

**CHAPTER 22**

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**PART 1**

**REGULATING THE SUBDIVISION AND DEVELOPMENT OF LANDS**

**§22-101. Plan or Survey Required.**

It shall be unlawful for any owner of land or lands in the Borough of Rockledge to subdivide the same for development and/or sale into two or more parcels or lots unless and until a plan or survey thereof shall have been prepared by a licensed engineer, submitted to and approved in writing by and on behalf of Borough Council and when so approved duly recorded in the office for the recording of deeds in and for Montgomery County; except in such instances as where, after subdivision, all of the lots or parcels thereof shall actually abut on public highways of the Borough of Rockledge.

(Ord. 203, 11/8/1948, §1)

**§22-102. Permit Required.**

It shall be unlawful for any owner of land in the Borough of Rockledge incidental to the subdivision and development and/or proposed sale of such lands to plan, lay out or construct or dedicate any street or road upon which the subdivided portion or portions thereof will abut or to grant and convey any part or parcel or parcels thereof describing the same, as abutting upon any such streets or roads or ways unless and until,

- A. A plan or survey thereof showing the width, grade, location, provisions for storm sewer, sanitary drainage, fire plugs and street lighting of all proposed ways, streets or roads shall have first been submitted to and approved by Borough Council, which said approval, when obtained, shall obligate the owner to thereafter construct and provide the utilities and facilities shown on such plan, and as a condition to such approval Borough Council may require the giving of adequate security to guarantee such construction.
- B. Before the construction of any roadway, street, drainage facility, sanitary sewer or public facility of any kind shall be undertaken in the Borough of Rockledge, a permit for such construction shall first be obtained from Borough Council upon specific application therefor, and any such construction shall be in accordance with standard specifications prepared and furnished by the Borough, and in order to insure compliance with such construction, shall be from time to time inspected by a competent engineer designated and approved by the Borough and paid for by the owner.

(Ord. 203, 11/8/1948, §2)

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### **§22-103. Compliance With This Part.**

No permit to erect, alter or repair any building or structure shall be issued under the Borough Building Code or zoning ordinance upon any land or part or parcel of any land which does not abut upon a public highway of the Borough, but which purports to abut upon any street or road laid out or to be laid out according to any development, plan or scheme shall be issued by the Borough unless and until the owner has complied with all the provisions of this Part.

(Ord. 203, 11/8/1948, §3)

### **§22-104. Approval by Borough Council.**

No owner of any land in the Borough of Rockledge, or agent for any such owner, shall do or perform any act of dedication of any portion of such land to public use as a public way in any manner whatsoever unless and until the provisions of this Part as to the submission of a plan therefor to Borough Council and obtaining approval of Council therefor shall first have been done and performed and complied with.

(Ord. 203, 11/8/1948, §4)

### **§22-105. Public Nuisance.**

Any laying out, any act of dedication of, or any designation of any street or highway or course of common or community travel in the Borough of Rockledge, except in complete compliance with the terms hereof, shall be and is hereby designated a public nuisance.

(Ord. 203, 11/8/1948, §5)

### **§22-106. Water Supply.**

Every ordinance adopted pursuant to this Chapter shall include a provision that, if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council or planning agency, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-107. Enactment of Subdivision and Land Development Ordinance.**

1. Before voting on the enactment of a proposed subdivision and land development ordinance, the Borough Council shall hold a public hearing thereon pursuant to public notice. A brief summary setting forth the principal provisions of the proposed ordinance and a reference to the place within the municipality where copies of the proposed ordinance may be secured or examined shall be incorporated in the public notice. Unless the proposed subdivision and land development ordinance shall have been prepared by the planning agency, the Borough Council shall submit the ordinance to the planning agency at least 45 days prior to the hearing on such ordinance to provide the planning agency an opportunity to submit recommendations. If a county planning agency shall have been created for the county in which the municipality adopting the ordinance is located, then, at least 45 days prior to the public hearing on the ordinance, the municipality shall submit the proposed ordinance to said county planning agency for recommendations.
2. Within 30 days after adoption, the Borough Council shall forward a certified copy of the subdivision and land development ordinance to the county planning agency.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-108. Enactment of Subdivision and Land Development Ordinance Amendment.**

1. 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 proposed ordinance by this Chapter. In addition, in case of an amendment other than that prepared by the planning agency, the Borough Council shall submit each such amendment to the planning agency for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment. At least 30 days prior to the hearing on the amendment, the Borough shall submit the proposed amendment to said county planning agency for recommendations.
2. Within 30 days after adoption, the Borough Council shall forward a certified copy of any amendment to the subdivision and land development ordinance to the county planning agency.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-109. Publication, Advertisement and Availability of Ordinance.**

1. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies

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of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- A. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
  3. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-110. Effect of Subdivision and Land Development Ordinance.**

Where a subdivision and land development ordinance has been enacted by a municipality under the authority of this Chapter no subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of such ordinance.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-111. Approval of Plats.**

All applications for approval of a plat, whether preliminary or final, shall be acted upon by the Borough Council or the planning agency within such time limits as may be fixed in the subdivision and land development ordinance but the Borough Council or the planning agency shall render its decision and communicate it to the applicant not later

than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

- A. The decision of the Borough Council or the planning agency shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- B. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
- C. Failure of the Borough Council or agency to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- D. Changes in the ordinance shall affect plats as follows:
  - (1) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
  - (2) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.

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The 5 year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the 5 year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

- (3) Where final approval is preceded by preliminary approval, the aforesaid 5 year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- (4) Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid 5 year limit, or any extension thereof as may be granted by the Borough Council, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- (5) In the case of a preliminary plat calling for the installation of improvements beyond the 5 year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.
- (6) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within 5 years shall apply and for any section or sections, beyond



the initial section, in which the required improvements have not been substantially completed within said 5-year period the aforesaid protections shall apply for an additional term or terms of 3 years from the date of final plat approval for each section.

- (7) Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.
- E. Before acting on any subdivision plat, the Borough Council or the planning agency, as the case may be, may hold a public hearing thereon after public notice.
- F. No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. The Department shall, within 60 days of the date of receipt of an application for a highway occupancy permit.
- (1) Approve the permit, which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the department shall give notice thereof in accordance with regulations.
  - (2) Deny the permit.
  - (3) Return the application for additional information or correction to conform with Department regulations.
  - (4) Determine that no permit is required in which case the Department shall notify the Borough and the applicant in writing. If the Department shall fail to take any action within the 60-day period, the permit will be deemed to be issued. The plat shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit. Neither the Department nor any municipality to which permit-issuing authority has been delegated under section 420 of the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway. Furthermore, the municipality from which the building permit approval has been requested shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Department.

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- G. The Borough may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-112. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.**

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the sub-division and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by the subdivision and land development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to section 509(i) of the Municipality Planning Code, the subdivision and land development ordinance shall provide for the deposit with the Borough of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law."
2. When requested by the developer, in order to facilitate financing, the Borough Council or the planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
3. Without limitation as to other types of financial security which the municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
8. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each 1-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1-year period by using the above bidding procedure.
9. In the case where development is projected over a period of years, the Borough Council or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to im-

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provements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, and the Borough Council shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said 45-day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
11. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all

other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-113. Release from Improvement Bond.**

1. When the developer has completed all of the necessary and appropriate improvements, 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 municipal engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the municipal 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 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. The Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Borough Council with relation thereto.
3. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.
6. Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the Borough or engaged as a consultant thereto.

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7. The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.
  - A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
  - B. If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - D. In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the 38th judicial district of Montgomery County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding 5 years.
  - E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-114. Remedies to Effect Completion of Improvements.**

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat the Borough Engineer is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-115. Modifications.**

1. The Borough Council or the planning agency, if authorized to approve applications within the subdivision and land development ordinance, may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
3. If approval power is reserved by the governing body, the request for modification may be referred to the planning agency for advisory comments.
4. The Borough Council or the planning agency, as the case may be, shall keep a written record of all action or all requests for modifications.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

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### **§22-116. Recording Plats and Deeds.**

1. Upon the approval of a final plat, the developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the Borough Council, following completion of conditions imposed for such approval, whichever is later, record such plat in the Office of the Recorder of Deeds. Whenever such plat approval is required by a Borough, the Recorder of Deeds shall not accept any plat for recording, unless such plat officially notes the approval of the Borough Council and review by the county planning agency.
2. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-117. Preventive Remedies.**

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - A. The owner of record at the time of such violation.
  - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of



any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-118. Jurisdiction.**

District justices shall have initial jurisdiction in proceedings brought under section 515.3 of the Pennsylvania Municipalities Planning Code.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-119. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this Chapter or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$1,000 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)



## PART 2

### DEFINITIONS

#### §22-201. General Usage.

1. Words used in the singular include the plural and words in the plural include the singular, words used in the masculine gender include the feminine and words in the feminine gender include the masculine. The word "person" includes natural persons, corporation, associations and partnerships. The word "building" includes the word "structure" and both shall always be construed as if followed by the words "or part thereof." The word "occupied" includes the words "arranged, designed or intended to be used." The word "may" is permissive and the words "shall" and "will" are always mandatory.
2. All definitions necessary for interpreting the engineering standards and requirements as well as the landscape standards being Appendices "A" and "B" hereof respectively, shall be as set forth in this Chapter, unless defined in said appendices in which the definition contained therein shall control.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

#### §22-202. Definition of Terms.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated:

ACCEPTED ENGINEERING PRACTICE — that which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

ACCESS STRIP — a piece of land at least 25 feet wide which provides access from a public street to a rear lot, but which does not meet the minimum requirements of the Chapter with respect to lot width at the building line.

ACCESSORY BUILDING — a building subordinated to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

AGENT — any person, other than subdivider, who, acting for the subdivider, submits to the Borough Administrator subdivision or land development plans for the purpose of obtaining approval thereof.

ALLEY — a service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

## SUBDIVISION AND LAND DEVELOPMENT

**ALTERATION** — as applied to a building, any change or rearrangement in the structural parts or in the exit facilities or any enlargement, whether by extension on any side or by any increase in height, or the moving from one location or position to another.

**APPLICANT** — a landowner or developer, as hereinafter defined, who has filed an application for approval of subdivision or land development plan, including his heirs, successors, agents and assigns.

**APPLICATION FOR SUBDIVISION OR LAND DEVELOPMENT** — every application, whether tentative, minor subdivision or minor land development, preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.

**BALCONY** — an open air platform projecting from a building, enclosed by a railing or parapet, usually supported by brackets.

**BLOCK** — an area bounded by streets or streets and natural or manmade features.

**BOROUGH COUNCIL** — the Rockledge Borough Council, Montgomery County, Pennsylvania.

**BUFFER** — an area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

**BUFFER, OPEN** — a buffer normally comprised of grass, ground cover and/or possibly other landscaping material having a specified depth, components to achieve a certain height or density, the purpose of which is to achieve adequate spacing and attractive landscaping between two or more actively used areas.

**BUFFER, SCREEN** — a buffer comprised of natural and/or manmade material arranged in a certain specified depth, height and density to effectively block the view from one side to another during all seasons of the year and to reduce the transmittal of noise and odors between the sides.

**BUILDER** — a person who is charged with the responsibility of construction of buildings or other structures or of making any construction improvements on any parcel of land.

**BUILDING** — any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**BUILDING AREA** — the horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot. Porches, decks and patios, as defined herein, are also included in the building area. Also referred to as building coverage.

**BUILDING COVERAGE** — the maximum horizontal area covered by buildings at or above grade.

**BUILDING ENVELOPE** — the area on a lot where the principal building(s) are permitted to be erected. This area is defined by the limits of the required front, side and rear yard areas, as delineated by the respective building setback lines.

**BUILDING LINE** — the line which serves as the rear boundary of the minimum required front yard and creates the front line of the building envelope. Also referred to as front building setback line.

**BUILDING SETBACK LINE** — lines parallel to the lot lines measured at distances equal to the depths of the minimum required front, side and rear yards. The building setback lines create the boundary of the building envelope.

**CALIPER** — diameter of a tree's trunk measured 12 inches from the ground.

**CARTWAY** — the portion of a street or alley intended for vehicular use, exclusive of the sidewalk, berm or shoulder.

**CONDOMINIUM** — ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, together with individual ownership in a fee of a particular unit or apartment in such buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

**COMMON OPEN SPACE** — an area of land and/or water used for recreation, resource protection, buffers or common use and restricted for such uses for residents of a development and possibly for the general public. Common open space does not include land occupied by buildings, roads or road right-of-way, nor does it include the yards or lots of single or multifamily dwelling units or parking area as required by the Borough's Zoning Ordinance. Common open space used for recreation may contain impervious surfaces, which shall be included in the calculation of the impervious surface ratio.

**COMMON PARKING** — any parking area used by three or more dwelling units or two or more nonresidential establishments subject to the provisions of Part 13, "Off-Street Parking and Loading," of the Zoning Ordinance.

**COMPREHENSIVE PLAN** — the current, officially adopted Rockledge Borough Comprehensive Plan, consisting of maps, charts and textual matter, as well as any revisions thereto.

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**CONSTRUCTION** — the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CORNER LOT** — a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135°. It is the land occupied or to be occupied by the corner building and its accessory building.

**COUNTY PLANNING COMMISSION** — the Planning Commission of Montgomery County.

**CROSSWALK** — a right-of-way for pedestrian travel across a street connecting two blocks.

**CUL-DE-SAC** — a street with access at one end and terminated at the other by a paved vehicular turnaround.

**CURB LINE** — the outermost edge of the cartway or roadway.

**CUT** — an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in an excavation.

**DECK** — an unroofed structure elevated 18 inches or more above ground level, usually attached to or part of and with direct access to or from a building.

**DENSITY** — the number of dwelling units per developable acre.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION** — the Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

**DETENTION POND** — an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

**DEVELOPABLE ACRE** — the gross land area of the proposal minus:

- A. All land within legal rights-of-way of all roads abutting or traversing the proposed subdivision or land development.
- B. Floodplains and soils with slopes of 15% or greater.

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

**DEVELOPMENT** — any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, retaining walls, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading excavation or drilling operations and the subdivision of land.

**DEVELOPMENT PLAN** — the provisions for development, including a plan of subdivision or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, ways, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

**DRAINAGE** — the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

**DRAINAGE FACILITY** — any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

**DRAINAGE RIGHT-OF-WAY** — the lands required for the installation of storm-water sewers or drainage ditches or required along a stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**DRIVEWAY** — a private way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.

**DWELLING** — a structure or portion thereof which is used exclusively for human habitation.

- A. **Single-Family Detached Dwelling.** A dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining property.
- B. **Two-Family Dwelling.** A dwelling designed for and occupied exclusively by two families.
  - (1) **Twin.** A two-family dwelling with one dwelling unit on each side of the vertical party wall.
  - (2) **Duplex.** A two-family dwelling with one dwelling unit located over the other and separated by an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both units.

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- C. **Single-Family Attached Dwelling.** A dwelling designed for an occupied exclusively by one family and having no more than two party walls in common with any other dwelling.
- (1) **Quadruplex.** Four single-family attached dwellings in one structure in which each dwelling has two open space exposures and shares one or more party walls with adjoining units.
  - (2) **Townhouse.** A single-family attached dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from any other by one or more vertical party walls.
- D. **Multifamily Dwelling.** A dwelling designed for and occupied exclusively by more than two families.
- (1) **Garden Apartment.** A multifamily dwelling of three stories or less in height, excluding residential conversions.
  - (2) **Mid-Rise Apartment.** A multifamily dwelling of four full stories or more in height, excluding residential conversions.

**DWELLING UNIT** — two or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

**EASEMENT** — a right-of-way or other right granted by a property owner for the use of a designated part of his property for certain public or quasi-public purposes.

**ENDORSEMENT** — the review stamp of the Montgomery County Planning Commission.

**ENGINEER** — a professional engineer licensed as such in the Commonwealth of Pennsylvania.

**EROSION** — the removal of surface materials by the action of natural elements.

**EXCAVATION** — any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bull dozed, as well as the conditions resulting therefrom.

**FILL** — the conditions resulting from filling, the difference in elevation between the point on the original ground and a designated point of higher elevation of the fixed grade. Also, the material used to make fill.

**FILLING** — any act by which natural material are placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the



ground or on top of the natural surface of the ground or on top of the stripped surface.

FLOODPLAIN RELATED TERMS –

- A. Base Flood. The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared. For the purposes of this Chapter, it shall be the 100 year flood as referenced in the current Flood Insurance Study, Rockledge Borough and delineated on the Flood Insurance Rate Map of the Federal Insurance Administration.
- B. Base Flood Elevation. The 100 year flood elevation as referenced in the flood insurance study. Within the approximated floodplain, alluvial soils floodplain or other similarly documented areas, the 100 year flood elevation shall be established as a point on the boundary of the floodplain nearest to the construction site in question.
- C. Basement. Any area of the building having its floor below ground level on all sides.
- D. Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- E. Completely Dry Space. A space which will remain totally dry during flooding, the structure is designed and constructed to prevent the passage of water and water vapor.
- F. Development. Any manmade change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading and excavation, mining, dredging, drilling operations, storage of equipment or materials and the subdivision of land.
- G. Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage, the structure is substantially impermeable to the passage of water.
- H. FEMA and FIA. The Federal Emergency Management Agency and the Federal Insurance Administration who have jurisdiction over the National Flood Insurance Program and its related studies and regulations. FEMA is the parent agency of the FIA.
- I. Flood. A temporary condition of partial or complete inundation of normally dry land areas.

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- J. Flood Insurance Rate Map. The official FIA map which shows special hazard zones and risk areas for insurance rating purposes. For the purposes of this Chapter it also delineates floodplain areas.
- K. Flood Insurance Study. The examination and determination of flood hazards by the FIA. The flood elevations contained in this study are used for floodplain management purposes as related to this and other ordinances.
- L. Floodplain. A relatively flat or low area adjoining a stream, river or watercourse which is subject to partial or complete inundation during a 100 year flood or any area subject to the unusual and rapid accumulation of surface water from any source, also referred to as flood prone area. The source of this delineation is the Flood Insurance Rate Map of Rockledge, available at the Borough Hall and at the Montgomery County Planning Commission. Development within the floodplain is regulated by the Floodplain Conservation District of the Borough's Zoning Ordinance.
- M. Floodplain Management. The application of a program or activities which may consist of both corrective and preventive measures for reducing flood damages.
- N. Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in the Floodproofing Regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2 314 (June, 1972 and as subsequently amended). Floodproofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below" (or above) the "BFD" (base flood datum) it shall be interpreted as meaning below (or above) the base flood elevation.
- O. Floodway. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100 year magnitude.
- P. Identified Floodplain Area. The floodplain area specifically identified in this Chapter as being inundated by the 100 year flood. Included would be areas identified as Floodway (FW), Flood Fringe (FF) and General Floodplain (FA).
- Q. Lowest Floor. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for the parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a

building; provided, that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this Chapter.

- R. Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting the public health or general safety.
- S. New Construction. Structures for which the start of construction commenced on or after the effective date of this Chapter and includes any subsequent improvements thereto.
- T. One Hundred Year Flood. A flood that has one change in 100 or 1% chance of being equaled or exceeded in any 1 year. For the purposes of this Chapter, the 100 year flood (base flood) as defined by the Federal Insurance Administration in the Flood Insurance Study.
- U. Person. An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- V. Recreational Vehicle. A vehicle which is:
  - (1) Built on a single chassis.
  - (2) Not more than 400 square feet, measured at the largest horizontal projections.
  - (3) Designed to be self-propelled or permanently towable by a light-duty truck.
  - (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- W. Regulatory Flood Elevation. The 100 year flood elevation plus a freeboard safety factor of 11/2 feet.
- X. Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition

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would equal to or exceed 50% or more of the market value of the structure before the damage occurred.

Y. Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceed 50% of the market value of the structure either:

- (1) Before the improve or repair is started.
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affect the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
- (2) Any alteration of a structure listed on a National register of historic places or a State inventory of historic places.

FRONTAGE — the length of the lot line abutting a public or private right-of-way.

GRADE — a change in elevation of a street or parcel of land specified in percent and shown on plans as specified herein.

GRADING AND DRAINAGE PLAN — a plan showing all existing ground features and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

GROSS FLOOR AREA — the total area included within the exterior walls of a building, exclusive of open courts.

GROUND COVER — low growing plan materials planted in a manner to provide continuous plant cover of the ground surface, lawn, ivy and other low plant materials are included. Non-plant ground cover may also include bark and wood chips, gravel and stone; provided, they are maintained as a continuous pervious cover.

HEIGHT — the height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof; provided, that chimneys, spires, towers, elevator pent-houses, tanks and similar projections shall not be included in calculating the height.

IMPROVEMENT — grading, paving, curbing, street lights and signs, fire hydrants, wells, water mains, sanitary sewers, storm drains, sidewalks, retaining walls, parking area, landscaping or recreation area.

LAND DEVELOPMENT –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
  - (2) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Residential conversions as defined in the Zoning Ordinance.
- D. Accessory buildings as defined in the Zoning Ordinance.

LANDOWNER — the legal or beneficial owner or owners of land, or a building thereon, or a portion of either, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

LEGAL RIGHT-OF-WAY LINE — the legal boundary line between a street right-of-way and adjacent property. Also referred to as street line and front lot line.

LOT — a parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, together with such open spaces as are required, having at least the required minimum area and minimum lot frontage on a public street.

LOT AREA — the total horizontal area of the lot lying within the lot lines excluding the area between street centerlines and legal right-of-way lines and the area of access strips to rear lots. Areas of the lot with width less than 75% of the minimum required lot width for the district in which the lot is located (corners of wedge shaped lots and panhandles) are also not counted toward lot area.

LOT, CORNER — a lot abutting on and at the intersection of two or more streets. A corner lot has two front yards and must have a designated rear and side yard.

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**LOT FRONTAGE** — the length of the front lot line measured at the legal right-of-way line.

**LOT LINE** — any property boundary line of a lot, further defined as follows:

- A. **Front Lot Line.** The lot line for such portion of the lot as abuts the street. The front lot line shall be deemed to be the same as the legal right-of-way line or street line and shall not be the centerline of the street or any other line within the street, even though such may be the property boundary line.
- B. **Rear Lot Line.** The lot line not intersecting the front lot line that is most distant from and most closely parallel to the front lot line.
- C. **Side Lot Line.** The lot lines most nearly perpendicular to the front lot line.

**LOT, REAR** — a lot which conforms in all respects to the dimensional requirements of the district in which it is located, except that road frontage and access are limited to a strip of land which is narrower than the required lot width of that district. Rear lots do not include the wedge shaped lots commonly located on a cul-de-sac turnaround. Rear lots are also commonly referred to as flag lots.

**LOT WIDTH** — the horizontal distance between the side lot lines, measured at the legal right-of-way line, except that for lots bordering the turnaround portion of a cul-de-sac, lot width may be measured at the building line. Required lot width shall extend the full depth of the lot from the front lot line to the rear building setback line of the building envelope.

**MOBILE HOME** — a single-family detached dwelling intended for permanent occupancy, which may not meet local building codes, but does meet the standards of appropriate Federal agencies and is so certified, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.

**MOBILE HOME LOT** — a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**MOBILE HOME PARK** — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MODULAR HOME** — a single-family or multifamily dwelling intended for permanent occupancy, made by assembling one or more prefabricated three-dimensional sections into an integral living unit, whose construction materials and specifications conform to those of conventionally built units.

**MUNICIPAL AUTHORITY** — a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

**NEW CONSTRUCTION** — structures for which the start of construction as herein defined commenced on or after the effective date of this Chapter. This term does not apply to any work on a structure existing before the effective date of this Chapter.

**PARKING SPACE** — a reasonably level space, available for the parking of one motor vehicle, not less than 9 feet wide and 18 feet long and covered with a dust-free, all weather surface.

**PATIO OR TERRACE** — a level, landscaped and/or surfaced area directly adjacent to a principal building at or within 18 inches of ground level and not covered by a permanent roof.

**PLAN** — a graphic depiction, along with the necessary text, of a proposed land development and/or subdivision.

**PLAN, IMPROVEMENT CONSTRUCTION** — a plan showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this Chapter showing the details required by Part 3 of this Chapter.

**PLAN, LAND DEVELOPMENT** — a tentative, preliminary or final plan, including written and graphic material showing the provision for development of a tract, when plans of subdivision would not be applicable.

**PLAN, MINOR LAND DEVELOPMENT** — a land development that contains only one residential building with less than five dwelling units, has not been part of a land development submitted within the past 3 years, presently fronts on physically improved street that is legally open to the public, will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements and conforms with the Borough Comprehensive Plan and other Borough plans and meets the requirements of the Borough Zoning Ordinance. [Chapter 27]

**PLAN, MINOR SUBDIVISION** — the division of a single lot, tract or parcel of land, not a part of a prior subdivision within the past 3 years, into less than four lots, tracts or parcels of land for the purpose, whether immediate or future, of lease, transfer of ownership or the act of building structures and installing site improvements for residential use, such lots shall front on a physically improved street that is legally open to the public, not involve any new street or road or the extension of Borough facilities or the creation of any public improvements and requires a variance(s) from the Zoning Ordinance for no more than one of the proposed lots on which new construction will or may occur and conforms with the

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Borough Comprehensive Plan and other Borough plans and meets the requirements of the Borough Zoning Ordinance.

PLAN, PRELIMINARY — a plan of subdivision or land development in lesser detail than a final plan prepared for discussion with the Planning Commission and Borough Council showing the proposed street and lot layout, buildings related to topography, the deed restrictions, easements and all other items required under Part 3 of this Chapter for the entire parcel of land being subdivided.

PLAN, RECORD — a plan prepared for recording showing the ultimate width of streets, the lot lines, easements and all other items required under Part 3 of this Chapter.

PLAN, SOIL EROSION AND SEDIMENTATION CONTROL — a plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

PLAN, TENTATIVE SKETCH — a draft showing proposed streets, lots or buildings related to topography, that is to be used as the basis for informal discussion between the representatives of the Borough Planning Commission and the subdivider, developer or builder prior to the submission of a preliminary plan.

PLANTING AREA — any area designated for landscaping purposes.

PLAT — the map or plan of a subdivision or land development, whether preliminary or final.

PORCH — a roofed open area, which may be enclosed with glass or screening, usually attached to or part of and with direct access to or from a building.

PUBLIC GROUNDS — includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING — a forum held pursuant to notice under 65 Pa. C.S. Ch. 7 (Relating to open meetings).



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

**PUBLIC STREET** — a street that has been dedicated to the Borough.

**RENEWABLE ENERGY SOURCE** — any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**RESERVE STRIP** — a parcel of land whose primary function is to separate a street from adjacent properties, while not being used or capable of being used as a building lot, open space or recreation area or legitimate environmental protection purposes.

**RETENTION BASIN** — a structure area for the permanent storage of water runoff.

**RIGHT-OF-WAY** — a legally created right of passage over another's ground, including a path or thoroughfare which one may lawfully use and existing or future public road or land used for public purposes.

**RUNOFF** — the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil, but runs off the surface of land.

**RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM** — the surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the Borough Comprehensive Plan.

**SEDIMENTATION** — the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

**SHRUB** — a woody perennial plant having persistent woody stems, branching from the base.

**SIGHT DISTANCE, STOPPING** — the distance of unobstructed view along the centerline of a street from the driver's eye-height of 31/2 feet to the furthest visible point 6 inches above the street surface.

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**SLOPE** — the face of an embankment or cut section, any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**SOIL STABILIZATION** — the process of returning soil to the static condition where it will not slide, settle or erode, is generally done by means of establishing some type of groundcover.

**SOIL SURVEY** — the Montgomery County Soil Survey of 1967, prepared by the Soil Conservation Service of the U.S. Department of Agriculture and any revision thereto.

**START OF CONSTRUCTION** — land preparation such as cleaning, grading and filling, the installation of streets and/or walkways, the excavation for a basement, footing, piers or foundations, the installation on the property of accessory buildings, the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. For a structure (other than mobile home) without a basement or poured footings, the "start of construction" would include the first permanent framing or assembly of structure or any part thereof on its piling or foundation.

**STREET** — a public or private right-of-way serving as a means of vehicular and pedestrian travel, furnishing primary access to abutting properties, which may also be used to provide space for sewers and other public utilities.

**STREET CLASSIFICATIONS** — street classifications established by the American Association of State Highway and Transportation Officials (AASHTO), which have been adopted by the Pennsylvania Department of Transportation (PennDOT) in its design manual. Every street, road or highway within the Borough is classified by its function as one of the following:

- A. Freeways and Limited Access Highways. Expressways with fully-controlled access. Through traffic is given preference, with access permitted only at interchanges with selected public roads, at-grade crossings and direct private driveway access are prohibited. Route 309 and the Pennsylvania Turnpike are the only highways in the area under this classification and there are no such highways within the Borough.
- B. Arterials. Provide a relatively high speed, high volume network for travel between major points. They are further classified into the following sub-classification and are regulated as explained therein:
  - (1) Principal Arterials. Carry most trips entering or leaving area. Butler Pike is a principal arterial.

- (2) Minor Arterials. Interconnect with an augment principal arterials. They accommodate trips of moderate length and emphasize access to services. Bethlehem Pike is a minor arterial.
- C. Collectors. Serve mainly to collect traffic from local streets and channel it to arterials. They carry moderate traffic volumes at moderate speeds. They are further divided into major and minor collector roads, but both have the same right-of-way and cartway width requirements.
- (1) Major Collectors. Serve the more important intracounty travel corridors. Tennis Avenue, North Main Street between Tennis and Butler Avenue and North Spring Garden from the Borough boundary to Tennis Avenue are classified as major collectors.
  - (2) Minor Collectors. Provide service to the remaining small communities. Hendricks Road, Lindewold Avenue, Mattison Avenue, Rosemary Avenue, Mt. Pleasant Road, South Main Street and Bannockburn Road are minor collectors.
- D. Local Roads and Streets. Provide access to most properties within the Borough, linking them to the collector road network. They provide for travel over relatively short distances and have relatively low traffic volumes. Through traffic movement is discouraged on local roads. Local streets in the Borough are all other streets not listed in one of the higher classifications. They can be further classified as follows:
- (1) Residential Subdivision Streets. Provide vehicular access and street frontage to lots and dwellings within a residential subdivision.
  - (2) Nonresidential Subdivision Streets. Provide vehicular access and street frontage for industrial or commercial lots and land uses.
  - (3) Marginal Access Streets. A street parallel or adjacent to a major street providing access to abutting properties by a cartway separated from the major streets by a reserve strip.

STREET, LOCAL ACCESS — are used primarily to provide access to abutting properties.

STREET, COLLECTOR — those which in addition to giving access to abutting properties connect local access streets to primary arterials and which carry traffic to community facilities and to primary arterial streets. Streets in industrial and commercial subdivisions shall generally be considered collector streets.

STREET LINE — the front lot line of a property which abuts the street, synonymous with front lot line and legal right-of-way line.

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**STREET, MARGINAL ACCESS** — a street parallel and adjacent to a primary street providing access to abutting properties by a cartway separated from the primary street by a reserve strip.

**STREET, PRIMARY ARTERIAL** — a street intended to move heavy volumes of fast moving traffic to and from major attractors within the Borough and/or to serve as a route for traffic between communities or large areas.

**STREET, RESIDENTIAL** — a street used primarily as the principal means of access to local properties and which carries a small volume of traffic.

**STREET RIGHTS-OF-WAY** — rights-of-way for street purposes are defined as follows:

- A. **Legal Right-of-Way.** The street right-of-way legally in the public domain at the time a plan is submitted.
- B. **Ultimate Right-of-Way.** The street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes. The ultimate right-of-way is the legal right-of-way where it has been offered for dedication and accepted by the Borough.

**STRUCTURE** — any form or arrangement of building material involving the necessity of providing proper support, bracing, anchoring or other protection against the elements.

**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, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of areas or any residential dwelling shall be exempted.

**SUBSTANTIALLY COMPLETED** — where in the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to §509 of the Municipalities Planning Code of 1988) of those improvements required as a condition of final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SURVEY MONUMENT** — a specified structure of masonry or steel permanently placed on or in the ground for surveying reference.

**SURVEYOR** — a land surveyor, licensed as such in the Commonwealth of Pennsylvania and competent in the skills needed to conduct the surveys, layout the subdivision plans and install all markers required by the terms of this Chapter.

**SWALE** — a low lying stretch of land which gathers or carries surface water runoff.

**TOPSOIL** — surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

**TRACT AREA** — the total acreage within the lot lines, excluding rights-of-way of existing public roads.

**TREE** — any woody plant with a well defined stem at least 4 inches in caliper measured at a height of 6 inches above the natural grade.

**TREE MASS** — a grouping of three or more trees at least 1 1/2 inches in caliper within a 100 square foot area.

**TRANSFERABLE DEVELOPMENT RIGHTS** — the attachment of development rights to specified lands which are desired by the Borough to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the Borough where more intensive development is deemed by the Borough to be appropriate.

**ULTIMATE RIGHT-OF-WAY** — the right-of-way width of a street or other corridor as computed from the centerline, which is expected to be needed in the future to adequately and properly accommodate the anticipated vehicular and pedestrian traffic and related appurtenances, based on the function of the road in the circulation system, as set forth in the Rockledge Borough Comprehensive Plan.

**USE AREA** — any area of land that is given to one category of land use and is used to compute the net density of that use.

**VEHICULAR USE AREA** — any paved ground surface, except a street, used by any type of vehicle whether moving or at rest.

**VIEWSHED** — the viewing area readily perceived by the observer, commonly delineated by visual accents such as, but not limited to, historic structures or structures in architectural interest, stone walls and watercourses and tree lines or ridges.

**VISUAL SCREEN** — a barrier of living or nonliving landscape material put in place for the purpose of obscuring the view of the premises screened, also called a buffer.

**WATERCOURSE** — a permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or manmade.

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WATER SURVEY — an inventory of the source quantity, yield and use of groundwater and surface water resources within a municipality.

WETLANDS — those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, in accordance with the most current Federal and State regulations. Wetlands generally include swamps, marshes, bogs and similar areas.

WETLAND DELINEATION — the line depicting the uppermost edge of a wetland area or the line separating the wetland areas from upland area, as established by a qualified professional utilizing the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January, 1989, or as revised. This delineation shall be verified by the regulatory agency or agencies having the jurisdiction to verify said delineation.

YARD — the area(s) of a lot which must remain free of principal buildings and may be used as lawn or planted area, parking or driveway space, in compliance with the provisions of this Chapter. A required yard is measured at right angles from the lot line to the required building setback line forming the building envelope. Yard is further defined as follows:

- A. Required Front Yard. The area extending across the entire width of the lot and situated between the building line and the ultimate right-of-way line of the lot, as required by zoning district.
- B. Required Rear Yard. The area extending across the entire width of the lot and situated between the rear building setback line and the rear lot line. Rear yard depth shall be measured at right angles to the rear line of the lot.
- C. Required Side Yard. The areas lying between the side lines of the lot and the side building setback lines and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to side lines of the lot.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**PART 3**

**PLAN SUBMISSION REQUIREMENTS AND PROCESSING PROCEDURES**

**§22-301. Applicability.**

The procedures set forth in this Part shall be followed by all applicants proposing to subdivide or develop land in the Borough of Rockledge.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-302. Plans for Subdivision and Land Development.**

1. A tentative sketch plan, as described in §22-303 herein, may be submitted by an applicant to the Borough Planning Commission for informal discussion. Said tentative sketch plan is optional and shall not be considered a formal application subject to the plan processing steps of §22-308(I) of this Part.
2. A preliminary plan, as described in §22-305 herein, is required for all applicable subdivision and land developments proposed within the Borough.
3. A final plan, as described in §22-306 herein, is required for all applicable subdivisions and land developments proposed within the Borough.
  - A. A final plan shall consist of two parts:
    - (1) Record Plan. As described in §22-306(A) herein.
    - (2) Improvements Construction Plan. here applicable, as described in §22-306(B) herein.
  - B. A plan showing all information required for a final plan, which has been submitted as a preliminary plan and for which no changes have been required by the Borough, may be approved as a final plan.
4. A land development plan, as described in §22-307 herein, shall be required for all land developments in accordance with the definition of same as provided in this Chapter. A land development plan may be required in conjunction with a subdivision plan or in lieu of a subdivision plan when review of a plan on a lot-by-lot basis would not be applicable.
5. A minor subdivision or minor land development plan, as described in §§22-304 and 22-307(2) herein, may be submitted in satisfaction of preliminary and final plan requirements for all applicable subdivision and land developments proposed within the Borough.

## SUBDIVISION AND LAND DEVELOPMENT

6. Landscape plans shall be submitted as part of the land development plan or land-subdivision plan in accordance with the landscaping standards being Appendix "B" hereof of the Borough then prevailing.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-303. Tentative Sketch Plan.**

Sketch plans shall be drawn to reasonably accurate scale but not necessarily showing precise dimensions and shall show the following information:

- A. Purposes. The purposes served by a tentative sketch plan are as follows:
  - (1) To inform the Borough of an applicant's intent to subdivide and/or develop a property and graphically show the concepts and extent of the proposal.
  - (2) For the Borough to provide advice and guidance to an applicant so that:
    - (a) Major issues can be resolved prior to preparation of preliminary plan.
    - (b) The preliminary plan approval process may then be able to proceed faster and more efficiently.

It is to the applicant's advantage to show as much of the requested information as possible. Although the Borough Planning Commission will discuss any plan presented, a lack of significant information may result in little useful guidance to the applicant.

- B. Tentative Sketch Plan Information. Sketch plans should be drawn legibly and to a reasonably accurate scale, but they need not be a precisely surveyed or engineered plan and it should show the following information:
  - (1) The tract boundary and location by deed plotting.
  - (2) A north point and approximate scale.
  - (3) A location plan showing the relationship of the subject tract to the surrounding street network.
  - (4) The existing and proposed road and lot (or building) layout.
  - (5) Significant topographical and physical features, such as floodplains, wetlands, steep slopes (over 15%), woodlands and existing structures.



- (6) Proposals for control of drainage runoff and community facilities.
- (7) Approximate building envelopes.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

**§22-304. Minor Subdivision Plan.**

1. Purposes. It is the purpose of this Section to provide for simplified plan submission and processing requirements by which minor subdivisions may be submitted and approved. Plans submitted under the provisions of this Section must meet the following criteria, conform to the established standards and provide the required information.
2. Criteria for Minor Subdivisions. A subdivision of a tract of land that:
  - A. Contains less than four lots.
  - B. Has not been part of a subdivision submitted within the past 3 years.
  - C. Presently fronts on a physically improved street that is legally open to the public.
  - D. Will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements.
  - E. Requires a variance(s) from the Borough Zoning Ordinance for no more than one of the proposed lots on which new construction will occur or may occur in the future.
  - F. Is in general conformance with the Borough Comprehensive Plan and other plans.
3. Drafting Standards.
  - A. A minor subdivision plan shall be clearly and legibly drawn to a scale not in excess of 1 inch equals 50 feet, except if the parcel being subdivided is 5 acres or larger, the plan may be drawn to a scale not in excess of 1 inch equals 100 feet.
  - B. Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.
  - C. The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.

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- D. The sheet or sheets shall be one of the following sizes; 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, e.g., sheet No. 1 of 5 sheets, etc.
  - E. Where there are two or more sheets a key map shall be provided sufficient to show their relationship.
4. Location and Identification. Each plan shall provide:
- A. The name(s) and address(es) of the subdivider and the registered engineer and/or land surveyor who prepared the plan.
  - B. The name of the subdivision, its location in terms of significant bounding roads and the name of the Borough.
  - C. The date of preparation (or revision) of the plan, the scale and a north point.
  - D. The entire tract boundary with bearing and distances and a statement of the tract size.
  - E. Layout and dimensions of all lots and net lot area of each.
  - F. A key map relating the subdivision to at least three existing intersections of Borough streets.
  - G. A legend sufficient to indicate clearly between existing and proposed conditions.
  - H. The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of other Borough ordinances, if any, on both the land to be subdivided and the adjacent land.
5. Existing and Proposed Features.
- A. Within 100 feet of any part of the land being subdivided, the plan shall show the following information:
    - (1) Property lines, existing buildings, present use and current owners.
    - (2) The location, names and width (both cartway and right-of-way) of existing streets and alleys.
    - (3) The location and size of all watercourses and the boundaries of flood-plains (not limited to the established flood level and regulatory flood elevation, where applicable)

- (4) Manmade structures and natural features, such as steep slopes (over 15%), which may affect the potential layout of lots and buildings.
  - (5) Areas subject to deed restrictions or easements.
- B. Within the land to be subdivided, the plan shall show the following:
- (1) Location and character of buildings located on the land, including the buildings to be demolished, as well as those to be retained and/or preserved.
  - (2) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing streets and alleys.
  - (3) The location and size of all watercourses and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).
  - (4) Manmade structures and natural features which limit the potential layout of lots and buildings, including the location of marshland, slopes over 15% and other topographical features. Whenever the parcel contains slopes in excess of 15%, topographical data may be required by the Borough Engineer.
  - (5) Areas subject to deed restrictions or easements.
  - (6) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.
  - (7) Boundaries and identification of all soil types.
  - (8) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision.
6. Additional Requirements for Subdivisions Within Floodplains. Minor subdivision applications for land within floodplains must conform to the applicable requirements established for lands within such areas in §22-305(6) of this Part.
  7. Plan Submission. Minor subdivision plans shall be submitted in accordance with the plan processing identified in §22-308 of this Part.
  8. Plan Approval. Plan approval shall be obtained through the procedure specified in §22-308 of this Part. After Borough Council approves the minor subdivision plan, the plan shall become a final plan when the following certificates are obtained:

## SUBDIVISION AND LAND DEVELOPMENT

- A. The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
- B. The signature of the registered professional engineer certifying the correctness of the design of all improvements.
- C. The signature of the subdivider certifying his adoption of the plan and any changes thereto.
- D. The signature of the Borough Administrator certifying that Borough Council has approved the minor subdivision plan and any change thereto on the date shown.
- E. Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with §22-309 of this Part.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-305. Preliminary Plan.**

1. Purpose. A preliminary plan shall be submitted for all proposed subdivisions not eligible for submission as a minor subdivision and for all applicable land developments. Applicants submitting a preliminary plan shall conform to the following standards.
2. Drafting Standards.
  - A. The preliminary plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not in excess of 1 inch equals 50 feet, except if the parcel being subdivided or developed is 5 acres or larger, the plan may be drawn to a scale not in excess of 1 inch equals 100 feet.
  - B. Dimensions shall be in feet and decimals and bearings and degrees, minutes and seconds.
  - C. The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.
  - D. The sheet or sheets shall be one of the following sizes; 15 inches by 18 inches, 18 inches by 30 inches, 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relations to the total number of sheets comprising the plan, e.g., sheet No 1 of 5 sheets, etc.

- E. Where there are two or more sheets a key map shall be provided sufficient to show their relationship.
  - F. All plots and surveys are to be further prepared in accordance with the Professional Engineer Registration Law.
3. Location and Identification. Each plan shall provide:
- A. A title consisting of the name(s) and address(es) of the subdivider and the registered professional engineer and/or land surveyor who prepared the plan.
  - B. The name of the subdivision or land development, its location in terms of significant bounding roads and the name of the Borough.
  - C. The date of preparation (or revision) of the plan, the scale and a north point.
  - D. The entire tract boundary with bearings and distances and a statement of the total size of the tract.
  - E. Layout and dimensions of all lots and net lot area of each.
  - F. A key map relating the subdivision to at least three existing intersections of Borough streets.
  - G. A legend sufficient to indicate clearly between existing and proposed conditions.
  - H. The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of other Borough ordinances, if any, on both the land to be subdivided and the adjacent land.
4. Existing and Proposed Features.
- A. Within 400 feet of any part of the land being subdivided or developed, the plan shall show the following information:
    - (1) Property lines, existing buildings, present use and current owners.
    - (2) The location, names, width (both cartway and right-of-way) radii and surface conditions of existing and proposed alleys and streets.
    - (3) The location and size of all watercourses and the boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

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- (4) The location of existing and proposed flood or erosion protective facilities.
  - (5) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.
  - (6) The location and size of existing and proposed utilities above and below ground (e.g., electric facilities, fire hydrants, gas mains, water lines and other utilities).
  - (7) Manmade structures and natural features which may affect the potential layout of lots and buildings, including steep slopes (over 15%), marsh land and other topographical features.
  - (8) Areas subject to deed restrictions or easements.
- B. Within the land to be subdivided or developed, the plan shall show the following:
- (1) The location and character of existing and proposed buildings, including those existing buildings to be demolished as well as those to be retained.
  - (2) The location, names, widths and other dimensions of existing and proposed streets, including centerline courses, distances and curve data, paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing and proposed streets and alleys.
  - (3) For proposed streets, the plan shall show tentative grades to an existing street at a point 400 feet beyond the boundaries of the site.
  - (4) The plan shall show measured distances from the centerline of existing and proposed streets to existing and proposed buildings, to existing and proposed trees and plantings and to control points and monuments.
  - (5) The plan shall show all building setback lines with distances from the ultimate right-of-way line.
  - (6) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.
  - (7) The location and size of all watercourse and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).
  - (8) Contour lines at vertical intervals of 5 feet, except for floodplains which shall be shown at intervals of 2 feet. Where reasonably practi-

cable, data shall refer to known established elevation or to the U.S.G.S. datum.

- (9) The location and size of utilities above or below the ground, e.g., electric facilities, fire hydrants, gas mains, water lines.
- (10) Manmade structures or natural features which limit the potential layout of buildings and lots, including tree masses, marshlands, steep slopes (over 15%) and other topographical features.
- (11) The location and site of any area to be used for open space/recreation purposes.
- (12) Boundaries and identification of all soil types.
- (13) Areas subject to deed restrictions or easements, including land to be dedicated or reserved for future road widening or other public or common use.
- (14) The location of any lots or areas which shall contain a use or uses other than residential.
- (15) When a preliminary plan covers only a part of the owner's entire holding, a tentative sketch shall be submitted of the prospective street and lot layout for the remaining area of the tract.
- (16) The depth of the water table shall be noted on the plan or in a separate report, along with the location of test borings, where applicable.

C. Plans for any industrial use shall include the following:

- (1) A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards or safety hazards.
- (2) Engineering and architectural plans for the treatment and disposal of industrial waste.
- (3) Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air or water pollution, fire or other safety hazard.
- (4) Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke.
- (5) The proposed number of shifts to be worked and the maximum number of employees on each shift.

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- (6) Any other pertinent data or evidence that the Planning Commission may require.
  - (7) Architectural plans for the setback planting and screening as required under Appendix "B" hereto.
- 5. Proposed Improvements.
  - A. The plan shall contain a tentative cross section and centerline profile for each proposed or widened cartway shown on the preliminary plan, including the profile for proposed sanitary sewers and storm drains, showing man-holes, inlets and catch basins.
  - B. The plan shall show preliminary design of any bridges, culverts or other structures and appurtenances which may be required.
- 6. Floodplains.
  - A. Within floodplains, all subdivisions and land development plans shall be drawn to assure that:
    - (1) Proposals are consistent with the need to minimize flood damage.
    - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  - B. Where the subdivision or land development lies partially or completely in a floodplain or where the subdivision or land development borders on a floodplain, the plan shall include detailed information giving the location and elevation of existing and proposed streets, water supply and sanitary facilities, building sites, structures, soil types and proposed floodproofing measures. Such plan shall also show contour lines as described in subsection (3) of this Section and identify accurately the boundaries of the floodplain and the base flood elevation. When floodproofing measures are proposed for a structure within a floodplain, a registered professional engineer or architect shall certify that the floodproofing measures are adequate to meet the requirements of this Chapter and other Borough ordinances.
  - C. The developer shall provide proof that adequate precautions against flood damage have been taken with respect to the design of any buildings or structures located wholly or partially within a floodplain area.
  - D. A copy of all plans for new construction in floodplain areas shall be submitted by the Borough to the Montgomery County Conservation District for review and comment prior to the issuance of a building permit. The recom-



mendations of the conservation district shall be considered by the Borough Council for possible incorporation into the proposed plan.

7. A copy of the landscaping plan submitted pursuant to subsection (1) hereof.
8. Certificates. Upon approval, the preliminary plan must show:
  - A. The signature of the subdivider certifying his adoption of the plan and any changes thereto.
  - B. The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
  - C. The signature of the registered professional engineer certifying the correctness of the design of all improvements.
  - D. The signature of the Borough Administrator certifying that the Borough Council has approved the plan and any changes thereto on the date shown.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-306. Final Plan.**

Applicants submitting a final plan shall conform to the following standards:

- A. Record Plan.
  - (1) Drafting Standards. The same standards shall be required for a record plan, as for a preliminary plan and in addition, for recording purposes, the plans shall be placed on sheet sizes of 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. All lettering and lines should be drawn so as to still be legible should the plan be reduced to 1/2 size.
  - (2) Information to be Shown. The plan which shall include all portions of an approved preliminary plan shall show:
    - (a) A title, as required for a preliminary plan.
    - (b) Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than 1 part in 10,000.
    - (c) The names of abutting owners, names, locations, widths and other dimensions of all roads, including centerline courses, distances and curve data, descriptive data of ultimate right-of-way

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line so that a single deed may be drawn to the appropriate authority for the dedication of roads by the subdivider, developer or builder. Further, all proposed easements shall be clearly identified and shall include a statement of intention to dedicate to the Borough or other appropriate entity or person.

- (d) Evidence should be provided that the plans are in conformance with the Borough Zoning Ordinance and other applicable Borough ordinances and regulations.

In any instance where such plans do not conform, evidence shall be presented which identifies the special exceptions or variances that have been officially authorized.

- (e) When the proposed subdivision or land development affects only a portion of a tract, the applicant must demonstrate that any future subdivision or development will conform to existing zoning regulations and that such activity will be carried out in a logical and satisfactory manner.
  - (f) The location, material and size of all monuments.
  - (g) Building setback lines with distances from the ultimate right-of-way line.
  - (h) Restrictions in the deed affecting the subdivision or development of the property.
  - (i) The location of all floodplains and steep slopes (over 15%).
- (3) Certificates. When approved, the record plan must show:
- (a) The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
  - (b) The signature of the registered professional engineer certifying the correctness of the design of all improvements.
  - (c) The signature of the subdivider, developer or builder certifying his adoption of the plan.
  - (d) The signature of the Borough Administrator certifying that the Borough Council approved the plan on the date shown.

### B. Improvement Construction Plan (Where Applicable).

- (1) Drafting Standards. The same standards shall be required for an improvement construction plan as for a preliminary plan, except that the horizontal scale of the plan and profile shall not be in excess of 50 feet to the inch and the vertical scale of the plan shall be 2, 5 or 10 feet to the inch, whichever is most appropriate.
- (2) Information to be Shown. The plan shall contain sufficient information to provide working plans for the construction of the proposed roads, or any portion thereof, including all appurtenances, sewers and utilities as shown on the approved preliminary plan from one existing or approved road to another, or in the case of a cul-de-sac, to its turn-around. Said information shall include:
  - (a) Horizontal Plan. The horizontal plan shall show details of the horizontal layout as follows:
    - 1) Information shown on the approved preliminary plan.
    - 2) The beginning and end of proposed immediate construction.
    - 3) Stations corresponding to those shown on the profile.
    - 4) The curb elevation at tangent points or horizontal curves at road or alley intersections and at the projected intersections of the curb lines.
    - 5) The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric and other utility pipes or conduits and of storm drains, inlets and manholes.
    - 6) The location, type and size of curbs and all paving widths.
    - 7) The location and species of all shade trees and the location and type of fire hydrants and street lights.
  - (b) Profiles. The profile shall be a vertical section of the road with details of vertical alignment as follows:
    - 1) Profiles and elevations of the ground along the centerlines of proposed roads.
    - 2) Profiles of sanitary sewers with a profile over the sewer of the present and finished ground surface showing manhole locations beginning at the lowest manhole.

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- 3) Profiles of storm drains showing manhole and inlet locations.
- (c) Cross Section. The cross section shall comply with the engineering standards and requirements being Appendix "A" hereof as minimum requirements. It shall show a typical cross section across the road with details of grading and construction as follows:
- 1) The road and the location and width of paving within the road.
  - 2) Type, depth and crown of paving.
  - 3) The type and size of curb.
  - 4) When sidewalks are required, grading of the sidewalk area should be carried to the full width of the road and slopes of cut or fill extended beyond the road.
  - 5) The location, width, type and depth of sidewalks, when required.
  - 6) The typical location, size and depths of sewers and utilities.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-307. Land Development Plans.**

1. Applicants submitting a land development plan shall be required to show the following information, in addition to the information required for a minor residential land development plan, as identified in subsection (2) or a regular land development plan, as identified in subsection (3):
  - A. The zoning classifications and applicable requirements with which compliance is necessary for granting final approval.
  - B. Structural features for the use of two or more prospective occupants.
  - C. The lot size, floor area and/or gross leasable area as applicable.
  - D. The density of the development, including the number of bedrooms per dwelling unit.
  - E. The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.

- F. The location and placement of accessory structures and facilities.
  - G. All roads, parking facilities and pedestrian ways (including the total number of parking spaces).
  - H. The areas of common open space or facilities.
  - I. A conceptual site utilization layout defining the general location of all proposed uses and activities.
  - J. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.
  - K. All covenants, deed restrictions or easements relating to use of property.
  - L. The location and description of all requirements of the Borough's landscaping criterion as then in force.
2. Minor Land Development Plan. It is the purpose of this subsection to provide for simplified plan submission and processing requirements by which minor land developments may be submitted and approved. Plans submitted under the provisions of this subsection must meet the following criteria, conform to the established standards and provide the required information:
- A. Criteria for Minor Residential Land Developments. A residential land development that:
    - (1) Contains only one residential building with less than five dwelling units.
    - (2) Has not been part of a land development submitted within the past 3 years.
    - (3) Presently fronts on a physically improved street that is legally open to the public.
    - (4) Will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements.
    - (5) Is in general conformance with the Borough Comprehensive Plan and other plans.
  - B. Criteria for Minor Nonresidential Land Developments. A nonresidential land development in which:

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- (1) The intended development or modification of a site, or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of this Chapter.
- (2) The project involves only a parking lot expansion of not more than 25% of the original parking area.
- (3) There is a building addition of not more than 25% of the square footage of the existing building, up to a maximum addition size of 5,000 square feet.
- (4) There is an addition of tenants to an existing building but only minimal structural improvements are required.

### C. Drafting Standards.

- (1) A minor land development plan shall be clearly and legibly drawn to a scale not in excess of 1 inch equals 50 feet, except if the parcel being developed is 5 acres or larger, the plan may be drawn to a scale not in excess of 1 inch equals 100 feet.
- (2) Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.
- (3) The plan shall show the courses and distances of the boundary line survey of the entire land to be developed.
- (4) The sheet or sheets shall be one of the following sizes, 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, e.g., sheet No. 1 of 5 sheets.
- (5) Where there are two or more sheets a key map shall be provided sufficient to show their relationship.

### D. Location and Identification.

- (1) The name(s) and address(es) of the subdivider and the registered professional engineer and/or land surveyor who prepared the plan.
- (2) The name of the development, its location in terms of significant bounding roads and the name of the municipality.
- (3) The date of preparation (or revision) of the plan, the scale and a north point.

- (4) The entire tract boundary with bearings and distances and a statement of the tract size.
- (5) Layout of all structures and facilities on the parcel and the net lot area of the parcel.
- (6) A key map relating the development to at least three existing intersections of Borough streets.
- (7) A legend sufficient to indicate clearly between existing and proposed conditions.

E. Existing and Proposed Features.

- (1) Within 100 feet of any part of the land being developed, the plan shall show the following information:
  - (a) Property lines, existing buildings, present use and current owners.
  - (b) The location, names and width (both cartway and right-of-way) of existing and proposed streets and alleys.
  - (c) The location and size of all watercourses and the boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).
  - (d) Manmade structures and natural features, such as steep slopes (over 15%), which may affect the potential layout of the proposed building.
  - (e) Areas subject to deed restrictions or easements.
- (2) Within the parcel to be developed, the plan shall show the following:
  - (a) Location and character of buildings located on the land, including the buildings to be demolished as well as those to be retained or preserved.
  - (b) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing streets and alleys.
  - (c) The location and size of all watercourse and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

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- (d) Manmade structures and natural features which limit the potential layout of the proposed building, including the location of marshland, slopes over 15% and other topographical features. Whenever the parcel contains slopes in excess of 15%, topographical data may be required by the Borough Engineer.
  - (e) Areas subject to deed restrictions or easements.
  - (f) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.
  - (g) Boundaries and identification of all soil types.
  - (h) Location and size of onsite sewage facilities, if applicable, and documentation of approval of proposed facilities by the appropriate Borough Officer.
  - (i) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision or development.
- F. Additional Requirements for Developments Within Floodplains. Minor land development applications for land with floodplains must conform to the applicable requirements established for lands within such areas in §§22-305(6).
- G. Plan Submission. Minor land development plans shall be submitted in accordance with the plan processing procedures identified in §22-307 of this Part.
- H. Plan Approval. Plan approval shall be obtained through the procedure identified in §22-308 of this Part. After Borough Council approves the minor land development plan, the plan shall become a final plan when the following certificates are obtained:
- (1) The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
  - (2) The signature of the registered professional engineer certifying the correctness of the design of all improvements.
  - (3) The signature of the developer certifying his adoption of the plan and any changes thereto.



- (4) The signature of the Borough Administrator certifying that Borough Council has approved the minor land development plan and any changes thereto on the date shown.
- (5) Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with §22-309 of this Part.

3. Regular Land Development Plan. All land development plans which do not qualify for submission as a minor land development as described in subsection (2)(A) of this Section must include the applicable information required in §§22-305 and 22-306 of this Part in addition to the information required in this Section.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

#### **§22-308. Plan Processing Procedures.**

The following plan processing procedures shall be followed by all applicants for approval of a subdivision or land development plan:

- A. All plans filed for approval shall be submitted in the following order:
  - (1) Tentative sketch plan (optional).
  - (2) Minor subdivision plan or minor land development plan (may be submitted in satisfaction of preliminary and final plan requirements for all applicable subdivision or land developments).
  - (3) Preliminary plan.
  - (4) Final plan.
- B. An applicant shall submit not less than eight copies of each plan to the Borough Administrator. In addition, up to four additional copies of each plan shall be submitted to the Borough Administrator if Borough Council, Borough Solicitor or the Borough Planning Commission determine that the plan(s) should be distributed to any of the optional plan recipients listed in subsection (I)(4) herein.
- C. Each plan, whether tentative, minor subdivision or minor land development, preliminary or final, shall be filed one at a time, no subsequent plans shall be filed until a decision on the preceding plan has been reached.
- D. When the decision reached concerning an application for approval of a specific plan results in a denial of the plan, then the applicant, when and if he

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should reapply requesting approval of the plan, shall do so in accordance with the plan sequence outlined in subsection (A) herein and the additional procedures below.

- E. Applications for approval of a subdivision or land development plan shall be received by the Borough Administrator. Submittal and processing fees for plans and specifications for such plans shall accompany the applications.
- F. The applicant, or his agent, shall be required to appear in person at the Borough Hall in order to make application for approval of a plan and file plans therewith.
- G. Formal application shall be received at any time during Borough business hours. All applications for approval of a plan shall be acted upon by the Borough Council and such decisions shall be communicated to the applicant, in writing, not later than the prescribed time period according to the Pennsylvania Municipalities Planning Code.
- H. The applicant must submit a tentative, minor subdivision, minor residential land development, preliminary or final plan for review, prior to applying to the Zoning Hearing Board for the granting of variances, special exceptions and conditional uses. If during the review process, it is determined that a variance, special exception or a conditional use is necessary than the applicant shall apply to the Zoning Hearing Board for such.
- I. Schedule of Plan Processing Steps.
  - (1) Applications for subdivision or land development, accompanied by not less than eight copies of the proposed plan, shall be received at the Borough Hall by the Borough Administrator.
  - (2) The date shall be stamped on each copy of the plan and two fees shall be received:
    - (a) The Borough filing fee.
    - (b) The Montgomery County Planning Commission Act 247 review fee.
  - (3) A cursory examination of the plan will be conducted to ensure basic compliance with the plan submission requirements of this Part.
  - (4) The Borough Administrator shall distribute copies of the plan to the following persons, agencies or groups:
    - (a) Mandatory Recipients.
      - 1) Borough Council.

- 2) Borough Administrator.
  - 3) Borough Planning Commission.
  - 4) Montgomery County Planning Commission.
  - 5) Borough Zoning Officer.
  - 6) Borough Solicitor.
  - 7) Borough Engineer.
  - 8) Borough Fire Marshall.
- (b) Additional Recipients.
- 1) Borough Building Inspector.
  - 2) Community Ambulance Association.
  - 3) Borough Recreation Board.
  - 4) Chamber of Commerce.
  - 5) Sewer and water authorities.
  - 6) The Environmental Protection Agency.
  - 7) Other technical consultants as needed.
- (5) Application for approval of a subdivision or land development plan shall be placed on the agenda of the next Borough Planning Commission meeting following formal submission of the applicant.
- (6) Application for approval of a subdivision or land development plan shall be placed on the agenda of the next Borough Council meeting following receipt by the Borough Administrator of the recommendation of the Montgomery County Planning Commission<sup>1</sup>, Borough Planning Commission and Borough Engineer.

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<sup>1</sup> Editor's Note: According to Montgomery County Planning Commission policy, recommendations of MCPC shall be submitted to the Borough Council no later than 30 days from the date specified on the application form requesting MCPC review. If the specified date is more than 5 days prior to MCPC's receipt of the review request, the 30 day review period shall commence 5 days prior to such receipt. If no date is specified on the review request, the 30 day review period shall commence 2 days prior to receipt. If an applicant grants a time extension to the Borough, the MCPC review period will be extended the appropriate number of days. The MCPC review period may be suspended if the proposal is temporarily withdrawn, if the review fee is not received or for any other valid reason, in such case, the 30 days review period shall not re-

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- (7) The Borough Council shall require the applicant to submit copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law.
- (8) The Borough Council shall act on the plan within 90 days after the date of the next regular meeting of the Borough Planning Commission following the date the application is submitted. If, however, the next regular meeting of the Borough Planning Commission occurs more than 30 days following the filing of the application, the said 90 day period shall be measured from the thirtieth day following the day the application has been filed. The following optional consequences shall result from action by the Council:
  - (a) If the Council approves the plan, the Borough Administrator will so certify thereon and two copies of the approved plan will be forwarded to the applicant. The applicant would then resubmit four copies of the approved plan (two paper copies and two mylar or linen copies for seal and signature).
  - (b) The Council may conditionally approve a plan, in which case the applicant shall appear at a subsequent Council meeting to demonstrate compliance or written acceptance of the conditions stipulated.
  - (c) If the Council disapproves the plan, the Borough Administrator will notify the applicant, in writing, of the defects in the application, will describe the requirements which have not been met and shall cite the provisions of State law or Borough ordinance relied upon.
  - (d) The Borough may refuse to grant any approval necessary to further improve or develop any property which has been developed or which has resulted from a subdivision of property in violation of any ordinance adopted pursuant to this Part. This authority to deny such approval shall apply to any of the following applicants:
    - 1) The owner of record at the time of such violation.
    - 2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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sume until the situation is resolved. In no instance shall the review period so resumed span a period of less than 15 days.

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

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

- (9) Approval will be effective for a period of 5 years, unless extended by Council. Where final approval is preceded by preliminary approval, the 5 year period shall be counted from the date of preliminary approval. No subsequent change or amendment in the Zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.
- (10) When deemed desirable, the applicant may be requested to agree, in writing, to an extension of the time prescribed herein, in which case the Council, when rendering its decision, shall communicate it to the applicant prior to the termination of the extended time period.
- (11) If the Borough Council determines that only a portion of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination, if at all.
- (12) When a developer does not intend to develop the plan himself and the Borough Council determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restriction on the land. Such deed restriction shall be inserted in every deed and noted on the record plan.
- (13) The approval of a subdivision or land development plan near or within the floodplain shall constitute a representation, guarantee or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed plan and shall create no liability upon Rockledge, its officials or employees. The degree of floodproofing intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineer-

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ing and scientific methods of study. This Chapter does not imply that areas outside floodplains or subdivisions or land developments permitted within such areas will always be totally free from flooding or flood damage.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-309. [Reserved].**

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)

### **§22-310. Traffic Impact Study.**

1. Purpose. The Traffic Impact Study will enable Rockledge Borough to assess the impact of the proposed development on the transportation system, both highways and public transportation, in the Borough. The purpose of the impact study is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study shall assist in the protection of air quality, conservation of energy and encouragement of public transportation use.
2. A traffic impact study shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. Procedures and standards for a traffic impact study area as set forth herein. Applicant may provide funds to the Borough to enable the Borough to hire a traffic engineer of its choice to conduct the study, if this procedure is deemed appropriate and approved by the Borough.
3. Applicability. A traffic impact study shall be submitted for all zoning changes, subdivisions and land developments that meet one or more of the following criteria:
  - A. Residential. Five or more dwelling units or lots.
  - B. Nonresidential Subdivision. Five lots or more.
  - C. Commercial. A commercial building or buildings consisting of 15,000 square feet or more of gross floor space (total floor area on all floors within the exterior walls of the building).
  - D. Office. A development consisting of 15,000 square feet or more of gross floor space.

- E. Industrial. Any industrial development consisting of five or more lots, or 15,000 square feet or more of gross floor area, or having more than 35 employees (immediately or future) with access from the site onto a Borough street, or with an expected daily traffic flow of more than 100 vehicle trips per day with site access onto a Borough street.
- F. Institutional. Any medical, educational or institutional development consisting of 15,000 square feet or more of gross floor area.
- G. Other. Any uses that propose to generate 250 or more trips per day.

\*The number of trips shall be determined through the use of the Institute of Transportation Engineers (ITE), "Trip Generation," latest edition.

Borough Council, at its discretion, may require any other subdivision or land development application to be accompanied by a traffic impact study; provided, however, that Council notify the applicant within 60 days following the Planning Commission's first meeting to consider the proposal. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use. The Rockledge Borough Council, at its discretion, may waive the requirement for a traffic impact study. If required by the Borough Council, the developer of a land development shall provide emergency signal preemption for any traffic signals located within or immediately adjacent to the development.

4. Definitions.

**LEVEL OF SERVICE** — level of service, as described in the 2000 Highway Capacity Manual, indicates how well traffic moves on a particular highway facility or through a specific intersection. There are six levels of servicing ranging from "A" through "F." Level of service "A" indicates generally free movement. Level of service "F" represents maximum capacity of the facility. Level "F" indicates congestion. Level of service "C" is considered the design level of service, representing a stable traffic flow and a relatively satisfactory travel speed.

**MAJOR INTERSECTION** — any intersection where traffic generated by the proposal will have significant impact on the operation of the intersection and/or any other intersection involving an arterial road. Where doubt exists, the transportation engineer shall seek guidance from Council prior to the submission of the traffic impact study.

**PUBLIC TRANSPORTATION** — transportation service for the general public provided by a common carrier of passengers generally on a regular route basis, or a private operator offering service to the public.

**STUDY AREA** — this area will extend approximately one-half mile along the adjacent roadways in all directions from all access points or the first major intersection along these roadways. Where doubt exists, the traffic engineer shall seek

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guidance from the Borough Council prior to the submission of the traffic impact study.

**VOLUME/CAPACITY ANALYSIS** — this procedure compares the volume of a roadway or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period). The procedures described in the 2000 Highway Capacity Manual, Highway Research Board Special Report 209, shall be followed.

**TRIP GENERATION RATES** — the total count of trips to and from a study site per unit of land use as measured by parameters such as dwelling units, acres, etc.

**WARRANTS FOR TRAFFIC SIGNAL INSTALLATION** — this is a series of warrants which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration, 1988, as amended, or the most recent version, whichever is later.

Engineering and traffic studies shall be prepared in accordance with Title 67, Chapter 201, "Engineering and Traffic Studies."

5. General Requirements and Standards. A traffic impact study shall contain the following information:
  - A. General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed subdivision or land development. If the development is residential, types of dwelling units shall also be included. A brief description of other major existing and proposed developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
  - B. Transportation Facilities Description. The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization and any traffic signals or other intersection control devices at all intersections within the site. The report shall describe the entire external roadway system within the study area and include discussion of existing design deficiencies and potential safety hazards. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a 1 mile radius of the site shall also be documented. Report shall include review and discussion of all available accident reports within the study area during the prior 3 years. All future highway improvements, including proposed construction and traffic



signalization shall be noted. The 4 Year Regional Transportation Improvement Program maintained by the Delaware Valley Regional Planning Commission shall be used as a source of information when determining if any future roadway improvements are scheduled for the adjacent road network. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.

- C. Existing Traffic Conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic and peak development generated hour(s) and documentation shall be included in the report. Traffic count data shall not be more than 1 year old. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of a non-holiday week. Traffic counts shall be collected during average volume conditions, during fair weather and in consideration of any construction activities or special events which may be taking place in the area. Additional counts (conducted on a Saturday for a commercial development or residential development in close proximity to the commercial district or tourist attractions) may also be required in some cases. The Borough Council shall make such determinations. Roadway characteristics shall be described and illustrated. Features to be addressed shall include lane configurations, geometry, signal timing, traffic control devices, posted speed limits and sight distance limitations. Existing levels of service shall be calculated for all intersections and turning movements within the study area. This analysis will determine the adequacy of the existing roadway system to adequately serve the existing traffic demand. Roadways, signalized intersections or individual movements experiencing levels of service below C, and/or volume capacity ratios greater than or equal to 1.0 shall be noted as deficient. Unsignalized intersections with levels of service below D shall also be noted. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location using the current edition of the Highway Capacity Manual Methodology.
- D. Transportation Impact of the Development. Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the Trip Generation. An Information Report, Sixth Edition, Institute of Transportation Engineers, 1977, as amended. These development generated traffic volumes shall be provided for the in-bound and outbound traffic movements as estimated, and the reference source(s) methodology followed shall be documented. All turning movements shall be calculated. These general volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. If school

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crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristic of the site that will cause particular trip generation problems shall be noted.

- E. **Analysis of Transportation Impact.** The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using a background growth rate for the area from the Montgomery County Planning Commission's traffic count database or from the Delaware Valley Regional Planning Commission's "Highway Network Coverage Counts"), the development generated traffic and the traffic generated by other proposed developments in the study area. A second/volume capacity analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development generated hour(s) for all roadways and major intersections in the study area. Level of service calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted. All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.
- F. **Conclusions and Recommended Improvements.** Levels of service for all roadways and intersections shall be listed. All individual turning movement of roadways and/or intersections showing a level of service below "C" shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements:
- (1) Internal circulation design.
  - (2) Site access location and design.
  - (3) External roadway and intersection design/safety improvements.
  - (4) Traffic signal installation and operation, including signal timing and transit design improvements. All physical roadway improvements shall be shown in sketches.

Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis shall be undertaken to indicate whether or not future public transportation service should be provided to the development.

The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the

cost and funding of the improvement and the completion date for the improvement.

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include recommendations such as roadway widening, turning lanes, deceleration lanes/tapers, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of the use. The responsibility and timing of all recommended roadway improvements shall be described within the traffic impact study.

6. Time of Submission. The traffic impact study shall be submitted to the Planning Commission with the preliminary plan submission. Revisions to preliminary plans may constitute the need for re-submission of the traffic impact study for the revised conditions. Improvement plans shall not be submitted to PennDOT until after review by the Borough Planning Commission and Borough Council.
7. Implementation. Borough Council shall review the traffic impact study to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision. Borough Council may determine that certain improvements on and/or adjacent to the site and within the study area are necessary requirements for land development or subdivision plan approval and may attach these as conditions to the approval. If Borough Council determines that such additional improvements are necessary, the developer shall have the opportunity to submit alternative improvement designs to obtain plan approval.
8. Emergency Response Organizations. The Borough shall submit all land development plans proposing the construction of nonresidential buildings or multifamily residential dwellings to the fire department, police department and any other emergency response organization having jurisdiction within the area of the proposed development for review and comment.

(Ord. 203, 11/8/1948; as added by Ord. 590, 3/14/2005, §1)