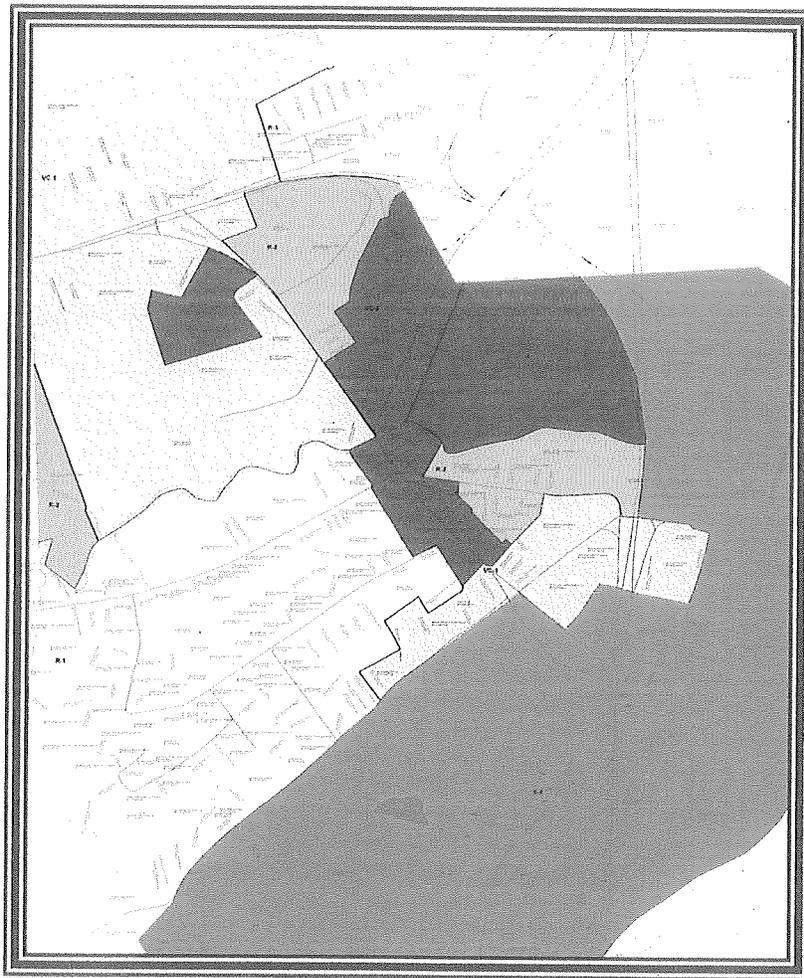


BOROUGH OF DELAWARE WATER GAP  
MONROE COUNTY, PA

SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE



BOROUGH COUNCIL OF THE BOROUGH OF DELAWARE WATER GAP  
PLANNING COMMISSION OF DELAWARE WATER GAP BOROUGH  
MICHAEL CABOT ASSOCIATES, COMMUNITY PLANNERS

ADOPTED ON JUNE 6, 1994

## INTRODUCTION

Delaware Water Gap Borough Officials, with the help of the Monroe County Planning Commission, will confer, advise, and cooperate with the Subdivider, but will not be able to do the work of preparing the subdivision plan. Best results will be obtained when the developer retains qualified professionals to prepare the subdivision plan: a planner, landscape architect, engineer, surveyor, etc. It will be necessary to have a registered engineer or land surveyor prepare parts of the preliminary and final plans. It is important that the person engaged has the skill and imagination necessary to produce the best design under given conditions.

Many subdivisions in the Borough will be relatively simple and may not require extensive review. However, where a major subdivision is involved, the Subdivider is invited to informally contact the Borough officials or the staff of the Monroe County Planning Commission with a sketch of the land they propose to subdivide. The best time for this visit is before the land has been finally acquired or, at least, before significant funds are spent for engineering. Any discussion of such a sketch -- and any accompanying materials -- is not official and is considered strictly confidential by the Borough. The goal of the Borough and the County is to furnish the kind of advice a developer can best use at the time that it will be most valuable.

Environmental regulations, as established by the Pennsylvania Department of Environmental Resources (DER), governing land to be developed or subdivided have become complex and in many cases require considerable review by DER. Land subdivisions cannot be approved until such DER reviews have been completed. It is therefore important that the Subdivider contact DER as early as possible. All requirements of the Monroe County Soil Conservation District must also be complied with. To expedite the review by the Borough and the county the Subdivider may wish to complete and submit the required DER Planning Module to the Borough at the same time that the Subdivision Plan is submitted.

Conformance with other regulations is also essential and should be considered early in the development process.

The size of lots in a subdivision is one of the first decisions that has to be made. This decision influences the street design, block length, community facilities required, etc. Therefore, in those subdivisions which will not be provided with a public sanitary sewer system i.e., those that will have on-site septic tanks and absorption fields, the first step in preparing the preliminary plan is to make percolation tests of the tract to be subdivided.

The preliminary plan stage of a subdivision is the most important. It is the stage when ideas are considered and plans formulated, but not when construction begins. It requires the coordinated efforts of many agencies, utility companies,

and public officials. Therefore, haste is not the solution to long-term subdivision proposals.

In accordance with State Law all proposed subdivisions must also be reviewed by the Monroe County Planning Commission and this review should be scheduled early in the process prior to final approval by the Borough.

This Ordinance establishes necessary design standards and required improvements for various types of developments and land subdivisions. However, construction and supervision of improvements as they are installed must be done in accordance with local Borough regulations and ordinances. It is the responsibility of the Borough to be sure that required improvements meet all local standards.

The following ordinance governing the subdivision of land and new development in Delaware Water Gap Borough has been prepared by the Borough Council with review and comment from the Planning Commission of Monroe County and other interested local groups and persons. This Ordinance will be reviewed and updated on a continuing basis and may be amended from time to time.

#### TO AVOID DELAYS

Consult by telephone, or in person, with the Borough Secretary and the Staff of the Monroe County Planning Commission before proceeding with subdivision plans.

If on-site disposal facilities are contemplated, consult with the Pennsylvania Department of Environmental Resources (DEP) for recommendations and also with the Borough Sewage Enforcement Officer.

Make sure the design of the subdivision meets the minimum standards or designs herein.

Submit all items as required to the Borough when presenting a preliminary plan or a final plan for review or approval. To speed up review submit plans to the Monroe County Planning Commission at the same time.

Submit plans not later than the prescribed date, if consideration of the plan is expected at the next regularly scheduled meeting of Borough Council or of the County Planning Commission.

SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE NO. 235  
FOR  
DELAWARE WATER GAP BOROUGH, MONROE COUNTY, PA.

BOROUGH COUNCIL OF THE BOROUGH OF DELAWARE WATER GAP  
PLANNING COMMISSION OF DELAWARE WATER GAP BOROUGH  
MICHAEL CABOT ASSOCIATES, COMMUNITY PLANNERS

ADOPTED ON JUNE 6, 1994

## TABLE OF CONTENTS

	PAGE
INTRODUCTION	i
ORDAINING CLAUSE	1
ARTICLE 1 <u>GENERAL PROVISIONS</u>	
1.100 Legislative Authority	2
1.200 Application	2
1.300 Purpose	3
1.400 Short Title	3
ARTICLE 2 <u>PLAN SUBMISSION PROCEDURES</u>	
2.100 General Procedure to the Submission of All Plans	4
2.200 Fees	6
2.300 Official Plan Applications	7
2.400 Recording of Final Plan	10
2.500 Plans Exempted from Standard Review	11
ARTICLE 3 <u>DESIGN STANDARDS</u>	
3.100 Application	12
3.200 Design Standards Details	12
Table 1 – Minimum Design Standards for Streets	20
ARTICLE 4 <u>MOBILE HOME PARKS</u>	
4.100 Design Standards Details	36
ARTICLE 5 <u>REQUIRED IMPROVEMENT</u>	
5.100 Application	39
5.200 Summary of Required Improvements	39
Table 3 – Required Improvements to be Provided	39
5.300 Required Improvements Details	40
5.400 Flood Prone Area Requirements	41
ARTICLE 6 <u>PLAN REQUIREMENTS</u>	
6.100 Sketch Plan	43
6.200 Preliminary Plan	43

TABLE OF CONTENTS  
(Continued)

6.300 Final Plan	45
 <b>ARTICLE 7 <u>INSTALLATION OF REQUIRED IMPROVEMENTS</u></b>	
7.100 Improvements to be Provided by Subdivider	49
7.200 Method of Providing Improvements	49
7.300 Financial Security for Maintenance	50
7.400 Development Agreement	50
7.500 Release from Financial Security for Improvements	52
7.600 Release from Financial Security for Maintenance	53
 <b>ARTICLE 8 <u>DEFINITIONS</u></b>	
8.100 General	54
8.200 Specific Terms	54
 <b>ARTICLE 9 <u>ADMINISTRATION AND ENFORCEMENT</u></b>	
9.100 Administrative Action	63
9.200 Modifications, Appeals, and Amendments	64
9.300 Preventative Remedies	66
9.400 Enforcement Remedies	66
9.500 Conflict and Validity	67
 ORDAINED AND ENACTED	 68
 APPENDIX A – <u>REQUIRED LAND SUBDIVISION IMPROVEMENTS</u>	 69
 APPENDIX B – <u>ADMINISTRATIVE CHECK LIST FOR DELAWARE WATER GAP BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE PLAN REQUIREMENTS</u>	    73

ORDAINING CLAUSE

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE NO. 235  
OF THE YEAR 1994 FOR  
DELAWARE WATER GAP BOROUGH, PENNSYLVANIA

ADOPTED AT A MEETING HELD ON JUNE 6, 1994

This Ordinance regulates the subdivision and development of land within the Borough of Delaware Water Gap, Monroe County and requires that all proposed plans for subdivision and land development located within the Borough shall be submitted to the Delaware Water Gap Borough Council for review and/or approval. Said Ordinance includes provisions for the following:

- Provisions for the submittal and processing of subdivision and land development plans.
- Specifications for such plans.
- Provisions governing the layout of such plans relative to streets, easements, rights-of-way, reservations for public grounds.
- Provisions for the subdivision and use of lands subject to environmental or other hazards.
- Provisions establishing standards for the installation and improvement of facilities, in accordance with local Borough requirements.
- Provisions for land development not intended for immediate use.
- Provisions for encouraging modern site planning and development.

BE IT AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DELAWARE WATER GAP, MONROE COUNTY, PENNSYLVANIA, AS FOLLOWS:

## ARTICLE 1

### GENERAL PROVISIONS

#### 1.100 LEGISLATIVE AUTHORITY

This Ordinance is enacted pursuant to the authority conferred by Pennsylvania State Act No. 247 of 1968, as amended by Act 170 of 1988, the Pennsylvania Municipalities Planning Code.

#### 1.200 APPLICATION

1.201 Jurisdiction - This Ordinance shall apply to all subdivisions and land developments located within Delaware Water Gap Borough.

1.202 Grant of Power to Borough Council - The Delaware Water Gap Borough Council will receive and review all plans submitted under this Ordinance to determine compliance with this Ordinance and the Borough Council is hereby granted the power to approve, disapprove, or approve with conditions all plans required to be submitted under the terms of this Ordinance.

The Borough Council shall refer all plans to the Delaware Water Gap Borough Planning Commission and to the Monroe County Planning Commission for their review and comments. The Borough Council may also appoint a Subdivision Ordinance Administrator who will manage the review and approval process as established by this Ordinance.

1.203 Effect of this Ordinance - No subdivision or land development (as defined herein) of any lot, tract, or parcel of land shall be carried out; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance.

1.204 Recording of Approved Plan - Within ninety (90) days of the approval of the Final Plan for any Subdivision and Land Development, the Subdivider shall record a copy of said Final Plan in the Office of the Recorder of Deeds of Monroe County, as required in Section 2.400.

The Recorder of Deeds of Monroe County shall not accept any such plan for recording unless it is the Final Record Plan as defined

herein which shall contain the official original endorsements of approval of the Borough Council, and of the review by the Monroe County Planning Commission.

Failure to record the Final Plan as required herein shall render all approvals null and void.

- 1.205 Status of Recorded Plans - Any Subdivision or Land Development Plan recorded prior to the effective date of this Ordinance shall be subject to the provisions of this Ordinance in the event that any change or resubdivision is made or legally required to be made in the said Plan.

When a Final Plan has been approved and recorded, subsequent to the effective date of this Ordinance, and in conformance with the terms of this Ordinance, then no subsequent change or amendment in any 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 terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubts 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 of such approval was duly filed.

### 1.300 PURPOSE

This Ordinance has been adopted for the purpose of regulating subdivision and land development within Delaware Water Gap Borough in order to create conditions favorable to the health, safety, and general welfare of the citizens of the Borough through the provision of regulations that will insure the harmonious development of the County.

### 1.400 SHORT TITLE

This Ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of Delaware Water Gap Borough."

## ARTICLE 2

### PLAN SUBMISSION PROCEDURES

The following procedures shall be observed by all subdividers.

#### 2.100 GENERAL PROCEDURE APPLICABLE TO THE SUBMISSION OF ALL PLANS

It is the intent of the Borough Council to expedite the receipt and processing of plans so as to reduce delays which may result in increased costs or inconvenience to the Subdivider or to the Borough.

The procedure set forth below establishes maximum time limits permissible under State Law but the Borough Council, wherever possible, express their intent to complete its reviews in a more timely manner.

2.101 Required Plans - Preliminary and Final Plans and other required supporting data for all proposed subdivisions and land developments of land lying within Delaware Water Gap Borough to which this Ordinance applies shall be submitted by the Subdivider to the Borough Council for review.

In addition, prior to submitting the official Preliminary Plan for review, the Subdivider may prepare a Sketch Plan for informal discussion with the Borough Council, and/or with the Borough Planning Commission and County Planning Commission staff.

2.102 County and Other Agency Reviews - Copies of all plans submitted to the Borough shall be forwarded by the Applicant to the Delaware Water Gap Borough Planning Commission, Monroe County Planning Commission and to other appropriate agencies upon their receipt for review and advice by these agencies within a period of thirty (30) days.

2.103 Consideration of Plans - Subdivision and land development plans and supporting data submitted to the Borough Council will begin to be considered at the next regularly scheduled meeting of the Borough Council provided that they are received at least ten (10) calendar days in advance of said meeting.

2.104 Action and Notification - The Borough Council shall consider all plans submitted to determine compliance with this Ordinance and shall approve, disapprove or approve with conditions all submitted plans. After the Plan is filed, the Borough Council shall reach a

decision on the Plan no later than ninety (90) days following the date of the next regular meeting of the Borough Council which follows the date that application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the day the application has been filed.

The Borough Council shall notify the Subdivider in writing no later than fifteen (15) days after the date when a decision is reached by the Borough Council. When a plan is not approved, or approved with conditions, the decision of the Borough Council shall specify the defects found in the plan and shall cite the provisions of the Ordinance which have not been met.

Failure of the Borough Council to render a decision and communicate it to the Subdivider 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.

If the preliminary or final plan is approved, subject to conditions, then the Subdivider shall either accept or reject such conditions in writing within a period of the fifteen (15) days of receipt of such conditions. Any conditional approval shall be rescinded automatically if the Subdivider fails to accept or reject such conditions within the fifteen (15) day time period established above.

- 2.105 Public Hearing - Public Hearings are not required before the Borough Council takes action on any Preliminary or Final Plan.
- 2.106 Sketch Plan - Sketch Plans are not required by this Ordinance but it is recommended that the Subdivider submit such a plan in order to establish, at an early stage in the planning of the Subdivision or Land Development, the basic conditions required for the approval of a Preliminary and a Final Plan.
- 2.107 Preliminary Plan - Except for any Sketch Plan which is submitted, the initial plan filed with the Borough Council for review shall be considered the official Preliminary Plan. Said Preliminary Plan shall be reviewed to determine compliance with these regulations and said plan shall be approved, approved with conditions, or rejected or disapproved and the Subdivider notified accordingly. However,

the Borough Council may proceed to final action at the first consideration of a plan for a small subdivision containing no new streets, in accordance with the procedure set forth in Section 2.500.

- 2.108 Final Plan - After approval of the Preliminary Plan, the Final Plan for the entire subdivision or land development or a Final Plan for a section or stage of development which has been prepared in accordance with the approved Preliminary Plan shall be submitted by the Subdivider to the Borough Council. Said Final Plan shall be reviewed to determine compliance with these regulations and said plan shall be approved, approved with conditions, rejected or disapproved and the Subdivider notified accordingly.
- 2.109 Recording of Final Plan - After the effective date of Final Plan approval, the Subdivider shall record such plan in the form of a Record Plan within a period of ninety (90) days in the Office of the Recorder of Deeds of Monroe County.

## 2.200 FEES

Monroe County has its own review fee schedule. The applicant is responsible to pay the County fee. The applicant should contact the Monroe County Planning Commission directly in order to avoid any delays in processing the application.

- a. Borough Personnel Review Fees
1. Plans not exempt from Standard Review Procedures
    - Preliminary Plans - \$150.00, plus \$15.00 per lot or unit for subdivisions or \$25.00 per acre for land developments plus any required engineering and special review fees.
    - Final Plans - \$125.00, plus \$10.00 per lot or unit or \$15.00 per acre for land developments plus any required engineering and special review fees.
- b. Special Review Fees - Each year the Borough may adopt a resolution that establishes a Special Review Fee Schedule. Special review fees shall include reasonable and necessary charges for the Borough professional consultants for any engineering or planning services required for the review of the submitted Plan, for any reports to the Borough on the proposed subdivision or land development, for any inspection of the improvements installed by the Subdivider.

Such special fees shall be based on estimates and actual invoices received by the Borough from its professional advisors. Such review fees shall be in accordance with the ordinary and customary charges by the Borough's professional advisors, for similar service to the Borough and shall not exceed the rate of cost normally charged to Borough for other non-reimbursable services.

Fees, at cost, shall also include the cost of advertising or other expenses incurred in the processing of the proposed subdivision plan.

The Subdivider may dispute the amount of such fees in accordance with the requirements of the PA Municipalities Code, as amended.

## 2.300 OFFICIAL PLAN APPLICATIONS

### 2.301 Preliminary Plan

- a. Preliminary Plans and supporting data shall comply with the provisions of Article 6 of this Ordinance.
- b. Seven (7) copies of the Preliminary Plan shall be submitted by the Subdivider to the Borough Council. Additional copies may be requested if required for submission or reference to other appropriate agencies.
- c. The Applicant shall inform and/or transmit copies of the Preliminary Plan and supporting data to the following:
  1. Delaware Water Gap Borough Planning Commission - One (1) copy
  2. Monroe County Planning Commission – Two (2) Copies
  3. Other appropriate agencies - One (1) Copy as determined by the Borough Council, to the County Soil Conservation District, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Resources, the Delaware Water Gap Municipal Authority, and/or other agencies affected by or having an interest in the plan.
- d. The Preliminary Plan shall be reviewed by the Borough Council and the official action shall be taken after receipt of

any comments and advice received from the Borough Planning Commission and any other appropriate agency, provided that such advice is received within thirty (30) days of submittal of the plan to the Agency.

- e. The official action and decision of the Borough Council shall be in writing and shall be forwarded to the Subdivider at his last known address, not later than fifteen (15) days following such action with a copy to the Monroe County Planning Commission. In the case of a rejection or disapproval of the plan, the Borough Council shall specify the defects of the plan and the requirements of this Ordinance which have not been complied with.
- f. Approval of the Preliminary Plan, subject to conditions, revisions and modifications as stipulated by the Borough Council, shall constitute conditional approval by the Borough Council of the subdivision as to the character and intensity of the development and the general layout and appropriate dimensions of streets, lots, and other proposed features, and such approval shall entitle the Subdivider to submit plans for final review as set forth below.

#### 2.302 Final Plan

- a. A Final Plan with supporting data shall be submitted within five (5) years after approval of the Preliminary Plan by the Borough Council.
- b. The Final Plan shall conform in all important respects with the Preliminary Plan as previously reviewed by the Borough Council and shall incorporate all modifications and revisions specified by the Borough Council in its conditional approval of the Preliminary Plan. The Borough Council may accept a Final Plan which has been modified to reflect changing conditions since the time of Preliminary Plan review. Other modifications, not previously submitted to and considered by the Borough Council, may be sufficient cause for considering the plan to be a revised Preliminary Plan.
- c. The Borough Council may permit submission of the Final Plan in sections or stages, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan, except that the first stage shall be submitted within one (1) year after approval of the Preliminary Plan as required in Section 2.302

- d. The Borough Council may require that any Final Plan or any section or stage of a Final Plan not completed within five (5) years from the date of Preliminary Plan approval, as required by Section 1.205, may require a new Preliminary Plan submission to reflect changing conditions or legal requirements which may affect the subdivision or land development unless an extension of this five (5) year limit is granted by the Borough Council upon written request.
- e. The Final Plan and supporting data shall comply with the provisions of Articles 6 and 7 of this Ordinance. Failure to do so may be sufficient cause for tabling or rejecting the plan.
- f. Seven copies of the Final Plan with supporting data shall be submitted to the Borough Council. The Borough Council shall transmit copies of the plan to:
  - 1. Delaware Water Gap Borough Planning Commission - One (1) Copy
  - 2. Monroe County Planning Commission - One (1) Copy
  - 3. Utility Companies - One (1) Copy

Additional copies of the Plan shall be submitted if required by the Borough Council to properly review the plan.

- g. The Final Plan shall be reviewed by the Borough Council and official action and a decision taken after receipt of any recommendations from the Delaware Water Gap Borough Planning Commission, any comments and advice received within thirty (30) days from any other appropriate agencies.

Such actions shall include approval, approval with conditions or disapproval, with reasons for disapproval specifically stated. Approval by the Borough Council shall in all cases be subject to agreement by the Borough Council and the Subdivider to execute the proposed Development Agreement required in Article 7.

When a Final Plan is approved subject to conditions or other actions to be taken by the Subdivider, the Borough Council shall specify a time limit for compliance by the Subdivider.

- h. The official action and decision of the Borough Council shall be in writing and shall be forwarded to the Subdivider personally or to his last known address not later than fifteen (15) days following such action.

A copy of said notification shall be sent to the Monroe County Planning Commission. In the case of a rejection or disapproval of the plan, the Borough Council shall specify the defects of the plan and the requirements of this Ordinance which have not been complied with.

- i. When the Borough Council has approved the Final Plan, and when all other approvals, conditions and agreements required herein, including the provisions of Sections 7.200, 7.300 and 7.400 as required herein, have been satisfied, the President and Borough Secretary of the Borough Council shall endorse four copies of the Final Plan to that effect. One (1) copy of the endorsed Final Plan shall be kept in the Borough files, one (1) copy shall be transmitted to the County Planning Commission and the other two (2) returned to the Subdivider. Additional copies may be endorsed to meet the needs of the Subdivider and other agencies.
- j. The effective date of Final Plan approval shall be the date when the Final Plan is endorsed as set forth in subsection "i" above.

2.303 Conditional Approval - If the preliminary or final plan is approved, subject to conditions, then the Subdivider shall either accept or reject such conditions in writing within a period of the fifteen (15) days of receipt of such conditions. Any conditional approval shall be rescinded automatically if the Subdivider fails to accept or reject such conditions within the fifteen (15) day time period established above.

#### 2.400 RECORDING OF FINAL PLAN

The Borough Council shall record the Final Plan in the Office of the Recorder of Deeds of Monroe County within ninety (90) days after the effective date of approval by the Borough Council. The copy of the Final Plan filed for recording shall be known as the Record Plan. It shall be a clear and legible document in a form as required by the County Recorder of Deeds, bearing all required endorsements. Failure to record the Final Plan as required herein shall render all approvals null and void.

The Borough Council may extend said ninety-day (90) limit, if requested in writing and if compliance with any condition for approval as set forth by the Borough Council shall require a greater time limit for recording.

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.

## 2.500 PLANS EXEMPTED FROM STANDARD REVIEW PROCEDURES

A simplified procedure for the submission and approval of subdivision and land development plans may be utilized when the following conditions exist:

2.501 Agricultural-Forestry Parcels - The division of land, by lease, for agricultural and/or forestry-wood plot purposes into parcels of more than ten (10) acres and not involving any new street or easement access is exempted from the provisions of this Ordinance, except that this shall not apply to agricultural subdivisions which are also used for other purposes such as for recreation, seasonal residential, commercial, industrial or other non-agricultural activities.

The erection of a barn or farm building shall not be considered a land development under this Ordinance. Therefore, the subdivision and land development regulations of this Ordinance shall not apply to the erection of a barn structure.

2.502 Other Exemptions - Certain "land developments" as set forth in the definition of land development included herein have been exempted from the provisions of this Ordinance.

## ARTICLE 3

### DESIGN STANDARDS

#### 3.100 APPLICATION

This Article sets forth certain minimum Design Standards which shall apply to all Subdivisions and Land Developments and which shall govern the layout and location of physical features included in any Plan.

#### 3.200 DESIGN STANDARDS DETAILS

The design standards listed below, and in Tables 1 and 2 herein, shall be incorporated in all proposed plans.

##### 3.201 Conformance with Other Requirements

- a. All subdivisions and land developments shall comply fully with all Federal, State, County, Borough and other applicable laws and regulations. Evidence of the receipt of any permits or approvals required by such laws and regulations shall be submitted by the Subdivider and shall be a condition of the approval of any plan submitted under this Ordinance.

Where such other laws and regulations are more restrictive than those contained herein, such other regulations shall be observed unless specifically stated otherwise herein.

##### 3.202 General Design Standards and Comprehensive Plan Requirements

- a. Land shall be suited to the purpose for which it is to be subdivided. Land which is unsafe or unsuited for development due to flooding, wetlands, subsidence, underground fires, open quarries, unconsolidated fill, steep slopes or other hazardous conditions shall not be subdivided unless proper safeguards are provided by the developer and approved by the Borough Council.
- b. Consideration shall be given in the design of all land developments and subdivisions to the future development needs of the Borough and to any objectives established in any Borough comprehensive or master plan for land use, streets and thoroughfares, public utilities and facilities and to other governmental plans affecting the subdivision and land development.

- c. All subdivision and land development plans shall conform with any officially adopted Zoning Ordinance or official map concerning the area.
- d. No subdivision or land development plan shall create a “nuisance” for any abutting property, the neighborhood in which the plan is proposed or for the Borough as a whole. The Borough Council shall determine if a “nuisance” is being created by the Plan, as defined by applicable Federal, State, County, Borough laws and regulations.
- e. In reviewing subdivision and land development plans, the Borough Council will consider the adequacy of existing or proposed community facilities to serve the additional dwellings or uses proposed by the subdivision.
- f. Areas may be required to be provided or reserved for such community facilities and these should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
- g. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in any officially adopted plan of the Borough.
- h. All plan proposals shall be coordinated with existing and proposed development on adjoining or adjacent land.
- i. Unless specifically set forth herein design standards for streets and driveways shall be as set forth in the latest edition of Penn DOT publication entitled “Guidelines for Design of Local Roads and Streets - Publication 70.”

### 3.203 Environmental Protection Standards

- a. In the design of any subdivision and land development, the Borough Council shall require that maximum consideration be given to the preservation and protection of the natural environment so as to safeguard the public health, safety, and welfare of all residents of the Borough and to minimize any adverse effects resulting from the proposed development.
- b. Where one of the required subdivision-land development plan reviews indicates that the development may create an adverse environmental impact upon the public health, safety

or welfare, the Borough Council may require and the Subdivider, at his expense, shall present a plan indicating the specific manner in which the adverse impact will be minimized, eliminated, or mitigated as further set forth in 3.203 c. below.

No Preliminary or Final Plan application shall be considered effective until such a required environmental plan has been submitted. The Borough Council may refer such a plan to any appropriate governmental or other agency or authority qualified to review and/or determine if the plan meets the requirements and objectives of this Ordinance and the requirements of any other Federal, State, County, Borough, or other applicable law or regulation.

- c. Environmental factors for which the Borough Council may require a plan include but are not limited to the following:
- Erosion and sediment control for which a plan is required as set forth in Section 3.215.
  - Soil conservation and topsoil protection.
  - Identification and preservation of wetland areas.
  - Avoidance of "wetlands" and drainage problems.
  - Natural and historic feature preservation.
  - Adequate provision of utilities in accordance with Sections 3.213 and 3.214.
  - Sewage system for which a plan may be required in accordance with Section 3.213.
  - Protection of flood plain areas and avoidance of future flooding problems.
  - Lake, stream and river frontage preservation.
  - Tree preservation, removal and planting.
  - Topographic and geologic factors.
  - Preservation of prime agricultural land.

- Control of excessive noise.
  - Control of excess traffic created by the proposed subdivision.
  - Where applicable, as determined by the Borough Council, a reclamation and a reseeding plan may be required for mining or earth moving activities or for any use which substantially modifies the nature of the existing terrain or environment, or which is of a type identified in Sections d, e and f below.
- d. No subdivision or land development plan shall be approved if it creates any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactivity, chemical storage, environmental or other hazard; noise or vibration; smoke, dust, dirt, or other form of air, solid waste or water pollution; electrical, glare, traffic congestion or other disturbance of a permanent or recurring nature which will adversely affect the surrounding area or premises, or be dangerous to public health and safety.

The Borough may determine compliance with this section based on the following:

1. Data and information submitted by the Subdivider.
  2. Where such data and information is not sufficient to reach a determination, the Borough may require additional information from the Subdivider.
  3. The Borough may also require detailed expert review of all such plans to determine compliance in accordance with established standards or with regulations of applicable governmental agencies.
- e. No subdivision or land development shall create any environmental or nuisance problems which adversely affect areas which are predominately used for residential purposes.
- f. Timber foresting, harvesting and logging operations shall be subject to all applicable DER, County Conservation District or other existing State or Federal regulations.

### 3.204 Street System Layout and Design Standards

- a. Street dimensions and design standards shall be in accordance with Table 1 (See Page 20).
- b. Proposed streets shall be designed to provide safe and efficient access to all parcels, to create a functional street system and each street contained in a subdivision or land development plan shall be classified as either a "major street," "collector street," "local street" or "non-residential street" as defined herein. Such streets shall be designed to minimize street intersections and pedestrian-vehicular conflicts and in accordance with the standards for the appropriate class of street as defined herein and as shown on Table 1.
- c. The location of all major streets in the proposed subdivision and land development shall conform in general alignment to any official approved Comprehensive Plan, adopted by the Borough or the County.
- d. Where a proposed subdivision abuts an existing street which has a narrow width, improper alignment or other deficiency, the Borough Council may require dedication, reservation or easement for additional right-of-way within the property limits of said proposed subdivision to correct the existing deficiency in accordance with the requirements of Table 1.
- e. The street system layout shall make adequate provision for any possible resubdivision or new additional subdivision of the area being subdivided.
- f. All streets shall be either "public streets" suitable for dedication to the Borough or, if requested by the Subdivider all streets may be "private streets" subject to the following:
  - Streets less than 250 lineal feet in length may not be accepted by the Borough for dedication.
  - Where private streets are provided, they shall meet all of the Design and Improvement requirements of Tables 1 and 3\* (including installation of sub base, base courses, and top binder, paved wearing or surface course).

\* Table No. 1 is on page 20 and Table No. 3 is on page 39 of this document.

In all cases where "private streets" are permitted, responsibility for improvement and continuing maintenance shall be the responsibility of the Subdivider and the owner of each abutting parcel and the Borough or the County does not imply any acceptance of responsibility for improvement or maintenance of "private streets."

In all cases where private streets are permitted, a note shall be added to the plan indicating the following:

- Who owns the streets.
- Who is responsible for construction and for continued maintenance.
- That the Borough or the County has no responsibility for ownership, construction or continued maintenance of said streets.

The Borough may, at its discretion, refuse to approve any "Private Streets" which should remain open and accessible to the public in order to preserve the safety, health and welfare. The Borough may also require the creation of a permanent means for ensuring the continued maintenance of all "private streets."

- g. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Borough Council deems such extension undesirable for specific reasons of topography or design.
- h. Streets shall be logically related to the topography to produce usable lots or development parcels and reasonable grades.
- i. Local streets shall be laid out to discourage through traffic, but provisions for street connections into and from adjacent areas will generally be required.
- j. Alleys may be provided in residential districts but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.
- k. Proposed streets shall be extended to provide access to adjoining property where necessary to preserve the public health, safety or welfare.

- l. Adequate street rights-of-way shall be provided as necessary, where lots in the proposal are large enough to permit resubdivisions, or if a portion of the tract is not subdivided.
- m. Where a subdivision abuts or contains an existing or proposed major street, the Borough Council may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.

Where residential reverse frontage lots are utilized, they shall have a rear yard with a minimum depth of seventy five (75) feet to the ultimate right-of-way of the major street on which they abut and they shall have a planting screen easement at least ten (10) feet wide, across which there shall be no right of access.

- n. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where satisfactory assurance for dedication of the remaining part of the street can be secured.
- o. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- p. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets.
- q. New reserve strips, including those controlling access to streets, shall be prohibited.
- r. Names for all new subdivisions, streets, playgrounds and parks shall be shown on all Plans and approved by the Borough. No name shall be approved which will duplicate or be confused with the name of an existing subdivision, street, playground or park. Existing street names shall be continued whenever possible. Street names shall be designated according to direction and length, by the proper term as set forth in the following table:

---

**STREET NAMING SYSTEM**

---

Long or General Direction	Short or Continuous Street	Discontinuous Street
North and South	Streets	Places
East and West	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes

TABLE 1

MINIMUM DESIGN STANDARDS FOR PUBLIC AND PRIVATE STREETS (a)

Design Specification	Major Street	Non-Residential Street	Medium Density Residential Area (e)		Low Density Residential or Recreational Area (d)	
			Collector	Local	Collector	Local
A. Right-Of-Way Width (ft.)	80	55	50	50	50	40
B. Cartway Width (ft.)	44	40	34	28	28	26
- Sidewalk (f)	6	6	4	3	3	3
- Minimum Improved Portion (g)	44	24	22	20	20	20
- Shoulders (h) (each side)	0	8	6	4	4	3
C. Minimum Centerline Radii for Horizontal Curves (ft.) (b)	700	200	400	200	400	200
D. Minimum Sight Stopping Distance (ft.) (c)	475	350	350	235	350	235
E. Minimum Corner Intersection Sight Distance (c)	950	500	500	350	500	350
F. Maximum Grade (%)	*	*	*	*	*	*

\* NOTE: Maximum Grade (i) shall be based upon the type of road or street proposed.

Maximum Vertical Grade In Areas that Are	Major Roads Speed Limit 55 MPH	Low Density and Non-Residential Roads Speed Limits (Design or Proposed)							
		55 MPH		40 MPH		30 MPH		20 MPH	
		COL	LR	COL	LR	COL	LR	COL	LR
1) Generally Level	3.5%	5.5%	5.5%	7.0%	7.0%	7.0%	7.0%	7.0%	8.0%
2) Generally Rolling	4.5%	6.5%	7.0%	8.0%	9.0%	9.0%	10.0%	10.0%	11.0%
3) Generally Mountainous	6.0%	8.5%	9.0%	9.0%	10.0%	9.0%	11.0%	10.0%	12.0%

Footnotes: See next page.

## FOOTNOTES FOR TABLE 1:

- (a) The standards in Table 1 are the minimum requirements for all Subdividers. Designers should refer to Penn DOT publication entitled "Guidelines for Design of Local Roads and Streets - Publication 70" for more detailed design criteria. Low and Very Low Density Residential in this table generally corresponds with the "Rural" design criteria of that Publication, while Medium Density Residential corresponds with the "Urban" design criteria.

All streets may be proposed as either "public streets" suitable for dedication to the Borough or as "private streets" in accordance with the provisions of Section 3.204.

- (b) Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves. Except on "local streets," a one-hundred-foot (100) minimum tangent shall be required between curves.
- (c) Minimum sight distance is measured with the height of the eye at three and three quarters (3.75) feet to the height of the object on the road at one-half (0.5) feet. Vertical curves shall be used at changes of grade exceeding one percent and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed above.
- (d) Very Low Density includes residential developments having a net project density of less than one (1) unit per acre or recreation subdivisions as defined herein, which are considered by the Borough Council to have an equivalent density.
- (e) Low density includes developments having a net project density between one (1) and three (3) units per acre.
- (f) Sidewalks will normally be required except where there is a physical site limitation that results in a hardship situation. However, the Borough will expect the applicant to provide alternative pedestrian circulation improvements which may include development of new sidewalk on the opposite side of the street or along the rear of the property.
- (g) Improvement of right-of-ways, cartways (including pavement and shoulder areas) shall be carried out in accordance with any Delaware Water Gap Borough Road Construction Resolution, and with Appendix A herein.
- (h) The Borough Council may require shoulder areas to be fully improved if warranted by individual street requirements or function.

- (i) Maximum grades in excess of those shown in the above Table 1 may be permitted by the Borough Council in steep slope areas where complete compliance with the requirements of Table 1 is not topographically or economically feasible, provided that safe and efficient access shall be preserved.

### 3.205 Street Intersections

- a. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.
- b. Multiple intersections involving junction of more than two and one-half (2 ½) streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- c. Clear sight triangles shall be provided at all street intersections within which no obstruction to vision shall be permitted between a height of two and one-half (2.5) to ten (10) feet above the center line grade of each street. Such clear sight triangles shall be established from the point of intersection of the center lines of the intersecting streets for a distance of seventy five (75) feet where both streets are local streets, one hundred (100) feet where one (1) or both streets are collector streets or non-residential streets, and one hundred fifty (150) feet where one or both streets are major streets.
- d. To the fullest extent possible, intersections with major streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line.
- e. Two streets intersecting a third street from opposite sides shall be laid out directly opposite one another or with a minimum center line offset of one hundred twenty five (125) feet when all streets are local streets, or with a minimum center line offset of three hundred (300) feet when one (1) or more of the streets is a collector street, a non-residential street or a major street.
- f. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only local streets, thirty five (35) feet for intersections involving collector streets or non-residential streets and fifty (50) feet for intersections involving major streets.

- g. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than a five (5) percent grade for a distance of thirty five (35) feet measured from the nearest right-of-way line of the intersecting street.

### 3.206 Cul-de-sac Streets

- a. Dead-end streets serving more than four (4) dwelling units shall be designed as cul-de-sac streets with an improved turnaround.
- b. Cul-de-sac streets, or any system of connected cul-de-sacs served by one access point, permanently designed as such, shall be considered to be local streets and they shall not exceed eight hundred (800) feet in length, and shall generally furnish access to not more than eighteen (18) dwelling units.
- c. Cul-de-sac street shall be provided at the closed end with a paved turnaround having a minimum radius to the outer improved edge or curb line of forty (40) feet and a minimum right-of-way radius of fifty (50) feet.
- d. Unless future extension is clearly impractical or undesirable, a right-of-way of the same width as the street shall be carried to the property line from the end of the cul-de-sac in such a way as to permit future extension of the street into the adjoining tract.

### 3.207 Lot Design Standards

- a. Area and other dimensions of lots and parcels shall conform with the requirements of any Zoning Ordinance of the Borough.
- b. All lots shall front on a public street, except that such frontage may be located on a private street where such a private street is permitted as set forth in Table 1 and Section 3.204 f.
- c. For lots which are less than one (1) acre in size, the ratio of the depth of any lot to its width shall not be greater than three (3) to one (1), except as may be specified in any Zoning Ordinance of the Borough.

- d. Side lot lines shall be substantially at right angles or radial to street lines.

### 3.208 Blocks

- a. The length, width and shape of blocks shall be determined with due regard to the following:
  - 1. Provision of adequate sites for buildings of the type proposed.
  - 2. Zoning requirements.
  - 3. Topography.
  - 4. Requirements for safe and convenient vehicular and pedestrian circulation.
- b. Blocks shall normally have a maximum length of twelve hundred (1200) feet. In the design of blocks longer than one thousand (1000) feet, special consideration shall be given to the requirements of satisfactory fire protection and pedestrian travel.
- c. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used; where special superblock, cluster design, planned unit developments or other large scale, commercial or industrial developments are proposed or where topographic or other conditions prevent such a design.
- d. Pedestrian interior crosswalks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a right-of-way width of not less than ten (10) feet and a paved walk of not less than four (4) feet. Sidewalks shall have handicapped access provided at all street intersections.

### 3.209 Off-Street Parking and Loading

- a. Every type of residential land development or subdivision shall provide off-street space for at least two (2) vehicles for each proposed dwelling unit. Such off-street parking spaces may be in an individual garage, carport, or driveway (located

within the lot line) or in a common compound area convenient to the dwelling units to be served.

- b. Depth and width of parcels laid out or reserved for non-residential use shall be sufficient to provide satisfactory space for off-street parking and unloading for the intended use.
- c. Parking stalls shall be a minimum of nine (9) feet wide by eighteen (18) feet long.

### 3.210 Driveways

- a. Driveway widths shall be designed to properly and safely serve the function for which they are intended. Such driveways shall not be less than ten (10) feet wide or greater than thirty (30) feet wide.
- b. Driveway entrances shall be clearly defined and shall provide a minimum turning radii at the street intersection of ten (10) feet when serving a residential area and thirty (30) feet when serving a non residential development. Such turning radii shall be properly constructed in relation to the type of curb provided.
- c. The number of driveways and driveway intersections on a major street shall be minimized and avoided where possible. Permits for driveways intersecting with State roads or highways shall be secured from the Pennsylvania Department of Transportation. Such driveway intersections shall generally not be located closer than seventy (70) feet from any street intersection right-of-way line.
- d. Driveway grades shall not exceed ten (10) percent when access is to a collector or local street, or seven (7) percent when access is with a major street, except where such excess grade is required to provide adequate access to the parcel and in such cases, a seven (7) percent leveling area shall be provided within twenty (20) feet of the street right-of-way line.

### 3.211 Storm Drainage

- a. All parcels shall be laid out and graded to provide positive drainage away from buildings.

- b. Storm sewers, culverts and related installations shall be provided:
  - 1. To permit unimpeded flow or natural water courses.
  - 2. To insure adequate drainage of all low points along the line of streets.
  - 3. To intercept storm water run-off along streets at intervals reasonable related to the extent and grade of the area drained.
- c. In the design of storm sewerage installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water run-off over adjacent properties.
- d. Storm water management shall conform with the requirements of the Pennsylvania Storm Water Management (P.L. 864), as amended, and by the Storm Water Management Guidelines established by the Pennsylvania Department of Environmental Resources and any Storm Water Management Plan adopted by the County.
- e. All developments shall limit the rate of storm water run-off so that no greater rate of run-off is permitted than that of the site in its natural condition.
- f. Storm drainage systems shall be designed separately from any sanitary sewer systems and such storm systems shall be installed in accordance with sound and established engineering practices as determined by the Borough Council. Such storm systems shall be designed to accommodate any storm discharges from the property being subdivided and additional run-off which may occur from higher elevations within the same watershed when it is fully developed. Such storm systems shall not overload existing storm drainage systems or create flooding hazards.
- g. Facilities such as bridges, culverts, dams and other drainage facilities affecting the flow of water in a watershed shall meet the requirements and be approved by any State Agency having jurisdiction over such facilities.

### 3.212 Easements

- a. Easements with a minimum width of fifteen (15) feet plus the width of any physical improvement, or with the minimum width of any natural swale shall be provided as necessary for all utilities and drainage facilities, including installation of "private" utility services.
- b. Easements for installation of underground conduits for electric power, telephone, and television cable lines shall be provided so that each lot or leased unit can be practically served.
- c. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- d. Where a subdivision is traversed by a water course, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such water course and of such width as will be adequate to preserve natural drainage.
- e. Special requirements for environmental easements are presented in section 3.218 of this Ordinance.

### 3.213 Water Supply and Sewerage Facilities

- a. All subdivisions and land developments located within the Borough shall be served with an adequate water supply system and with an adequate sewage system. If Borough centralized water or sewer service is available to the proposed subdivision, then the Borough shall require the subdivision to connect to the Borough centralized system. If a Borough centralized water or sewer system is not available, then the Subdivider shall design either an on-lot, publicly owned, or private central systems.
- b. The sewer system shall meet the requirements of the "Official Sewage Facilities Plan" for Sewage Systems adopted by the Borough as required by the Pennsylvania Sewage Facilities Act, as amended, and by the requirements of the Pennsylvania Department of Environmental Resources. Such facilities shall be designed in accordance with requirements of the Pennsylvania Department of Environmental Resources, the Borough and any Authority

having jurisdiction over such facilities, subject to the review and approval of the Borough Council.

- c. Capped sewers and/or water lines shall be installed when a public sewer and/or water system will be available to serve the subdivision in a reasonable time, not to exceed ten (10) years, in accordance with the "Official Sewage Facilities Plan and/or water plans" and other ordinances of the Borough.
- d. Any "Supplement" or "Plan Revision" of the "Official Plan" for Sewage Systems, as required by Pennsylvania DER requirements, shall be obtained by the Subdivider and made a condition for the Final Approval of any subdivision or land development. It is recommended that an application for such required "Supplements" or "Plan Revisions" be initiated by the Subdivider during the Preliminary Plan Phase and prior to submission of the Final Plan.
- e. All water supply systems and sanitary sewer systems, whether public or private, located in any designated flood plain district shall be flood proofed up to the regulatory flood elevation.
- f. Where a Subdivider proposes to provide a water supply by means other than by private wells owned and maintained by the individual owners of lots within the subdivision then the Subdivider shall present evidence to the Borough that the subdivision or development is to be supplied by a certified 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 or cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate shall be acceptable evidence.
- g. Any centralized water system shall also include a requirement in the developer agreement that any new dwelling unit or equivalent dwelling unit shall be required to have a separate water meter.

### 3.214 Other Utilities

- a. A plan for providing all necessary utility services to the proposed subdivision and land development shall be prepared by the Subdivider in cooperation with the

appropriate public utility companies and governmental agencies.

Wherever possible, utilities shall not be placed under the paved portion of a street and easements should be provided to facilitate utility locations in areas which will facilitate easy access to and repair of utility lines.

- b. Fire hydrants shall be required in medium density areas (net project density of more than three (3) units per acre) and wherever a central water system is installed. Spacing of hydrants shall be such that no residential structure shall be farther than six hundred (600) feet and no non-residential structure shall be farther than four hundred (400) feet from a hydrant.

Additional standards published by the Insurance Services Office of Pennsylvania may also be applied by the Borough Council.

- c. All electric utility distribution lines, telephone, cable TV, and other similar lines shall be installed underground in subdivisions or land developments.
- d. Wherever practicable, in accordance with good engineering practice, utility easements and trenches shall be occupied jointly by compatible utilities.
- e. All public and/or private utilities and facilities including gas and electric shall be elevated or flood proofed up to the regulatory flood elevation.

### 3.215 Erosion and Sediment Control

- a. The Pennsylvania Department of Environmental Resources under the authority of the Pennsylvania Clean Streams Act requires that all land owners or persons shall develop an Erosion and Sedimentation (E&S) Control Plan. Subdividers proposing subdivisions and land developments requiring the movement of earth shall prepare an Erosion and Sedimentation Control Plan. The standards and requirements for such a plan shall comply with the latest Erosion and Sediment Pollution Control Program Manual published by the Pennsylvania Department of Environmental Resources, Bureau of Soil and Water Conservation.

Said Plan shall be prepared in accordance with Title 25, Rules and Regulations of the Clean Streams Law (P.L. 1987) and shall be submitted to the Borough as a part of the Preliminary Plan submission or said Plan may be required by the Developer's Agreement after Preliminary Plan approval, but before Final Plan approval or construction of improvements.

- b. If the proposed subdivision and land development is over twenty five (25) acres then the Subdivider is required by the State to secure a permit from the Pennsylvania DER. Said permit shall be a condition for the Final Approval of any subdivision or land development.
- c. The Conservation District shall review all plans for E&S that are required as part of this Subdivision and Land Development Ordinance.

### 3.216 Additional Non-Residential Requirements

- a. Wherever possible, commercial and industrial parcels should include enough land to provide for a group of commercial establishments to be planned, developed and operated as a unit. Such a development shall be planned with coordinated driveways, parking areas and other common facilities. Narrow, highway ribbon developments fronting directly on a major street should be discouraged, whenever possible.
- b. Traffic movements in and out of commercial and/or industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas. The Borough will require a traffic impact study for any new development and enlargement that shall generate more than five hundred (500) trips per day.
- c. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- d. Block layout and design shall give due consideration to site conditions, to the best possible service to customers, traffic and parking circulation and pick-up and delivery services.
- e. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities required to properly serve the intended use.

### 3.217 Solar Orientation and Energy Conservation

- a. All developers are encouraged to use recognized solar design principles and features which will maximize the use of individual building sites for passive solar building construction.
- b. Such solar principles include the following:
  - Layout of streets to provide a maximum number of sites with a southern orientation to maximize solar heat gain.
  - Minimum use of north facing building exposures.
  - Protection of solar access.
  - Landscaping to complement solar use and to promote cooling in the summer.
  - Protection of trees.
  - Shading for summer solar exposures.

3.218 Environmental Protection Required Easements and Consideration - Proposed subdivisions and proposed land developments shall be subject to special environmental/easements and planning considerations. These environmental considerations are identified because, if not properly considered, the proposed subdivision and/or land development could adversely affect the public health, safety or welfare. The following regulations shall be required for environmental protection. Such environmental or hazardous conditions shall include a flood hazard, wetlands, rivers and streams, groundwater aquifers and recharge areas, areas with a slope in excess of fifteen (15) percent. It is the intent of this Ordinance that all development follow standards for environmental protection while providing a reasonable use for the property owner. Special review requirements are described at the end of this Section.

- a. Areas Subject To Flooding
  1. Definition - Floodplain here means those areas designated on FEMA Flood Insurance Rate Maps as areas of special flood hazard, as defined by the 100-year floodplain boundary.

2. Special Requirements for Development in Floodplain - Structure or disturbance within the 100-year flood boundary shall conform with the following standards:

- Any obstruction of floodwater, as well as any increase in potential for flooding on other properties, should be prohibited.
- New development shall not result in a rise in flood elevations on or off the site, either upstream or downstream.
- Finished grade of the lowest habitable floor of a structure shall be at least one (1) foot above base flood elevation.
- No lakes, ponds, or natural areas which detain natural drainage flows shall be filled without approval from the Zoning Hearing Board.
- All structures shall be floodproofed and securely anchored unless otherwise exempted.
- No structural development shall be permitted in the floodway except where the effect of such permitted development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or State authorities.
- Disturbed areas shall be properly stabilized to prevent future damage from storms, heavy runoff and flooding.
- No on-site sewage disposal systems shall be placed within the 100-year flood limits.

b. Wetlands

1. Delineation of Wetland Boundaries - Wetland here means lands of the Borough as shown on the National Wetlands Inventory Map of U.S. Fish and Wildlife Services, or those lands which are identified as wetlands by recognized applicable authorities or studies, or some other competent authority or agency recognized by Borough Council.

The National Wetland Inventory Map shall be used as a legal basis for the delineation of wetland. In addition, an on-site inspection or survey by a licensed wetland inspector or soil technician recognized by the Planning Commission shall be required.

2. Special Requirements for Wetland Protection - All developments or activities proposed within the designated wetlands or the 100-foot protective buffer zone shall be subject to special permit review by the Board, and should comply with all relative Federal and State laws as a condition of subdivision and land development approval.

No development that would result in the despoliation and destruction of wetlands should be permitted.

No sewage disposal systems shall be located within the wetland boundary or the 100-foot buffer zone.

Where development on wetlands is inevitable due to factors, wetland mitigation shall be required.

c. Groundwater Aquifers and Recharge Areas

1. Definition - Groundwater is replenished, or recharged by the rain or snow that falls on the land.

Groundwater aquifers are permeable saturated underground formations of rock, sand or gravel groundwater.

Recharge areas are land surface areas through which groundwater enters the earth.

2. Special Requirements for Groundwater Protection - Any proposed land use which may directly by means of effluent discharge into the ground or indirectly through leaching of stored materials result in the pollution of the groundwater shall be prohibited from developing in the aquifer outcrops and/or recharge areas. The determination of such hazards shall be made by the appropriate State Agency and/or a qualified sanitary engineer recognized by Borough Council.

- d. River, Streams, Ponds and Lakes - Rivers, streams, ponds and lakes shall be left as permanent open space. No development, filling, piping or diverting shall be permitted except for required roads. Even roads shall be designed to minimize disruption. This regulation also applies to wetlands.

All developments shall protect rivers, streams, lakes and ponds from sedimentation and shall control erosion in accordance with PA Stream Law Act and DER implementing regulations.

No alteration of watercourses, whether by excavation, filling, grading, clearing, draining or otherwise shall be made that affects the water levels or flow of such watercourses without review as to the effect of such alteration and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. This review and recommended approval of such alteration shall be made by the Borough Planning Commission in consultation with the Soil Conservation Service and the DER.

All development proposed within one hundred (100) feet of the normal stream bank of river, stream within the Borough or within one hundred (100) feet of any pond, reservoir or other water body in excess of one-fourth (1/4) acre of water surface area shall be subject to special permit review by the Borough Council.

e. Steep Slopes

1. Definition - Steep slopes here mean areas with a slope of greater than fifteen (15) percent (i.e., a rise or fall of more than fifteen (15) feet in a horizontal distance of one hundred (100) feet).
2. Special Requirements for Developments on Steep Slopes - Development on sites with steep slopes shall be minimized wherever possible so as not to excessively increase water runoff, cause soil erosion, stream sedimentation, stream siltation, mud slides or cause any other significant disruption of the environment. Disturbances of any such areas shall be stabilized and reclaimed as much as possible during and after construction.

Grading plan, soil erosion and sedimentation control plan, and landscaping plan, prepared by the owner or developer of the land, shall be required and be submitted with any site plan proposal which involves slopes greater than fifteen (15) percent. The plans should contain methods to minimize rainfall runoff and to prevent erosion and the resulting sedimentation. The erosion and sedimentation control plan shall meet the requirements of PA DER in this regard.

Grading shall be minimized to the extent possible on sites with slopes over fifteen (15) percent. There shall be no grading permitted on slopes greater than twenty five (25) percent without a positive recommendation from the Borough Planning Commission after they receive a review comment from the local Soil Conservation Service.

- f. Special Review Requirements - The Borough Planning Commission and Borough Engineer shall perform a special review for proposed subdivisions and/or land developments that contain one or more of the above areas of environmental concern. The Borough shall require that areas affected by these environmental limitations be placed in an environmental easement thereby limiting the use of these lands appropriate to their environmental limitation. Every lot created or proposed to be developed through this subdivision and land development process shall also meet the minimum zoning ordinance standards for land use and development. Otherwise, the lots adversely affected by environmental limitations should be enlarged and redesigned in order to create usable lots.

## ARTICLE 4

### MOBILE HOME PARKS

#### 4.100 DESIGN STANDARDS DETAILS

All subdivisions and land developments designed as a mobile home park shall comply with the requirements of the State of Pennsylvania for such mobile home parks. All such parks shall be subject to the following requirements and to all other applicable requirements of this Ordinance:

- a. Lot Requirements - All individual mobile homes located in a mobile home park shall have a minimum lot size, set back, area and side yard as required by any Zoning Ordinance of the Borough.
- b. Landscaped Buffer Areas - Except where affected by access roads or other functional design reasons the Subdivider of all mobile home parks shall provide for the development and maintenance of a landscaped buffer area at least ten (10) feet in width (in addition to any required yards) along all property boundary lines consisting of fences and/or appropriate trees and/or other suitable natural plant materials. The construction of any buildings or accessory structures shall not be permitted within this buffer area. A planting plan specifying the type, size, and location of existing and proposed plant and fence material shall be required.
- c. Size and Location of Mobile Home Parks
  1. All mobile home parks shall have a minimum overall tract area of five (5) acres.
  2. There shall be a minimum distance of twenty five (25) feet between an individual mobile home and the adjoining mobile home. There shall be a 15-foot minimum setback distance between any part of a mobile home and the adjoining pavement of any other mobile home, park street or other common area.
- d. Foundation Anchors and Enclosures
  1. An adequate number of foundation anchors for the placement and tie-down of the mobile home shall be provided for the purpose of stabilizing the super-structure against uplift, sliding, rotation and over-turning. Foundation anchors shall be adequately designed and installed to

provide adequate tie-down as required above. Anchors shall be positioned at random distances as required for tie down purposes.

2. All mobile home parks shall provide for the enclosure of the foundation area on which the mobile home unit is situated. Enclosures shall be installed within a minimum of one hundred eighty (180) days after placement of a mobile home unit.
- e. Off-Street Parking - At least two (2) off-street parking places shall be provided for each mobile home. Off-street parking stalls shall be a minimum of nine (9) feet wide by eighteen (18) feet long.
- f. Required Improvements - All mobile home parks shall comply with the Required Improvements set forth in Article 5 and shall conform with the Design Standards set forth in Article 3.

The Developer shall provide all mobile home parks with adequate streets, sewer, water and other facilities and shall meet all the requirements of this Ordinance for residential subdivisions and land developments.

- g. Other Utility Requirements
1. Each mobile home lot shall be provided with a suitable method for connecting the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall be encased in a waterproof catch basin.
  2. Each mobile home lot shall have a water riser pipe which connects the mobile home water system to the central water system.
  3. All fuel storage tanks shall be constructed in accordance with appropriate State agency and fire code regulations.
- h. Special Design Features - The Borough Council will give special consideration to any unique design features required or provided by the mobile home park, including such factors as:
- Lots laid out at an angle to streets to facilitate the movement of mobile homes.

- One-way streets.
- Design to facilitate vehicular circulation and vehicular access to each lot.
- Common vehicle parking areas.
- Provision of common recreation, open space or service facilities required to meet the needs of the mobile home park.
- Provision of adequate and secure storage space and buildings to service the mobile home park.

ARTICLE 5

REQUIRED IMPROVEMENT

5.100 APPLICATION

The minimum improvements required for all subdivisions and land developments which shall be provided and installed by the Subdivider as a condition for final approval of any plan shall be set forth in this section. Alternate improvement standards may be permitted if the Borough Council deems them equal or superior in performance characteristics to any specified improvements. All improvements are subject to the review, advice and inspection of the Borough Council. Additional or higher type improvements may be required in specific cases where the Borough Council find them to be necessary to create a condition essential to the public health, safety and general welfare of the citizens of the Borough.

5.200 SUMMARY OF REQUIRED IMPROVEMENTS

Minimum improvements to be required of the Subdivider, where applicable, shall include the following. Additional improvements may be required in accordance with other adopted ordinances or regulations.

TABLE 3

REQUIRED IMPROVEMENTS TO BE PROVIDED

Type of Improvement Required	Non-Residential Areas (a)	Medium Density Residential (b)	Low Density Residential (b)	Mobile Home Parks
Improved Streets	X	X	X	X
Adequate Drainage and/or Storm Sewers (c)	X	X	X	X
Sidewalks	X	X	X	(d)
Monuments and Markers	X	X	X	(e)
Shade Trees	X	X	X	X
Street Name Signs	X	X	X	
Street Lighting	X	X	X	X
Fire Hydrants	(f)	(f)	(f)	(f)
Electric & Telephone	X	X	X	X
Central Water & Sewer	(g)	X	(g)	X

Footnotes: See next page.

Footnotes:

- (a) This column includes requirements for non-residential development such as shopping centers, office development, and industrial development.
- (b) Low density includes developments in R-1 Zoning District. Medium density includes development in R-2 Zoning Districts.
- (c) Sod, stone or concrete swales and/or concrete or asphalt rolled curbs and gutters or valley gutters shall be provided in accordance with sound design and maintenance standards where required to adequately control storm water.
- (d) Sidewalks will not normally be required except where they would be an extension of an existing sidewalk system or where they are needed to facilitate pedestrian traffic to school, shopping, park or other uses which generate pedestrian traffic as determined by the Borough Council.
- (e) Monuments required at corners of Mobile Home Park property.
- (f) Fire hydrants are required wherever a central water system is installed.
- (g) Central water and sewer facilities and capped sewers shall be required in accordance with County and Borough sewer and water plans and also with PA DER requirements.

Alternate or experimental water or sewage systems may be permitted if approved by PA DER.

X Indicates that the improvement is required.

### 5.300 REQUIRED IMPROVEMENTS DETAILS

5.301 All required improvements shall be constructed in accordance with the requirements of this Ordinance and with Appendix A to this Ordinance which is on file at the office of the Borough Secretary. Said Appendix is entitled "Required Subdivision and Land Development Improvements." Said Appendix A may be updated by separate resolution(s) at a legally convened meeting of the Borough Council after publication of a Notice of Intent to adopt such a resolution.

The design of all required improvements shall be reviewed by qualified Borough staff, Community Planner and/or the Borough Engineer and said review shall include a determination that all improvements have been designed in accordance with the Design

Standards set forth in Article 3 and with other applicable Borough requirements and shall be consistent with sound engineering and construction practices.

#### 5.400 FLOOD PRONE AREA REQUIREMENTS

a. All development proposed in any identified 100-year floodplain, as set forth in "Flood Insurance" or Floodplain Ordinances or other applicable authoritative studies shall be designed in accordance with sound floodplain management principles. Such principles shall include the following:

- Development in the "floodway" portion of the floodplain shall be kept free of any encroachment which obstructs or limits the flow of water, except that temporary or seasonal uses which are not permanent and which can be moved or which do not obstruct the flow of water may be permitted by the Borough Council if they do not constitute a potential threat or hazard to life and property.
- Development in the "floodway fringe" portion of the floodplain will be permitted, provided that hazardous velocities are not produced.

The "floodway" plus the "floodway fringe" constitute the 100-year floodplain area. The "floodway fringe" includes the outer limits of the 100-year floodplain area, which if completely obstructed would not increase the water surface elevation of the 100-year flood by more than one (1) foot within the floodway.

- b. No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements will individually or collectively, increase the 100-year flood elevation more than one (1) foot at any point in the floodway area.
- c. Building sites for residences or other types of buildings or accommodation shall not be permitted in the floodway area. Sites for these uses may be permitted outside the floodway area if the buildings are protected or are elevated up to the regulatory flood elevation.
- d. If the Borough Council determine that only a part 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.

- e. When a Subdivider does not intend to develop the plan himself, and the Borough Council determine that additional controls are required to insure safe development, it may require the Subdivider to impose appropriate restrictions on the land.
- f. As a basis for determining conformance with these requirements, the Borough Council may utilize information provided by recognized applicable authorities or studies.
- g. All development in flood prone areas shall comply fully with the adopted flood plain Ordinances of the Borough.

## ARTICLE 6

### PLAN REQUIREMENTS

#### 6.100 SKETCH PLAN

Sketch Plans shall be legibly drawn at a scale of one (1) inch to one hundred (100) feet or two hundred (200) feet and shall contain sufficient information to indicate the nature, scope and concept of the proposed subdivision and land development, the major problems to be resolved, the location of the subdivision tract, preliminary or U.S.G.S. topography if available, the name of the land owner and other data considered essential by the Subdivider in presenting his proposal.

#### 6.200 PRELIMINARY PLAN

##### 6.201 Scale

- a. The Preliminary Plan shall be at a scale of not more than one hundred (100) feet to the inch.

##### 6.202 Plan Information

- a. The Preliminary Plan shall show or be accompanied by the following Information:
  1. Proposed subdivision name or identifying title.
  2. North point, scale and date.
  3. Name of the owner of the property and of the Subdivider if different from the owner.
  4. Name of the registered engineer, surveyor responsible for the plan base map and/or plan. Architects and professional planners shall be permitted to prepare a subdivision or land development plan.
  5. Tract boundaries with bearings and distances and total number of acres being subdivided.
  6. Where new street construction or other facilities are proposed, accurate contours at vertical intervals as

may be necessary for satisfactory study and planning of the tract.

7. Where reasonably practicable, data shall refer to known established elevations.
8. If on-lot sewage is proposed, soils information as mapped by the U.S. Soil Conservation Service or by another competent qualified soils scientist.
9. All existing water courses, tree masses and other significant natural features.
10. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
11. All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
12. All "wetland" areas shall be identified as defined and regulated by PA DER and/or the U.S. Army Corps of Engineers.
13. All existing property lines, easements and right-of-way and the purpose for which the easements or rights-of-way have been established.
14. A location map for the purpose of locating the site to be subdivided at a scale not more than two thousand (2000) feet to the inch showing the relation of the tract to adjoining property to all streets, roads and municipal boundaries existing within one thousand (1000) feet of any part of the property proposed to be subdivided.

Also, when applicable, a map showing the location of the proposed subdivision and/or land development, with respect to any involved flood plain district, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the designated flood plain District, proposed lots and sites, fills, flood, or erosion protective facilities.

15. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed public utilities and drainage facilities. Preliminary street profiles may be required by the Borough Council showing the proposed finished grade along the center line and along each right-of-way line.
  16. Wherever practicable, the Preliminary Plan shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.
  17. Where the Preliminary Plan covers only a part of the Subdivider's entire holdings, a sketch shall be submitted of the new prospective street layout for the remainder.
  18. Copies of the proposed deed restrictions, if any, shall be attached to the Preliminary Plan.
  19. A copy of a letter of review from the Monroe County Conservation District.
- b. The Preliminary Plan shall include therein or be accompanied by:
1. All required permits and related documentation from the Department of Environmental Resources and any other Commonwealth Agency, or from the County or Borough where any alteration or relocation of a stream or watercourse is proposed.
  2. Documentation indicating that all affected adjacent municipalities, PA DER, the Department of Community Affairs, and the Federal Insurance Administrator have been notified whenever any alteration or relocation of a stream or watercourse is proposed.

## 6.300 FINAL PLAN

### 6.301 Plan Size and Legibility

- a. The subdivision plan submitted for final approval shall be a clear, legible, white print of an ink drawing or suitable equivalent.
- b. Final Plans shall be on sheets not larger than thirty six (36) inches by forty eight (48) inches overall. It is recommended that as far as practicable, Final Plan sheets be held to the following overall sizes: eighteen (18) inches by twenty four (24) inches; twenty four (24) inches by thirty six (36) inches; thirty six (36) inches by forty eight (48) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, Final Plans shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.

### 6.302 Plan Scale and Required Information

- a. The Final Plan shall be legible and at a scale of not more than one hundred (100) feet to the inch and shall include the following information:
  1. Subdivision name or identifying title.
  2. North point, scale, and date.
  3. Name of the record owner and Subdivider.
  4. Name and seal of the registered professional engineer and/or other qualified professional responsible for the plan.
  5. Boundaries of the tract.
  6. Street lines, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use.
  7. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line and to reproduce such lines on the ground.
  8. The length of all straight lines, radii, lengths of curves, tangent bearings, and deflection angles for each street.

9. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
  10. The proposed buildings set-back line for each street, or the proposed placement of each building.
  11. Location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts and reference locations for all underground utilities.
  12. All dimensions shall be shown in feet and in hundredths of a foot.
  13. Lot numbers. Lot area and net area of usable lot.
  14. Names of streets within and adjacent to the subdivision.
  15. Location of permanent reference monuments shall be shown.
  16. Wherever practicable, names of any adjoining subdivisions shall be shown.
  17. Wherever practicable, names of the owners of any unplotted land shall be shown.
  18. A letter of intent from the municipality indicating willingness or conditions for acceptance of dedication of streets and other public property.
  19. Certificate for approval and signatures by the President of the Borough Council and Borough Secretary and with space for acknowledgement of receipt of the Plan by the County Recorder of Deeds when it is presented for recording.
  20. 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 a driveway access to a state highway is permitted. Access to the state highway shall only be authorized by a Highway Occupancy Permit.
- b. The Final Plan shall include thereon or be accompanied by:
1. An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided. A single owner subdividing property could submit a copy of their Deed,

instead of affidavit (applies to small property owner with less than ten (10) acres).

2. A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property, to the effect that the subdivision as shown on the Final Plan is made with his or their free consent and that it is desired to record the same.
3. Certification from the State Department of Environmental Resources when individual sewage disposal or water systems are to be installed as required by Article 3 of this Ordinance.
4. Certification from the Borough Engineer or Borough Council that the Subdivider has met the applicable requirements of Articles 3, 4, 5, 6 and 7 of this Ordinance.
5. Construction plans for all required improvements including typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; existing (natural) grade along each side of the proposed street right-of-way; proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlets, manholes and culverts. All such plans shall include a public improvements list and shall be in a form suitable to serve as a basis for documenting all improvements to be installed.
6. A contour grading plan may be required if deemed necessary by the Borough Engineer or Borough Council to properly establish grading and drainage patterns. Where buildings are proposed to be developed by the Subdivider, such a plan may be required to indicate building ground and basement floor elevations.
7. Protective covenants, if any, in form for recording.
8. Any other special plans required by the Borough Council in accordance with Sections 3.203, 3.213, 3.214 and 3.215 of this Ordinance.
9. A Development Agreement and Financial Security as required herein and in Article 7.

## ARTICLE 7

### INSTALLATION OF REQUIRED IMPROVEMENTS

#### 7.100 IMPROVEMENTS TO BE PROVIDED BY SUBDIVIDER

In all cases, the Subdivider shall be responsible to pay for the cost of installation of all required improvements under supervision of the Borough and in the manner specified by the Borough and in accordance with Sections 509 and 510 of the PA Municipalities Code PA. Act No. 247 of 1968, as amended by Act 170 of 1988.

#### 7.200 METHOD OF PROVIDING IMPROVEMENTS

No Final Plan shall be approved by the Borough Council until provision has been made by the Subdivider for the proper installation of required improvements in either of the following ways, in accordance with the requirements of the PA Municipalities Code.

- a. Construction of Improvements - The Subdivider may elect to physically install, prior to Final Plan approval, all of the required improvements in accordance with the standards and specifications contained in this Article and with the Final Plan submitted to the Borough Council provided that such Final Plan has been conditionally approved by the Borough Council subject to the construction of improvements as required herein and subject to the execution of the Development Agreement set forth in Section 7.400.

Upon completion of all improvements, the Borough Engineer shall be authorized by the Borough Council to inspect said improvements and shall certify if all improvements have been installed in accordance with this Ordinance. Upon receipt of such a certification, the Borough Council may then proceed to final approval of the Final Plan.

- b. Financial Security - In lieu of Section 7.200 a. above, the Subdivider shall deposit with the Borough sufficient financial security to secure to the public the completion of all of the required improvements within one year of the proposed completion date which is set forth in the Subdivision Plan and in the Development Agreement referred to below in accordance with the requirements of the PA Municipalities Planning Code.

Said Financial Security shall be provided by posting a bond with a bonding company or with a Federal or Commonwealth chartered lending institution. The amount of said Financial Security shall be equal to one hundred ten (110) percent of the cost of completion of the required improvements estimated as of ninety (90) days following the date scheduled for completion by the Subdivider. Said estimate shall be prepared and may be revised annually as set forth in the PA Municipalities Planning Code.

Said amount of security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date for the initial posting of the Financial Security.

Notwithstanding the submission of said Financial Security as required herein, no occupied structure within the proposed subdivision and land development shall be without suitable street access improved with at least the required base, curbs, gutters, and utilities for a period of time longer than six months.

The provision of such financial security may be made available by the Subdivider in accordance with any staging plans approved by the Borough Council.

#### 7.300 FINANCIAL SECURITY FOR MAINTENANCE

Where the Borough accepts dedication of any required improvements, the Borough Council may require the posting of Financial Security to secure the structural Integrity and functioning of said improvements in accordance with the design and specifications approved in the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

Financial Security for maintenance shall be posted as required by Section 7.200 b. and the amount shall not exceed fifteen (15) percent of the actual cost of the installation of said improvements.

Financial Security for maintenance of improvements installed under the jurisdiction and rules of a public utility or a municipal authority shall be posted in accordance with the requirements of said public utility or municipal authority or other appropriate agency and shall not be included in the Financial Security posted with the Borough.

#### 7.400 DEVELOPMENT AGREEMENT

All subdividers proposing any subdivision or land development requiring the installation of improvements as required herein shall be required to

enter into a legally binding Development Agreement with the Borough guaranteeing the installation of said improvements in accordance with this Ordinance. The Borough Solicitor shall prepare the Development Agreement. The Development Agreement shall be in form suitable for execution by the Applicant and Borough Council. The Agreement shall consist of the following where applicable:

- a. The construction authorized by the approved Final Plan, or in the case where Section 7.200 a. applies, in accordance with conditionally approved Final Plan.
- b. Construction of streets with any other required improvements.
- c. Installation of utility lines.
- d. Installation of underground street lighting cable and street lighting poles.
- e. Dedication of streets, transfer of water and sewer lines and easements to the Borough.
- f. Prevention of erosion and water damage to adjacent property.
- g. Subdivider's responsibilities for damage to other property.
- h. The responsibility for providing necessary inspections to ensure compliance with this Ordinance shall be clearly identified.
- i. A work schedule, beginning and ending date, for improvements contained herein.
- j. All planning, engineering, inspection and legal service costs incurred or to be incurred by the Borough including cost of preparing this Development Agreement shall be identified and that amount agreed upon for payment by the Subdivider on a regular basis.
- k. Posting of the required Financial Security to insure completion of all of the required improvements in accordance with Section 7.200 b. if applicable.
- l. Where the Borough accepts dedication of any required improvement, posting of the required Financial Security may be required by the Borough to secure the structural integrity and the functioning of said improvement in accordance with Section 7.300.

The amount of financial security shall not exceed fifteen (15) percent of the actual cost of the installation of said improvements.

- m. The developer shall provide the Borough with two (2) sets of reproducible "AS BUILT" plans, including all improvements which are properly referenced to identify specific locations.
- n. Provisions for violation of the Development Agreement.
- o. The subdivider shall secure or maintain public liability insurance.
- p. A save harmless clause absolving Borough of responsibility.
- q. Liability of Subdivider during warranty period.
- r. No improvements shall be commenced or work begun prior to the execution of this agreement, and the delivery of the required Financial Security in compliance with Section 7.200 b. if applicable.
- s. Other requirements to assure compliance with this Ordinance.

#### 7.500 RELEASE FROM FINANCIAL SECURITY FOR IMPROVEMENTS

The Financial Security provided by the Subdivider shall be released as follows:

- a. When the Subdivider has completed all of the necessary and approved improvements, he shall so notify the Borough in writing by certified or registered mail and send a copy to the Borough Engineer.
- b. Within ten (10) days of receipt of such notice, the Borough shall direct and authorize the Borough Engineer to inspect all of the improvements.
- c. The Borough Engineer shall then file a written report with the Borough Council and shall mail a copy to the Subdivider by certified or registered mail within thirty (30) days after his receipt of authorization to inspect all improvements from the Borough. Said reports shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, with a statement of reasons for any non-approval or rejection.
- d. Within fifteen (15) days of Borough Council's receipt of the Engineer's report, the Borough shall notify the Subdivider in writing

by certified or registered mail of its action in relation to the improvements provided.

- e. If the Borough Council or the Borough Engineer fail to comply with the above time limits, all improvements will be deemed to have been approved and the Subdivider shall be released from all liability pursuant to its Financial Security.
- f. Any improvements not approved or rejected by the Borough shall be expeditiously completed by the Subdivider and upon completion, the same notification procedure as above shall be followed.
- g. If any required improvement has not been installed as required by this Ordinance, by the Approved Final Plan or by the executed Development Agreement, then the Borough shall enforce the Financial Security posted by appropriate legal and equitable remedies. If the proceeds of such Financial Security are insufficient to pay the cost of installing or making repairs or corrections to the required improvements, the Borough may, at its option, install part of such improvements and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder.
- h. The applicant shall be responsible for expenses incurred by the Borough relative to the inspection of improvements. The actual fees shall be levied as a Special Review Fee as per Section 2.200 of this Ordinance. If the applicant wishes to appeal the fee, the Borough Council will consider requests supported by reasons. If an appeal is denied, then the applicant may further appeal the issue to be finally determined by the Zoning Hearing Board (Board). In this case the Board shall serve as an Appeal Board.

#### 7.600 RELEASE FROM FINANCIAL SECURITY FOR MAINTENANCE

The Financial Security for maintenance shall remain in effect for a period of eighteen (18) months after acceptance of dedication by the Borough or other appropriate agency. Said release shall be effected utilizing the same notification procedures set forth in Section 7.500.

## ARTICLE 8

### DEFINITIONS

#### 8.100 GENERAL

For the purpose of this Ordinance, words used in the present tense include the future tense; term "shall" is always mandatory; other terms or words used herein shall be interpreted or defined as follows:

#### 8.200 SPECIFIC TERMS

8.201 Access - The means by which vehicles or pedestrians obtain entrance or entry into a parcel, lot or building, or into a subdivision or land development.

- a. Easement of Access - An easement granted for use by the public for the purpose of providing vehicular and/or pedestrian access to a parcel, lot, building, subdivision or land development.
- b. Right-of-Access - The right of the public to have vehicular and/or pedestrian access over a specifically designated area, easement or property.

8.202 Accessory - This means both subordinate and incidental to a principal use or structure (also see garage accessory building definition).

8.203 Agricultural Purposes - The use of a parcel of land primarily for one or more of the following purposes:

- a. The raising, harvesting and selling of crops including grains, vegetables or fruits, trees and other produce and all structures and activities customarily associated with this activity.
- b. The feeding, breeding, management and sale of livestock, poultry, fur-bearing animals, honey bees, or of the products thereof, etc. not including household and farm pets, and all structures and activities, including the raising of livestock feed or pasturing, customarily associated with this activity.

A parcel of land shall not be considered to be used for agricultural purposes if the subdivision of land is also intended for use primarily

as a recreational subdivision (very low density) as defined herein or for residential, commercial or industrial purposes in which one or more of the agricultural activities listed above are undertaken as an incidental or secondary use as determined by the Borough Council.

- 8.204 Alley - A permanent service way providing a secondary means of access to abutting lands.
- 8.205 Block - Property, bounded on one side by a street, and on the other three sides by a street, railroad right-of-way, waterway, unsubdivided area or other definite barrier.
- 8.206 Bona-Fide Bid - A bona-fide bid is a bid secured by the Subdivider, from a contractor or contractors, for the purpose of verifying the estimated cost to complete the required improvement or improvements which are the responsibility of the Subdivider to provide under the terms of this Ordinance. Said bona-fide bid shall include all costs and activities, as determined by the Borough Council which will provide for the completion of all of the required improvements or maintenance. Said Contract between the Subdivider and the Contractor which shall include the following provisions and stipulations:
- The Contract shall include a clause which states that the Contract may be assigned to the Borough in the event of a default on the part of the Subdivider. This clause should indicate that the Borough will not incur any obligations or liabilities of the Contractor, other than to tender payment for work satisfactorily completed in accordance with the specifications of this Ordinance.
  - The Contract should contain a "not-to-exceed" total contract price.
  - An estimated rock excavation quantity should be included where applicable.
  - The bid price must also include the cost and provision of a performance bond.
  - The Contract should include a "waiver of right to file mechanics lien" which shall be duly filed with the appropriate courts.
  - The contractor must provide and maintain an acceptable level of comprehensive liability insurance.

- All material and work submitted as part of the “bona-fide bid” must comply with the appropriate Borough specifications.
- 8.207 Bond and Bonding Company - Refer to definition of financial security for appropriate definitions for applicable security as required elsewhere in this Ordinance.
- 8.208 Borough Engineer - The Engineer or other qualified representative, designated by the Borough in which the subdivision is located, to perform various engineering duties required by this Ordinance.
- 8.209 Building Set-Back Line - The minimum distance from the front lot line to any building or structure to be erected on the lot.
- 8.210 Cartway - The term “cartway” shall include the portion of the entire right-of-way of a street which contains an improved travel way for vehicles, including space for shoulders and/or parking lanes.
- 8.211 Cluster Subdivision and/or Land Development - A form of subdivision or land development that includes the following two features. The first is a design characteristic in which several houses are grouped together on a tract of land. The second characteristic is that open space is provided and held for the common enjoyment of the residents of this development.
- 8.212 County Planning Commission - The Planning Commission of the County of Monroe, designated to perform various administrative, review, supervisory, and other duties required by this Ordinance.
- 8.213 Commissioners - The Board of County Commissioners of Monroe County.
- 8.214 Comprehensive Plan - The complete plan, or any part of a plan designed to govern and direct the future development and growth of the Borough.
- 8.215 County - Monroe County, Pennsylvania
- 8.216 Cul-de-sac - A local street having one end open to traffic and being permanently terminated by a vehicular turn-around.
- 8.217 Developer - Any land owner or agent of such land owner or tenant with the permission of such land owner, who makes or causes to be made, a subdivision of land or a land development. The term “developer” is intended to include the term “subdivider” as defined herein.

- 8.218 Dwelling - Any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.
- 8.219 Easement - A grant by the property owner of the use of a strip of land by the public, a corporation, or persons for specified purposes.
- 8.220 Financial Security - A deposit made out to the benefit of the Borough, as determined by the Borough Council, in an amount sufficient to guarantee and cover the entire costs of any required improvement or maintenance which is the responsibility of the Subdivider to provide under the terms of this Ordinance but which will allow the Borough to complete said improvements or maintenance in their entirety, without any additional cost to the Borough, in the event of a default, negligence, cost overrun or inflationary increase in price or failure of any type of the Subdivider to provide or complete said required improvements or maintenance.

Said Financial Security shall be approved by the Borough Council and may include irrevocable letters of credit and restrictive or escrow accounts in a Federal or Commonwealth chartered lending institution or other type of Financial Security acceptable to the Borough Council, and such security shall be posted with a bonding company or with a Federal or Commonwealth chartered lending institution authorized to conduct business in the Commonwealth.

- 8.221 Frontage - The portion of a parcel or lot which abuts a street.
- a. Double Frontage - A lot which has frontage on and access from two streets which are approximately parallel to each other.
  - b. Reverse Frontage Lot - A double frontage lot which extends between and which has frontage on a major street and a local or collector street and which has access only from the local or collector street and which has its access prohibited from the major street.
- 8.222 Garage Accessory Building - A fully enclosed building for the storage of vehicles that are used for purposes related to the primary use of the property. Accessory means that this garage building and its use are incidental to another use or structure on the same lot.
- 8.223 Land Development - Land Development includes any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lot regardless of the number of occupants or tenure; or (b) the division or allocation of land or space whether initially or cumulatively between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A "subdivision" of land, as defined herein, shall also be considered to be a land development.
3. Except that the following shall be excluded from the definition of land development if it only involves the following:
  - a. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into two (2) residential units.
  - b. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - c. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been improved by proper authorities.

8.224 Lot - A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership use or for development.

8.225 Low Density, Medium Density Residential - Low Density and Medium Residential shall be defined by the Delaware Water

Gap Borough Zoning Ordinance. R-1 Zoning lot size standards shall define low density. R-2 Zoning lot size standards shall define medium density.

- 8.226 Mobile Home - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) 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 or incidental unpacking and assembly operations; and constructed so that it may be used without a permanent foundation, except for a "travel trailer" as defined herein.
- 8.227 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.
- 8.228 Mobile Home Park - Any lot, parcel, or tract of land, upon which three (3) or more mobile homes are located for occupancy and used by persons of different families other than members of one household.
- 8.229 Municipality - The Borough of Delaware Water Gap in which a proposed Subdivision or Land Development is located.
- 8.230 Net Project Density - The Net Project Density of a proposed residential subdivision or land development measured in residential units per acre shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas (such as street rights-of-way, open space and other non-residential uses).
- 8.231 Official Map - Any map adopted by Ordinance of the Borough pursuant to Article IV of the PA Municipalities Code (Act 247 of 1968, as amended by Act 170 of 1988).
- 8.232 Plan – A map or chart, also known as a plat, indicating the subdivision or resubdivision of land which in its various stages of preparation can include the following:
- a. Sketch Plan - An informal plan indicating salient existing features of a tract and its surroundings and the general

layout of the proposed subdivision to be used as a basis for informal consideration by the Borough.

- b. Preliminary Plan - A tentative plan, in lesser detail than a Final Plan, showing proposed streets and lot layout and such other information as required by this Ordinance.
- c. Final Plan - A complete and exact plan, prepared for official recording as required by this Ordinance to define property rights and proposed streets and other improvements, as required by this Ordinance.
- d. Record Plan - The copy of the Final Plan which contains the original endorsements or approvals of the Borough and which is intended to be recorded with the County Recorder of Deeds, as required by this Ordinance.

8.233 Public Notice - Notice published once each week for two (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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

8.234 Recreational Subdivision (Very Low Density) - Subdivisions designed primarily for seasonal use, including mountain areas and areas for hunting, camping, and similar uses which will have an intensity of land use equivalent to or less than one (1) housing unit per net acre as determined by the Borough Council.

8.235 Right-of-Way - Land reserved for use as a street alley, interior walk, or for other public purpose.

- a. Ultimate Right-of-Way - The maximum width to which an existing or proposed right-of-way may be widened in accordance with the Comprehensive Plan or Plans of the Borough, County or the PA Department of Transportation, or other appropriate official agency.

8.236 Setback or Building Line - The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way.

- 8.237 Sight Distance - The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.
- 8.238 Street - A strip of land designed for use by the public, including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation.

Public Streets are streets offered for dedication to the Borough and accepted by the Borough to insure permanent public ownership and maintenance by the Borough.

Private Streets are streets not offered for dedication, or not accepted by the Borough which remain in the private ownership of a group of designated users or owners and which are maintained by said private owners.

Classes of streets according to use, function and width shall be as designated in the Comprehensive Plan or if not so designated, shall conform with the following:

- a. Major Street - "Major Streets" are those streets which serve internal County movements and provide connections between traffic generators serving or anticipated to serve moderately heavy traffic volumes at a design speed of sixty (60) miles per hour.
- b. Collector Street - "Collector Streets" are those which intercept local streets, provide access to abutting properties and serve individual neighborhoods or areas and their function is to collect and distribute traffic to the Local Streets and to feed traffic into the Major Streets. They are anticipated to serve moderate traffic volumes and shall have design speed of forty five (45) miles per hour.
- c. Local Street - "Local Streets" (also called "Minor Streets") are those used primarily to provide access to abutting property and to feed into the Collector Streets. They are anticipated to serve relatively low traffic volumes and shall have a design speed of thirty five (35) miles per hour.
- d. Non-Residential Streets - "Non-Residential Streets" are streets designed to serve and give access to commercial, industrial, public and other non-residential uses.

e. Marginal Access Street - "Marginal Access Street" are Local Streets, parallel and adjacent to Major Traffic Streets, providing access to abutting properties and providing control of intersections with Major Streets.

8.239 Subdivider - The owner, or authorized agent of the owner, including but not limited to an individual, partnership, or corporation that undertakes a subdivision or land development or any of the activities covered by this Ordinance, particularly the preparation of a subdivision plan showing the layout of the land and the public improvements involved therein. The term "subdivider" is intended to include the term "developer" even though the personnel involved in successive stages of the project may vary.

8.240 Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, petition 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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. A "land development," as defined herein, shall also be considered to be a subdivision.

8.241 Subdivision Officer - The specific person designated by the Borough Council to perform all of the administrative duties required by this Ordinance.

8.242 Travel Trailer - A vehicle, less than thirty six (36) feet in length, standing on wheels, and containing not more than one (1) dwelling unit which may be used for temporary living or sleeping purposes, and not intended for occupancy for more than one hundred (100) days during any one (1) year.

## ARTICLE 9

### ADMINISTRATION AND ENFORCEMENT

#### 9.100 ADMINISTRATIVE ACTION

9.101 Subdivision Officer - The Borough may appoint a Subdivision Officer of the Borough who shall act as the officer of the Borough responsible for administration of this Ordinance. If the Borough does not appoint a Subdivision Officer, then the Delaware Water Gap Borough Planning Commission shall act as the Subdivision Officer. The Subdivision Officer shall receive and examine all subdivisions and land developments in the name of the Borough and shall refer copies of all such plans and applications to appropriate agencies or officials involved. The Borough may utilize the assistance of the Borough Engineer and/or the County Planning Commission, or other agency designated by the Borough Council to assist the Subdivision Officer.

The Subdivision Officer shall also receive information from such agencies or officials and shall transmit these comments to the Borough Council. The Subdivision Officer shall keep records of all applications and plans and of actions taken by the Borough on such applications and plans. The Borough Engineer, at the request of the Subdivision Officer or the Borough Council, shall make all required inspections called for in this Ordinance. The Subdivision Officer shall also inform the Subdivider and the Borough of any violations of this Ordinance which shall become known to him.

The Borough Council shall designate the specific person to serve as the Subdivision Officer. Said Subdivision Officer may be any person qualified to carry out the duties set forth herein.

9.102 Borough Council - The Borough Council, with the assistance of the Subdivision Officer and any other agency or professional designated by the Borough Council shall review all plans to determine conformity with this Ordinance and shall hold necessary public hearings and shall approve, approve with conditions or disapprove all plans submitted and shall grant any necessary modifications, variances or waivers and shall perform all other duties required under this Ordinance.

After approval of any Final Plan, the Subdivision Officer shall be directed to take any necessary action relative to the making of arrangements for acceptance of dedication of any public right-of-

way area shown on the plan by the Borough involved and also relative to the execution of the Development Agreement with the Subdivider.

9.103 Endorsement of Record Plan - Upon approval of any Final Plan by the Borough Council, the President of the Borough Council and the Borough Secretary shall endorse the required number of copies of the Record Plan, as required in Section 2.302.

9.104 Subdivision Records - The Subdivision Officer shall keep a record of the findings, decisions and recommendations relative to all subdivision plans and applications filed for approval. Such records shall be open to the public for review.

## 9.200 MODIFICATIONS, APPEALS AND AMENDMENTS

9.201 Modifications - The Borough Council may grant the following modifications and variances subject to such conditions which will, in their judgment, secure substantially the objectives of the standards or requirements so varied or modified.

a. Modification Due to Exceptional Conditions - The Borough Council may grant a modification to the provisions contained herein for reason of the size or exceptional shape of a specific piece of property, or of exceptional topographic conditions, the strict application of this Ordinance would result in extreme practical difficulties and undue hardship upon the owner of such property; provided however, that such relief may only be granted without detriment to the public good and without substantially impairing the intent and purposes of this Ordinance.

b. Modification of Required Improvements - The Borough Council may, subject to appropriate conditions, waive the provisions of any or all of the required improvements specified in Article 5 to ensure the proper completion of the subdivision in accordance with the intent and objectives of this Ordinance and which are not required in the interest of the public health, safety, and general welfare or which are inappropriate because of the inadequacy of connecting facilities.

c. Modification to Permit Large Scale or Planned Unit Developments - The standards and requirements of this Ordinance may be modified by the Borough Council in the case of plans for complete communities or neighborhood

units or other large scale developments, cluster, planned residential or unit developments which, in the judgment of the Borough Council, achieve substantially the objectives of the regulations contained herein, and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

- d. Requests for Modifications - All requests for modifications 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.

The Borough Council shall keep a written record of all action on all requests for modifications.

- 9.202 Reconsideration and Appeals to Borough Council - Any Subdivider aggrieved by a finding, decision or recommendation of any official may request and receive opportunity to appear before the Borough Council, present additional relevant information, and request reconsideration and/or appeal of the original finding, decision or recommendation.
- 9.203 Procedure for Applying - Applications for modification, variances and appeals to the Borough Council shall be submitted in writing. The Application shall state fully the grounds and all the facts relied upon by the applicant. The Borough Council shall act upon such application within a period of forty five (45) days.
- 9.204 Appeals to Court - The decisions of the Borough Council with respect to the approval or disapproval of plans may be appealed directly to court as provided for in Pennsylvania Act 247, as amended, the Pennsylvania Municipalities Planning Code.
- 9.205 Revision and Amendment - The Borough Council may, from time to time, amend this Ordinance by appropriate action taken after a public hearing on said proposed revisions. Public notice of the date, time and place of such public hearings together with a brief summary setting forth the principal provisions of such amendments, indicating the place and time where copies of the proposed amendments may be examined. Any amendment, other than that prepared by the Borough or County Planning Agency shall be submitted to such Planning agencies at least 30 days prior to the date fixed for the public hearing on such amendment.

### 9.300 PREVENTATIVE REMEDIES

- a. 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.
- b. 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 article. This authority to deny such a permit or 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.
  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 or 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 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.

### 9.400 ENFORCEMENT REMEDIES

- a. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance

enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality 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.

- b. 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.
- c. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

#### 9.500 CONFLICT AND VALIDITY

- 9.501 Validity - If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.
- 9.502 Hold Harmless Clause - Any approval granted by the Borough Council under this Ordinance does not relieve the Subdivider of the legal responsibility for meeting all other legal requirements under local, Commonwealth and Federal law, and said Subdivider shall be responsible for providing a safe, environmentally sound, and properly constructed subdivision which does not adversely affect the public health, safety or welfare. All aggrieved persons, firms, or corporations may take appropriate legal remedies against the Subdivider in the event of any failure on the part of the Subdivider. The Borough of Delaware Water Gap, the Borough Council and all officials of the Borough, including all employees or consultants of

the Borough are hereby held harmless in the event of any failure on the part of the Subdivider.

ORDAINED AND ENACTED into an Ordinance by the Borough Council of the Borough of Delaware Water Gap on this 6<sup>th</sup> day of June, 1994.

DELAWARE WATER GAP BOROUGH, MONROE COUNTY, PA.

By: \_\_\_\_\_  
President, Borough Council

ATTEST:

By: \_\_\_\_\_  
Borough Secretary

## APPENDIX A

### REQUIRED SUBDIVISION AND LAND DEVELOPMENT IMPROVEMENTS

#### SPECIFICATIONS FOR REQUIRED IMPROVEMENTS DELAWARE WATER GAP BOROUGH, PA.

WHERE the following improvements are required in any specific Subdivision or Land Development the Subdivider shall comply with the following minimum requirements. Alternate improvement requirements may be permitted by the Borough Council if they are deemed to be equal or superior in performance and/or maintenance characteristics as determined by the Borough Council.\*

WHERE the requirements set forth below are in conflict with the requirements of the Subdivision and Land Development Ordinance then the higher standard, as determined by the Borough Council shall apply.

The design of all required improvements shall be reviewed by qualified Borough Staff and/or the Borough's Engineer and said review shall include a determination that all improvements have been designed in accordance with the Design Standards and other requirements of the Delaware Water Gap Borough Subdivision and Land Development Ordinance and with these specifications and that they are consistent with sound engineering and construction practices.

Note that Article 7 of this Ordinance provides two methods of providing the required improvements. The specifications contained in this Appendix A and in this Ordinance apply regardless of which method is used to install Improvements.

Specific Improvement Specifications are set forth below:

1. Streets - All required streets in the Borough shall be consistent with the requirements of the Delaware Water Gap Borough Subdivision and Land Development Ordinance, as it may be amended setting forth rules and regulations with respect to street improvements.

Where the above standards do not govern all of the street improvements required then Penn DOT Standards contained in their publication entitled "Guide Lines for Design of Local Roads and Streets - Publication 70", as it may be amended shall apply.

\* The Borough Council will rely upon their solicitor for advice and involvement in regard to the acceptance of maintenance and improvement agreements. Bonds will be required to cover improvements in case of a Developer's default.

2. Curbs and Gutters - All required curbs and gutters shall be installed in a permanent manner, which adequately controls drainage and which minimizes future maintenance, in accordance with accepted engineering practices.

Where possible and appropriate the use of valley type concrete or asphalt gutters shall be used to control drainage in the Low Density and Very Low Density residential areas.

3. Drainage and/or Storm Sewers - Required storm drainage improvements shall be based on the design principles contained in the Subdivision and Land Development Ordinance and on sound engineering practices and shall comply with any officially adopted Storm Water Management Plan for the Borough or the County.
4. Sidewalks and Crosswalks - Sidewalks, where required by the Borough Council, shall be located within the street right-of-way, or an easement designated for that purpose, and shall not be closer than one (1) foot from the right-of-way or easement line, nor closer than three (3) feet from any curb or shoulder line.

Sidewalks and crosswalks shall be a minimum of forty two (42) inches wide and shall be constructed of concrete four (4) inches thick in residential areas and six (6) inches thick in commercial and industrial areas, placed on a suitable subbase. Sidewalks at driveway crossings shall be at least six (6) inches thick.

All sidewalks shall be designed in accordance with established engineering practice and subject to the approval of the Borough Council.

5. Monuments and Markers
  - a. Monuments shall be of concrete or stone with a minimum size of six (6) inches by six (6) inches by thirty-six (36) inches, and shall be marked on top with one-half (1/2) inch round brass pin, or a drilled hole. Markers shall consist of iron pipes or iron or steel bars at least twenty four (24) inches long, and not less than three-quarters (3/4) inch in diameter.
  - b. Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground and the elevation permanently recorded on at least one monument.

- c. Monuments shall be set in readily accessible locations at all corners and angle points of the boundary of the original tract being subdivided and at a minimum of two (2) points of intersection of the right-of-way lines at all street intersections so as to permanently locate or provide reference for all property lines.
  - d. Markers shall be set:
    - 1. At the beginning and ending of all curves along street property lines;
    - 2. At all points where lot lines intersect curves, either front or rear;
    - 3. At all angles in property lines of lots;
    - 4. At all other lot corners.
  - e. Any monuments or markers that are removed shall be replaced by a competent engineer at the expense of the person removing them.
6. Street Name Signs – Street name signs shall be provided at the intersections of all streets. The style, color, size, and lettering of all signs shall be subject to review and approval of the Borough Council.
7. Street Lighting – Street lights, where required by the Borough Council, shall be installed with underground lines wherever possible and the Subdivider shall provide or make arrangements for a complete energy efficient street lighting system within the subdivision.
- Such systems shall provide a safe level of illumination and shall be reviewed by the appropriate utility company.
8. Fire Hydrants – Fire hydrants shall be provided in accordance with the requirements of the Delaware Water Gap Borough Fire Department.
9. Electric and Telephone – Such utilities shall be installed underground where possible, in accordance with the requirements of the appropriate utility companies, subject to approval by Borough Council.
10. Central Water and Sewer Facilities – All such facilities shall be subject to the approval of the Borough Council and be provided in accordance with the requirements of PA DER and of the Subdivision and Land Development Ordinance, and with any other officially adopted Sewer and/or Water Plan of the Borough and of the County.

Central sewer or water facilities shall also be subject to the Technical Specifications of any applicable Municipal Authority.

Central water facilities shall also be subject to the requirements of the Subdivision and Land Development Ordinance including Section 3.213 f. where applicable.

APPENDIX B

ADMINISTRATIVE CHECKLIST FOR DELAWARE WATER GAP BOROUGH  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
PLAN REQUIREMENTS

<u>REQUIREMENTS</u>	<u>CHECK WHEN COMPLETED</u> <u>ALSO USE FOR DATES</u> <u>AND COMMENTS</u>
---------------------	---

6.100 SKETCH PLAN

Sketch Plans shall be legibly drawn at a scale of 1" to 100' or 200' and shall contain sufficient information to indicate the nature, scope, and concept of the proposed subdivision and land development, the major problems to be resolved, the location of the subdivision tract, preliminary or U.S.G.S. topography if available, the name of the land owner and other data considered essential by the Subdivider in presenting his proposal.

6.200 PRELIMINARY PLAN

6.201 Scale

- a. The Preliminary Plan shall be at a scale of not more than 100 feet to the inch.

6.202 Plan Information

- a. The Preliminary Plan shall show or be accompanied by the following information:

- 1. Proposed subdivision name or identifying title.
- 2. North point, scale, and date.
- 3. Name of the owner of the property and of the Subdivider if different from the owner.
- 4. Name of the registered engineer,

surveyor responsible for the plan base map and/or plan. Architects and professional planners shall be permitted to prepare a subdivision or land development plan. A person dividing their property in half (small land owners with less than 10 acres) can do their own plan; however, such plans shall be drawn on a plot or plat base map that was prepared by a registered surveyor or engineer.

- 5. Tract boundaries with bearings and distances and total number of acres being subdivided. \_\_\_\_\_
- 6. Where new street construction or other facilities are proposed, accurate contours at vertical intervals as may be necessary for satisfactory study and planning of the tract. \_\_\_\_\_
- 7. Where reasonably practicable data shall refer to known established elevations. \_\_\_\_\_
- 8. If on-lot sewage is proposed, soils information as mapped by the U.S. Soil Conservation Service or by another competent qualified soils scientist. \_\_\_\_\_
- 9. All existing water courses, tree masses and other significant natural features. \_\_\_\_\_
- 10. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features. \_\_\_\_\_
- 11. All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width. \_\_\_\_\_
- 12. All "wetland" areas shall be identified as defined and regulated by PA DER and/or the U.S. Army Corps of Engineers. \_\_\_\_\_

13. All existing property lines, easements and right-of-way and the purpose for which the easements or rights-of-way have been established. \_\_\_\_\_

14. A location map for the purpose of locating the site to be subdivided at a scale not more than 2000 feet to the inch showing the relation of the tract to adjoining property to all streets, roads and municipal boundaries existing within 1000 feet of any part of the property proposed to be subdivided. \_\_\_\_\_

Also, when applicable, a map showing the County or Borough location of the proposed subdivision and/or land development, with respect to any involved flood plain district, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the designated flood plain district, proposed lots and sites, fills, flood, or erosion protective facilities. \_\_\_\_\_

15. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed public utilities and drainage facilities. Preliminary street profiles may be required by the Borough Council showing the proposed finished grade along the center line and along each right-of-way line. \_\_\_\_\_

16. Wherever practicable, the Preliminary Plan shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions. \_\_\_\_\_

17. Where the Preliminary Plan covers only a part of the Subdivider's entire holdings, a sketch shall be submitted of the new prospective street layout for

the remainder.

18. Copies of the proposed deed restrictions, if any, shall be attached to the Preliminary Plan.

19. A copy of a letter of review from the Monroe County Conservation District.

b. The Preliminary Plan shall include therein or be accompanied by:

1. All required permits and related documentation from the Department of Environmental Resources and any other Commonwealth Agency, or from the County or Borough where any alteration or relocation of a stream or watercourse is proposed.

2. Documentation indicating that all affected adjacent municipalities, PA DER, the Department of Community Affairs, and The Federal Insurance Administrator have been notified whenever any alteration or relocation of a stream or watercourse is proposed.

## 6.300 FINAL PLAN

### 6.301 Plan Size and Legibility

a. The subdivision plan submitted for final approval shall be a clear, legible, white print of an ink drawing or suitable equivalent.

b. Final Plans shall be on sheets not larger than 24 inches by 36 inches overall. It is recommended that as far as practicable, Final Plan sheets be held to the following overall sizes: 18 inches by 24 inches and 24 inches by 36 inches; 36 inches by 48 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, Final Plans shall be drawn in two or more sections

accompanied by a key diagram showing relative location of the sections.

\_\_\_\_\_

**6.302 Plan Scale and Required Information**

a. The Final Plan shall be legible and at a scale of not more than 100 feet to the inch and shall include the following information:

1. Subdivision name or identifying title. \_\_\_\_\_

2. North point, scale, and date. \_\_\_\_\_

3. Name of the record owner and Subdivider. \_\_\_\_\_

4. Name and seal of the registered professional engineer and/or other qualified professional responsible for the plan. \_\_\_\_\_

5. Boundaries of the tract. \_\_\_\_\_

6. Street lines, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use. \_\_\_\_\_

7. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line and to reproduce such lines on the ground. \_\_\_\_\_

8. The length of all straight lines, radii, lengths of curves, tangent bearings, and deflection angles for each street. \_\_\_\_\_

9. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use. \_\_\_\_\_

10. The proposed buildings set-back line for each street, or the proposed placement of each building. \_\_\_\_\_

11. Location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts and reference locations for all underground utilities. \_\_\_\_\_

- 12. All dimensions shall be shown in feet and in hundredths of a foot. \_\_\_\_\_
  - 13. Lot numbers. Lot area and net area of usable lot. \_\_\_\_\_
  - 14. Names of streets within and adjacent to the subdivision. \_\_\_\_\_
  - 15. Location of permanent reference monuments shall be shown. \_\_\_\_\_
  - 16. Wherever practicable, names of any adjoining subdivisions shall be shown. \_\_\_\_\_
  - 17. Wherever practicable, names of the owners of any unplotted land shall be shown. \_\_\_\_\_
  - 18. A letter of intent from the municipality indicating willingness or conditions for acceptance of dedication of streets and other public property. \_\_\_\_\_
  - 19. Certificate for approval and signatures by the President of the Borough Council and Borough Secretary and with space for acknowledgement of receipt of the Plan by the County Recorder of Deeds when it is presented for recording. \_\_\_\_\_
  - 20. 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 a driveway access to a state highway is permitted. Access to the state highway shall only be authorized by a Highway Occupancy Permit. \_\_\_\_\_
- b. The Final Plan shall include thereon or be accompanied by:
- 1. An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided. A single owner subdividing property could submit a copy of their Deed, instead of affidavit (applies to small property owner with less than 10 acres). \_\_\_\_\_

2. A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property, to the effect that the subdivision as shown on the Final Plan is made with his or their free consent and that it is desired to record the same. \_\_\_\_\_
  
3. Certification from the State Department of Environmental Resources when individual sewage disposal or water systems are to be installed as required by Article 3 of this Ordinance. \_\_\_\_\_
  
4. Certification from the Borough Engineer or Borough Council that the Subdivider has met the applicable requirements of Articles 3, 4, 5, 6 and 7 of this Ordinance. \_\_\_\_\_
  
5. Construction plans for all required improvements including typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; existing (natural) grade along each side of the proposed street right-of-way; proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlets, manholes and culverts. All such plans shall include a public improvements list and shall be in a form suitable to serve as a basis for documenting all improvements to be installed. \_\_\_\_\_
  
6. A contour grading plan may be required if deemed necessary by the Borough Engineer or Borough Council to properly establish grading and drainage patterns. Where buildings are proposed to be developed by the Subdivider, such a plan may be required to indicate building ground and basement floor elevations. \_\_\_\_\_
  
7. Protective covenants, if any, in form for recording. \_\_\_\_\_
  
8. Any other special plans required by the Borough Council in accordance with

Sections 3.203, 3.213, 3.214 and 3.215  
of this Ordinance.

---

9. A Development Agreement and Financial  
Security as required herein and in Article 7.

---