review and recommendations.

310 Sketch Plan Review-

- 11 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.
- 12 The Borough Planning Commission shall review sketch plan data to determine the development potential of the site.
- 13 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.
- 14 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.
- 15 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:

The Borough Council

The Joint Planning Commission of Lehigh-Northampton Counties

The developer, or his agent

320 Sketch Plan Requirements-

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.

- 321 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.
- 322 A topographic map of the site with ten (10) foot contour intervals and at a minimum scale of 1" = 100' Map shall delineate slope areas over five percent and shall show woodland cover.
- 323 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 1" = 100'
- 324 The sketch plan submission shall bear the name and address of the developer and party preparing the plan.

Article 4 - Preliminary Plan Submission Procedures and Requirements

400 Preliminary Plan Submission-

401 Preliminary Plans, and all required supplementary data, for all proposed subdivisions and land developments shall be submitted to the Codes Administrator.

402 If the Preliminary Plan submission complies with Section 420 of this Ordinance, 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).

403 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:

- 1 Submission of three (3) copies of a completed Preliminary Subdivision or Land Development Application, and the appropriate submission fee.
- 2 Submission of six (6) paper prints of the Preliminary Plan, which shall fully comply with provisions of this Ordinance as set forth in Section 420
- 3 Submission of six (6) copies of all required supplemental information as set forth in Section 425.
- 4 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.

- 404 Official submission of a Preliminary Plan to the Joint Planning Commission of Lehigh-Northampton County 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 Ordinance as set forth in Section 420.
 - 3 Submission of one (1) copy of all required supplemental information as set forth in Section 425.
- 405 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 Section 425, 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:
- 405.21 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.
- 405.22 Whenever a proposed subdivision or land development is located in more than one 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.
- 410 Preliminary Plan Review
- 411 Review of the Preliminary Plan by the Joint Planning Commission of Lehigh-Northampton Counties shall proceed in accordance with its rules.
- 412 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 Ordinance 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:

412.51 The Borough Council.

412.52 The Joint Planning Commission of Lehigh-Northampton Counties.

412.53 The Borough Engineer.

412.54 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:

412.61 Two (2) sets to the developer, or his agent.

412.62 One (1) set to the Borough office for filing.

420 Preliminary Plan Requirements

421 The Preliminary Plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals 50 feet unless otherwise directed by the Borough Planning Commission at the time of sketch plan review.

422 The original drawing and all submitted prints shall be made on sheets of one of the following sets of dimensions.

1 Eighteen (18) inches by twenty-four (24) inches.

2 Twenty-four (24) inches by thirty-six (36) inches.

3 Thirty-six (36) inches by forty-two (42) inches.

423 If the Preliminary Plan requires more than one sheet, a key diagram illustrating relative location of the several sections shall be drawn on each sheet.

424 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 foot (1') equals 10,000 feet (10,000') 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 building 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, 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 right-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 (5) percent or less, and at intervals of not more than five (5) feet for land with an average natural slope exceeding five (5) percent. 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:
 - 424.91 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.
 - 424.92 Building setback lines along each street.
 - 424.93 Lot lines, with approximate dimensions.
 - 424.94 A statement of the intended use of all nonresidential lots and parcels.
 - 424.95 Lot numbers and a statement of the total number of lots, parcels, dwelling units and density.
 - 424.96 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.
 - 424.97 Parks, playgrounds and other areas dedicated or reserved for public or common use, with any conditions governing such use.
 - 424.98 Certificate of ownership and an indication of the Planning Commission's approval of the sketch plan.
 - 424.99 Copies of the proposed deed restrictions, protective and restrictive covenants, referenced to the preliminary plan map.

425 The preliminary plan shall be accompanied by the following supplementary data;

1 Site Analysis Maps

425.11 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, flood plains and permanent and seasonal high water table areas.

452.12 A map illustrating an analysis of types of soils present within the proposed subdivision tract, based on the Lehigh County Soil Survey (U.S. 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.

425.13 A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees, rock out-croppings, and scenic views.

2 Where feasible and legible, the analysis involved in Sections 425.11 and through 425.13 may be illustrated on one 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 conforms to design requirements for storm drainage as set forth in Section 670. Preliminary street profiles shall be required. The above information may be combined on one 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 state 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 state 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.

425.71 Public. 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.

425.8 Certification of sewage disposal systems.

425.81 Public. 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 which states 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 5 - Final Plan Submission Procedures and Requirements

500 Final Plan Submission

- 1 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.
- 2 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.
- 3 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.
- 4 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 Section 545. 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 submission of applications for final approval of each stage or section shall be no greater than twelve (12) months.
- 5 If the Final Plan submission complies with Section 540 of this Ordinance, 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.
- 6 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 schedules meeting:

506-1 Submission of three (3) copies of a completed Final Subdivision or Land Development Plan Application, and the appropriate submission fee.

506.2 Submission of six (6) paper prints of the Final Plan, which shall fully comply with Sections 541 through 543 of this Ordinance.

506.3 Submission of six (6) copies of all required supplemental information as set forth in Section 544.

506.4 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.

506.5 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.

7 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.

10 Final Plan Review

11 Review of the Final Plan by the Joint Planning Commission of the Lehigh Northampton Counties shall proceed in accordance with its rules.

12 Review of the Final Plan by the Borough Planning Commission shall proceed as follows:

512.1 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.

512.2 The Borough Planning Commission shall review the Final Plan to determine its conformance with the standards contained in this Ordinance, with other applicable Borough ordinances, and with such changes and modifications which 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.

512.3 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.

512.4 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.

513 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:

513.21 The Borough Planning Commission.

513.22 The Joint Planning Commission of Lehigh Northampton Counties.

513.23 The developer, or his agent.

513.3 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:

513.31 One (1) copy to the Developer for Recording.

513.32 Two (2) copies to the developer, or his agent, for his files.

513.33 One (1) copy to the Borough Office for its files.

520 Recording of the Final Plan

1 Before the Borough Council approves any final plans, and as a prerequisite for approval, the developer shall deliver to the Borough Council a performance guarantee, maintenance guarantee and assurances of escrowed amounts for inspection in accordance with section 544.3, 544.4, and 544.5 respectively.

2 Upon written application signed by both the obligor and surety of performance guarantee 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 additional years, or, when the improvements have been partially completed, may reduce proportionally the amount of the performance guarantee, by formal resolution. In the event of the default under a performance guarantee, the proceeds of the performance guarantee received by the Borough shall be used to construct and install the improvements.

3 The Borough Engineer shall notify the Borough Council upon the completion of procedures as set forth in Section 521.

4 After completion of procedures as set forth in Section 521 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 Board and by the Joint Planning Commission of Lehigh-Northampton Counties. No Sub-division 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.

5 The Record Plan shall be a clear and legible print of a type and materials required by the Lehigh County Recorder of Deeds.

6 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

520-6 Cont'd

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.

- 7 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.
- 8 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.
- 9 The developer shall submit reproducible plans of as built public improvements after construction.

530 Plans Exempted From Standard Procedure-Minor Subdivisions

- 1 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.

531.1 The developer shall prepare and submit Sketch Plan maps and materials, according to procedures as set forth in Section 320.

531.2 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 Section 540, as well as requirements for supplementary data in Section 425 which are applicable to the specific subdivision or land development.

531.3 The final plan shall be submitted and reviewed according to procedures as set forth in Section 510 of this Ordinance.

531.4 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 Section 520 of this Ordinance.

- 532 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.

532.1 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 300, 400 and 500.

532.2 The written request for exemption shall be accompanied by a plan of the proposed adjustment or subdivision, which will enable the Planning Commission to determine that it will not result in a lot which does not conform with the minimum requirements of the Borough Zoning Ordinance and does not prevent the logical development of the remaining tract.

532.2 Cont'd

The plan shall meet the following requirements:

532.21 The plan shall be a clear and legible reproduction of the tax map illustrating the area which includes the adjustment or subdivision.

532.22 The plan shall illustrate the existing and proposed lot lines, the existing streets in the area, and the existing structures on the properties involved.

540 Final Plan Requirements

- 1 The Final Plans shall conform to standards and data requirements as set forth for Preliminary Plans in Section 420 of this Ordinance.
- 2 It shall not be necessary to resubmit supporting maps and data submitted with the Preliminary Plan, provided there has been no change.
- 3 The following additional data shall be illustrated on the Final Plan.

543.1 The latest source of title to the land, as shown by the deed, page number, and book of the Lehigh County Recorder of Deeds.

543.2 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.

543.3 The following data for all proposed and existing streets.

543.31 The name, proposed name, or number of the street.

543.32 The cartway width and cartway edge (curb lines) of the street.

543.33 The right-of-way width and right-of-way lines of the street.

543.4 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.

543.5 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 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.

543.6 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.

543.7 A statement of the intended use of all non-residential lots or parces 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.

543.8 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.

543.9 The location of all existing and proposed street monuments, as required by Section 715.4; a certification of ownership, acknowledgement 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 required more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet. Information required in Section 424.3 shall also be required.

544 The Final Plan shall be accompanied by the following supplementary data:

544.1 A Plan showing the following information.

544.11 Location, size, and invert elevation of all sanitary sewer, water distribution, and storm drainage systems, and the location of all manholes, inlets and culverts

544.12 Final profiles, typical sections and specifications for proposed streets, sanitary sewers, water distribution systems, and storm drainage systems, each shown on one or more separate sheets.

544.13 A contour grading plan and a plan for minimizing erosion and sedimentation, in accordance with erosion and sediment control standards as set forth in Section 691; a landscape plan, according to standards as set forth in Section 692.4.

544.14 A street lighting plan shall be submitted, as prepared by the electric company after final plans are approved.

544.2 A completed and executed copy of the Preliminary Subdivision Improvements Agreement (shown as Appendix B).

544.3 A performance guarantee 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 guarantee may also be provided in stages if acceptable to the Borough Council.

544.4 A maintenance guarantee, 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 year after completion of construction and acceptance of all such improvements by the Borough Council.

544.5 Sufficient funds shall be escrowed to pay the cost of required inspections as estimated by the Borough Engineer.

545 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 Sections 541 through 544 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 6 DESIGN STANDARDS

600 Application

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

610 General Standards

611 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.

612 The development of the proposed subdivision shall be coordinated with adjacent existing development so that the area, as a whole, may develop harmoniously.

620 Block Design Standards

621 Block Layout

621.1 The length, width and shape of blocks shall be determined with due regard to:

621.11 Provisions of adequate sites for buildings of the type proposed.

621.12 Borough zoning requirements.

621.13 Topography

621.14 Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.

622 Block Length

622.1 Residential blocks shall ordinarily be no less than five hundred (500) feet in length or no more than sixteen hundred (1600) feet in length.

622.2 In the design of blocks longer than one thousand (1000) feet, special consideration shall be given to the requirements of satisfactory fire protection.

622.3 Where practicable, blocks along arterial and collector streets shall not be less than one thousand (1000) feet long.

623 Block Depth

623.1 Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except;

623.11 Where reverse frontage lots are required; or

623.12 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.

624 Commercial, Industrial and Planned Residential Development Blocks

624.1 Blocks in commercial, industrial and planned residential development 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.

630 Lot Design Standards

631 General Standards

631.1 Within the requirements of the Borough Ordinance, the size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated.

631.2 Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.

631.3 Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

631.4 Generally, the depth of residential lots shall be not less than one (1) nor more than three (3) times their width.

631.5 Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc

631.6 If, after subdividing, there exists remnants of land, they shall be either:

631.61 Incorporated in existing or proposed lots, or

631.62 Legally dedicated to public use, if acceptable to the Borough

632 Lot Frontage

632.1 All lots shall have direct access to an existing or proposed public street.

633 Lot Access

633.1 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.

633.2 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 (60) degrees. All other driveways or access roads shall intersect streets at right angles, where practicable, and in no case less than seventy-five (75) degrees.

633.3 Widths of access roads or driveways shall be in accordance with the following standards:

633.31 Access roads for multi-family residential, and all non-residential 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.

633.32 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.

633.4 To provide safe and convenient ingress and egress, an access road and driveway entrances shall be rounded at the following minimum radii.

633-41 Access road entrances for multi-family residential developments, mobile home parks, and all non-residential subdivisions shall be rounded at a minimum radius of ten (10) feet.

633.42 Driveway entrances for single-family residential subdivisions shall be a depressed curb.

633.5 Access road grades or driveway grades shall not exceed the following:

633.51 Seven (7) percent when access is an arterial street.

633.52 Ten (10) percent when access is to a collector or local street.

640 Street Design Standards

641 General Requirements

641.1 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.

641.2 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.

641.3 The street system of a proposed subdivision or land development shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.

641.4 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.

641.5 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 Section 622.

641.6 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.

641.7 If the lots in the development are large enough for resub-division, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

642 Street Right-of-Way and Cartway Widths

642.1 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	Cartway Width	Curbs & 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 & 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.

643 Horizontal Curves

643.1 Whenever street centerlines are deflected more than five (5) degrees within five hundred (500) feet, connection shall be made by horizontal curves

643.2 Horizontal curves shall be designed to produce the following minimum sight distances:

- 643.21 Local streets - two hundred (200) feet
- 643.22 Collector streets - three hundred (300) feet

643.3 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 centerline of the intersecting streets.

644 Street Grades

644.1 There shall be a minimum centerline grade on all streets of seventy-five hundredths (0.75) percent, unless otherwise permitted by the Borough Planning Commission.

644.2 Unless approval is obtained from the Borough Planning Commission upon recommendation from the Borough Engineer, centerline grades shall not exceed the following:

- 644.21 Local streets - ten (10) percent
- 644.22 Collector streets - seven (7) percent.

644.3 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 (4) percent.

644.4 Cross-slopes for roadways and parking lanes shall be two (2) percent and cross-slopes for shoulders shall be six (6) percent.

645 Vertical Curves

645.1 Vertical curves shall be used in changes of grade exceeding one (1) percent.

645.2 Vertical curves shall be designed to produce the following minimum sight distances:

- 645.21 Local streets - one hundred fifty (150) feet.
- 645.22 Collector streets - three hundred (300) feet.

646 Street Intersections

646.1 Streets shall intersect at right angles whenever practicable. Where local streets intersect collector or arterial streets the angle of intersection at the street centerlines shall in no case be less than seventy-five (75) degrees. No two streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees.

646.2 Multiple intersections involving the junction of more than two streets shall be prohibited.

646.3 Two streets intersecting a third street from opposite sides shall either intersect with a common centerline or their centerlines shall be offset according to the following standards:

646.31 The two streets shall be separated by a distance of one hundred (100) feet between centerlines measured along the centerline of the street being intersected when all three streets involved are local streets.

646.32 The two streets shall be separated by a distance of two hundred (200) feet between centerlines measured along the centerline of the street being intersected when one or more of the streets involved is a collector or minor arterial street.

646.4 Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

646.41 Twenty(20) feet for intersections involving only local streets.

646.42 Twenty-five (25) feet for all intersections involving a collector and minor arterial street.

646.5 Street right-of-way lines, whenever possible, shall be parallel to (concentric with) curb arcs at intersections.

646.51 Street right-of-way lines at intersections shall be rounded by a tangential arc with a minimum radius of fifteen (15) feet.

646.6 Clear sight triangles shall be provided at all street intersections. Within such triangles no object greater than two and one-half ($2\frac{1}{2}$) 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 centerlines a distance of:

646.61 Seventy-five (75) feet from the point of intersection of the centerlines of two streets where both are local streets.

646.62 One hundred (100) feet from the point of intersection of the centerlines of two streets where one is a collector or minor arterial street

646.7 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.

647 Cul-de-sac

647.1 Dead-end streets are prohibited unless designed as cul-de-sac street or designed for future access to adjoining properties.

647.2 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.

647.3 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.

647.4 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.

647.41 If parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curb line shall be forty (40) feet, and the minimum radius of the right-of-way line shall be fifty (50) feet.

647.42 If parking will be permitted on the turnaround, the minimum radius to the pavement edge or curb line shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.

647.5 The centerline grade on a cul-de-sac street shall not exceed ten (10) percent, and the grade of the diameter of the turnaround shall not exceed five (5) percent.

648 Street Names

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

649 Sidewalks

649.1 Installation of sidewalks shall be in accordance with Borough Ordinance #149, entitled "Installation of Curbing and Sidewalks."

650 Sanitary Sewage Disposal

651 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.

660 Water Supply and Distribution Systems

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

670 Storm Drainage Systems

671 Storm drainage systems shall be provided in order to:

671.1 Permit unimpeded flow of natural water courses, except as may be modified by storm water detention pond requirements in Section 674.

671.2 Ensure adequate drainage of all low points along the line of streets.

671.3 Intercept storm water run-off along streets at intervals related to the extent and grade of the area drained.

671.4 Take surface water from the bottom of vertical grades, to lead water from springs and to avoid excessive use of cross-gutters at street intersections and elsewhere.

672 General Requirements

672.1 A site drainage plan for the proposed subdivision or land development tract shall be prepared.

673 Calculation of Storm Run-off

673.1 Storm run-off shall be calculated by the rational method as described in Manual Number 37 of the American Society of Civil Engineers, using storm design frequency of 10 to 50 years as determined by the Borough Planning Commission. Complete detailed calculations shall be submitted to the Borough Engineer.

674 Permanent Ponds and Storm Water Detention Areas

Where permanent ponds are used as part of the site development or detention ponds or recreation areas are included as part of the storm water and drainage plans, they shall be designed using specifications of the U. S. Soil Conservation Service Engineering Field Manual or other specifications acceptable to the Borough Engineer.

674.1 Where detention ponds are included as part of the storm water and drainage plans, they shall be designed using specifications of the U. S. Soil Conservation Service Engineering Field Manual or other specifications acceptable to the Borough Engineer.

680 Underground Utilities and Easements

681 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.

681.1 Whenever practicable, telephone and cable TV utilities shall also be installed underground.

681.2 Whenever practicable, trenches through utility easements may be occupied jointly by electric, water, sewage, and communication utilities.

681.3 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.

681.4 Unless sufficient reasons are provided by the developer, all utility lines serving commercial and industrial developments shall be installed underground.

682 Utility Easements

682.1 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.

682.2 Utility easements shall be located either:

682.21 Abutting the street right-of-way. In this case, a minimum easement width of ten (10) feet shall be required.

682.22 Along rear or side lot lines. In this 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.

690 Environmental Protection and Open Space Preservation

691 Erosion and Sediment Control shall be submitted in accordance with the appropriate current legislation.

692 Natural Feature Preservation

692.1 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 sections.

692.2 Flood Plain Regulations

692.21 The developer shall consult flood plain areas designated as "Alluvial Soils" on the Borough Official Zoning Map in order to delineate flood plain areas within the proposed subdivision or land development tract and meet the requirements in Section 808 of the Borough Zoning Ordinance.

692.3 Stream Frontage Preservation

692.31 Stream frontage shall be preserved as open space whenever possible. This area may be credited toward the open space requirement set forth in Section 693.

692.4 Tree Preservation and Planting

692.41 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.

692.42 Where no existing trees are retained along street rights-of-way, or the existing trees are more than fifty (50) feet apart, trees shall be planted at intervals of fifty (50) feet.

692.43 Trees shall be retained or planted behind the sidewalk.

693 Open Space, Recreation Areas and Community Facilities

693.1 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 Section 643 to the Borough for future street widening, if either,

693.11 Vehicular traffic generated by the subdivision will cause congestion or safety hazards on existing streets, or if,

693.12 Such street widening is in accordance with local and/or regional comprehensive plans.

693.2 Open Space, Playlots, Neighborhood and Community Parks. 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 1) dedicate land for park and open space use and 2) to expend \$100.00 per swelling unit for recreation improvements to the park and open space land.

The Borough would have the option of requesting the developer to either provide park and open space land and expend \$100.00 per dwelling unit for recreation improvements on this land or to pay the Borough \$200.00 per swelling unit in lieu of the park and open space land dedication in any one of the following instances: 1) where a proposed subdivision and land development is intended to provide housing for less than forty (40) families, 2) 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, 3) where an arterial street is not located between the recreation area and the proposed subdivision and 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.

The developer shall use a guideline of 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.

693.3 The expenditure of \$100 or \$200 per swelling unit shall remain in effect throughout the 1976 calendar year. For each succeeding year, the expenditure shall be increased four percent (4%) per year.

693.4 Where a neighborhood recreation facility exists or is planned within one-half ($\frac{1}{2}$) 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 7 IMPROVEMENT SPECIFICATIONS

700 General Requirements

701 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.

710 Detailed Specifications

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

711 Streets, Curbs, Sidewalks

711.1 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.

711.2 Materials and construction requirements shall be as specified by the Borough and as follows:

711.21 Subgrade - Subgrade construction and preparation shall basically be performed in accordance with current P.D.H. Form 408, Section 210 for all classifications of streets;

711.22 Sub-base and Underdrain - Subgrade conditions may require the installation of sub-base and/or underdrain; the extent of this work shall be as specified by the Borough. Work shall basically be as stipulated in current P.D.H., Form 408, for sub-base, and under-drain for all classifications of streets.

711.23 Base Course (Roadway)

711.231 Local Streets - six (6) inch minimum compacted depth crushed aggregate base course as specified in current P.D.H. Form 408.

711.232 Collector Streets - eight (8) inch minimum compacted depth crushed aggregate base course as specified in paragraph 711.231 above.

711.233 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 P.D.H. Form 408

711.24 Surface Course (Roadway)

The surface course for all classifications of streets shall consist of a one and one-half ($1\frac{1}{2}$) inch minimum compacted depth ID-2A binder course and a one (1) inch minimum compacted depth ID-2A wearing course, as basically specified in current P.D.H. Form 408.

711.3 Curbs shall be installed in accordance with the Borough Ordinance #149 entitled "Installation of Curbing and Sidewalks."

711.4 Where unusual or unique conditions prevail with respect to prospective traffic and/or safety of pedestrians, different standards of improvements than those set forth in the previous paragraphs may be required. Crosswalks may be required when deemed necessary by the Borough Planning Commission.

711.5 Prior to laying of street surface, adequate subsurface drainage for streets and underground utilities shall be provided and installed by the developer.

711.6 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.

711.7 Sidewalk Specifications - all sidewalks shall be installed in accordance with the Borough Ordinance #149 entitled "Installation of Curbing and Sidewalks."

712 Sanitary Sewers

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

713 Water Supply and Distribution Systems

713.1 Water supply and distribution systems shall be installed in accordance with the design standards and specifications of the Borough of Alburdis Water Authority.

713.2 Curb Stops and Boxes

713.21 Curb stops and boxes shall be installed on all laterals and in accordance with the Borough Plumbing Code.

713.3 Fire Hydrants

713.31 Fire hydrants shall be three-way of the compression type having a $5\frac{1}{4}$ inch main valve opening, 6 inch mechanical joint inlet connection, two $2\frac{1}{2}$ inch hose nozzles, one $4\frac{1}{2}$ inch pumper nozzle all opening to the left, and $7\frac{1}{2}$ threads per inch National Standard.

714 Storm Drainage System

714.1 Storm drainage systems shall be installed in accordance with the design standards and requirements set forth in Section 670 of this Ordinance

714.2 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 curb line 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 2' x 4' and 2' x 6' spacial inlets or equivalents should be used and can be considered to have capacities of 4.0 c.f.s. and 6.0 c.f. 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.

714.3 Storm sewers shall have a minimum diameter of fifteen (15) inches and shall be made of reinforced concrete or corrugated meta. Sewers shall be installed on sufficient slopes to provide a minimum velocity of three (3) feet per second when flowing full.

714.4 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.

714.5 Open channels shall be designed to handle, without overflowing, the calculated runoff from a storm of ten (10) year frequency, or as specified by the Planning Commission.

714.6 Materials and construction requirements shall be as specified by the Borough and shall conform to Pa. Dept. of Highways specifications where applicable.

715 Monuments and Markers

715.1 Permanent stone, metal or concrete monuments shall be accurately placed, as specified by Section 543.2, at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property subdivided.

716 Street Signs

716.1 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.

717 Street Lights

717.1 In accordance with the conditions to be agreed upon by the developer, the Borough Council, and the appropriate public utility street lights are to be installed in subdivisions and land developments.

720 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 conditions for the approval of the plan), and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Borough in the manner and form set forth by the Borough Solicitor where they shall agree:

721 To construct, or cause to be constructed, at his own expense, all improvements shown on said final plan.

722 To maintain 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 in good repair.

723 To pay the inspection fees required by the Borough as specified in Section 840, hereof.

724 To obtain all easements and releases required.

725 To promptly reimburse to the Borough reasonable Attorneys' and Engineers' fees as specified in Section 840, hereof.

730 Guaranty

731 In order to assure the Borough that the streets, drainage facilities, curbs, sidewalks, street signs, fire hydrants, street lighting facilities, monuments, parks, 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.

731.1 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.

731.2 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 Section 720 hereof, the ten percent (10%) remaining in the fund shall serve to guarantee in maintenance, repair or reconstruction of the said improvements by the owner, for a period of one (1) year thereafter required under the provisions of Section 720 and 730 hereof.

740 APPROVAL OF IMPROVEMENTS AND RELEASE OF PERFORMANCE GUARANTEE BY THE BOROUGH COUNCIL

741 When the developer has installed or constructed all required improvements as set forth in Section 710, 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.

742 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 8 ADMINISTRATION

800 Amendments

Amendments to the Subdivision and Land Development Ordinance 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.

810 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.

820 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 Ordinance and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon the 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 pay a fine not exceeding one thousand dollars (\$1000) 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.

830 VALIDITY AND CONFLICTS

831 Should any action or provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any section or provision of the Ordinance than the one so declared.

832 Whenever there is a conflict between minimum standards or requirements set forth in this Ordinance and those contained in other Borough ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirements shall apply.

840 FEES

841 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.

842 Charges for field inspection as required by Borough Council for public improvements shall be based on actual costs incurred for such inspections.

843 No final Plan shall be approved unless all fees and charges are paid in full.

Ordained and enacted by the Council for the Borough of Alburtis the Thirteenth (13th) day of April, A.D. 1977.

ATTEST:

Joyce Schodler
Secretary

Francis L. Reppert
President of Council

Approved this thirteenth (13th) day of April, A.D. 1977

Scott R. Strout
Mayor