

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE BOROUGH OF ORWIGSBURG; THE REVISION OF EXISTING SUBDIVISION AND DEVELOPMENT OF LAND; ESTABLISHING PLANNING REQUIREMENTS; PRESCRIBING PROCEDURES FOR SUBDIVISION PLANS AND DEVELOPMENTS; SETTING FORTH IMPROVEMENT AND CONSTRUCTION REQUIREMENTS FOR THE OPENING AND DEDICATION OF ROADS, STREETS, DRAINAGE FACILITIES, SEWERS AND OTHER FACILITIES IN CONNECTION WITH THE DEVELOPMENT OF LAND IN SAID BOROUGH; PROVIDING CONDITIONS FOR THE ACCEPTANCE OF PUBLIC IMPROVEMENTS BY THE BOROUGH; PROVIDING FOR THE ISSUANCE OF PERMITS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED and ORDAINED by the Borough Council and Mayor of the Borough of Orwigsburg, and it is hereby enacted and ordained by the authority of the same, as follows:

ARTICLE I

PURPOSE, AUTHORITY AND JURISDICTION

101. Authority and Adoption

The Borough of Orwigsburg Planning Commission and Borough Council are vested by law with the control of land subdivision within the Borough limits by virtue of the Borough Code of the Commonwealth of Pennsylvania.

The following regulations have been adopted by the Borough Planning Commission under the foregoing authority and shall become effective on October 1, 1967, after adoption by ordinance duly enacted by the Borough Council of the Borough of Orwigsburg, and shall remain in effect until modified, amended or rescinded by the Commission and the Borough Council.

102. Purpose

These regulations are adopted for the following purposes:

- A. To assist orderly, efficient and integrated development of land.
- B. To ensure coordination and conformance of subdivision plans with the public improvement plans of the Borough.

- C. To provide for the proper extension of community services and facilities at minimum cost and maximum convenience.
- D. To ensure equitable handling of all subdivision plans by providing uniform standards and procedures.
- E. To promote in general the health, safety and welfare of the residents of the Borough.

103. Jurisdiction and Sanctions

- A. The Borough Planning Commission shall have jurisdiction and control of the subdivision and re-subdivision of land located within the Borough limits.

Any person, partnership or corporation intending to subdivide land as defined in Article II of these regulations shall submit plans as specified in these regulations to the Borough Planning Commission and Borough Council for review and approval as follows:

1. Plans of proposed subdivisions of land located within the Borough shall be submitted for review by the County Planning Commission and review and approval of the Borough Planning Commission and Borough Council before such plans may be recorded with the County Recorder of Deeds. Such plans shall conform to the regulations and follow procedures specified in this ordinance.
 2. Such plans shall not be filed with the County Recorder of Deeds unless a notation has been made on the Record Plat by the County Planning Commission, certifying that the County Planning Commission has reviewed the plat, subject to the provisions of Article IX.
- B. Any owner or agent of the owner of any land located within a subdivision who sells, transfers or agrees to sell any land by reference to or exhibition of or by other use of a plan of a subdivision, before the final plan has been approved by the Commission, shall, upon summary conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00) and the cost of prosecution, or undergo an imprisonment for a term of not more than thirty (30) days for each lot or parcel transferred or sold or agreed to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. Such transfer or sale or agreement may also be enjoined by action for injunction brought in any court of equity jurisdiction, in addition to the penalty herein provided.

104. Short Title

These regulations shall be known and may be cited as "Orwigsburg Borough Subdivision Regulations".

Multiple Dwelling Building - A building providing separate living quarters for two or more families.

Municipality - Township of the first or second class, borough or city.

Owner - The owner of record of a parcel of land.

Plan, Final - A complete and exact subdivision plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

Plan, Preliminary - A tentative subdivision plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, Record - An exact copy of the approved final plan on map material acceptable to the Schuylkill County Recorder of Deeds.

Plan, Sketch - An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision for discussion purposes only and not to be presented for approval.

Re-subdivision - Any subdivision or transfer of land laid out on a plan which has been approved by the Commission which changes or proposed to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

Reverse Frontage Lot - A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.

Right-of-way - Land set aside for use as a street, alley or other means of travel.

Sewage Facility - Any sewer, sewage system, sewage treatment works or part thereof designed, intended or constructed for the collection, treatment or disposal of liquid waste, including industrial waste.

Sight Distance - The length of street, measured along the center line, which is continuously visible from any point three feet above the center line.

Street - A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Streets are further classified as follows:

- (a) Minor Street - Streets which are used primarily for access to abutting properties and generally serve internally developed areas.
- (b) Primary Street - Streets which, in addition to giving access to abutting properties, intercept minor streets and provide routes to community facilities and to major traffic streets.
- (c) Major Traffic Street - Streets serving large volumes of comparatively high-speed traffic, including those facilities classified as Class 1 and Class 2 highways by the Pennsylvania State Highway Department.

Subdivider - The owner or equitable owner of a property to be subdivided.

Subdivision - (1) A division of any part, parcel or area of land by the owner or agent, either by lots or metes and bounds, into lots or parcels two or more in number, for the purpose of conveyance, transfer, improvement or sale, with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon. A subdivision as defined above includes division of a parcel of land having frontage on an existing street into three or more lots, each having frontage on the existing street. (2) Any development of a parcel of land (for example, as a shopping center, industrial park or multiple dwelling project) which involves installation of streets, driveways and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for the purposes of conveyance, transfer or sale. (3) The term subdivision includes re-subdivision and, as appropriate in these regulations, shall refer to the process of subdividing land or to the land subdivided.

Undeveloped Land - Land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.

Water Facility - Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

ARTICLE III

PROCEDURE

301. Submission of Plans

Preliminary and final plans for all proposed subdivisions of land lying within the Borough shall be filed with the Commission for review or approval.

In addition to filing with the Commission, such plans should also be concurrently submitted to the appropriate officials of the County for action or information of such officials, as appropriate.

Provided that plans and necessary supporting data are filed not less than ten (10) calendar days in advance of the meeting, plans will be considered by the Commission at its next regular meeting subsequent to filing.

The initial plan filed with the Commission for subdivision of a tract shall be considered as a preliminary plan. However, if the plan and supporting data comply in all respects with the requirements for final plans (Article VIII), the Commission may, in the case of small subdivisions involving no new streets, proceed to final action at the first consideration of the plan.

302. Sketch Plan

A. Subdividers are urged to discuss possible development sites with the

ARTICLE II

DEFINITIONS

201. Inclusions

As used in these regulations, words expressed in the singular include their plural meanings and words expressed in the plural include their singular meanings. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive; the words "shall" and "will" are mandatory, subject to the provisions of Section 1001 hereof.

202. Definitions

The following words or phrases, when used in these regulations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Agent - Any person, other than the subdivider, who, acting for the subdivider, submits to the Commission subdivision plans for the purpose of obtaining approval thereof.

Alley - A right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Applicant - Any person or municipality who submits to the Commission subdivision plans for the purpose of obtaining approval thereof.

Arterial Street - A street serving large volumes of comparatively high-speed and long distance traffic and including highways of the Pennsylvania Department of Highways, where applicable.

Block - An area bounded by streets.

Borough - The Borough of Orwigsburg.

Building Set-back Line - A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line.

Cartway - The portion of a street or alley intended for vehicular use.

Chairman - The chairman of the Orwigsburg Borough Planning Commission.

Clear-sight Triangle - An area of unobstructed vision at street intersections defined by the right-of-way lines of the streets and by a line of sight between points on their right-of-way lines at a given distance from the intersection of the right-of-way lines.

Collector Street - A street which, in addition to giving access to abutting properties, intercepts minor streets and provides routes carrying considerable volumes of traffic to community facilities and to other major traffic streets.

Commission - The Planning Commission of the Borough of Orwigsburg.

Commission Staff - The technical personnel retained by the Orwigsburg Borough Planning Commission.

Council - The Borough Council of the Borough of Orwigsburg.

Crosswalk or Interior Walk - A right-of-way easement for pedestrian travel across or within a block.

Cul-de-sac - A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

Developer - Same as subdivider.

Double-frontage Lot - A lot with front and rear street frontage.

Drainage Facility - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land areas.

Driveway - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Dwelling Unit - Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement - A limited right of use granted in private land for public or quasi-public purpose.

Future Right-of-Way - (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Half or Partial Street - A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

Improvements - Those physical additions, installations and changes required to render land suitable for the use proposed.

Lot - A plot or parcel of land which is or, in the future, may be offered for sale, conveyance, transfer or improvement as one parcel, regardless of the method or methods in which title was acquired.

Lot Area - The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within a street right-of-way, but including the area of any easement.

Marginal Access Street - Minor streets, parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with the major traffic street.

staff of the Orwigsburg Borough Planning Commission prior to submission of the preliminary plan.

- B. If desired, a sketch plan may be prepared and presented for review and discussion at that time. Sketch plans should generally include:
1. Tract boundary.
 2. Location map.
 3. North point.
 4. Streets on and adjacent to the tract.
 5. Topographical and physical features.
 6. Proposed general street layout.
 7. Proposed general lot layout.
- C. Such discussions and/or sketch plan review will be considered as confidential between the subdivider and the staff. Submission of a sketch plan shall not constitute formal filing of a plan with the Commission.

303. Preliminary Plan.

A. Submission of Preliminary Plan -

The preliminary plan and all information and procedure relating thereto shall in all respects be in compliance with the applicable provisions of these regulations. It is the responsibility of the subdivider to coordinate his plans pursuant to the provisions of these regulations with the respective private and public service agencies.

B. Approval of Preliminary Plan -

1. The staff will discuss the preliminary plan with the subdivider or his agent and will review the plan to determine if it meets the standards as set forth in these regulations. Review as applicable by the County Planning Commission and approval by the Borough Planning Commission shall jointly be required to constitute approval of the plan.
2. At a scheduled public meeting, the Commission shall review the preliminary plan to determine its conformity to the design standards and requirements contained in these regulations. The Chairman shall notify thereafter, in writing, the subdivider or his agent the action taken by the Commission, specifying what changes or additions, if any, will be required prior to review of the final plan.
3. Any modifications of the preliminary plan required by the Commission as prerequisites to approval shall be noted on three (3)

copies of the preliminary plan. One (1) copy will be returned to the subdivider, one (1) will be filed with the County Planning Commission and one (1) will be filed with the Borough Planning Commission.

4. Approval of the preliminary plan shall constitute approval of the subdivision as to the character and intensity of development, the arrangement and approximate dimension of streets, lots and other planned features, but shall not authorize sale of lots.

304. Final Plan

Within six (6) months after Commission action on the preliminary plan, a final plan and necessary supporting data shall be submitted to the Commission for final approval. Otherwise, the plan submitted shall be considered as a new preliminary plan, unless an extension of time has been granted by the Commission upon written request.

The final plan shall conform in all important respects with the preliminary plan as previously reviewed by the Commission and shall incorporate modifications and revisions specified by the Commission in its conditional approval of the preliminary plan. Otherwise, the plan shall be considered as a revised preliminary plan.

No plan shall be considered by the Planning Commission unless it complies with the provisions of Article VIII of these regulations.

Prior to the meeting at which the final plan is to be considered, the following persons will be notified in writing that the final plan has been received and will be considered by the Commission at its meeting of a specified date:

1. Secretary of the County Planning Commission in which the subdivision is located.
2. Secretary of the local Planning Commission, if any.
3. The subdivider.
4. Engineer, landscape architect, surveyor or architect responsible for the plan.

The Commission shall review the final plan at a scheduled meeting.

After the meeting at which the final plan is reviewed, the Chairman shall notify the Secretary of the County Planning Commission in which the subdivision is located; the Secretary of the Borough Planning Commission, if any; the subdivider; and the engineer, landscape architect, surveyor or architect responsible for the plan of its approval or disapproval or of its recommendation for approval or disapproval of the final plan. Whenever a plan is not approved or is recommended not to be approved, reasons for such action or recommendation shall be explicitly stated.

The Commission may permit submission of the final plan in sections, each covering a portion of the entire proposed subdivision as shown on the preliminary plan.

305. Record Plan

Within ninety (90) days after Commission review and acceptance of a final plan, the plan shall be filed for recording by the subdivider with the Schuylkill County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Commission shall become null and void, unless an extension of time has been granted by the Commission upon written request.

The record plan shall be an exact copy of the approved final plan on map material acceptable to the Schuylkill County Recorder of Deeds, prepared in accordance with the provisions of Article VIII of these regulations.

All signatures on the record plan shall be original and shall be written in black ink and all seals shall be impressed or raised seals.

When presented for the signatures of the Chairman of the Commission, the record plan shall bear all other endorsements required by law.

306. Auction Sales

When an owner proposes to offer his land for sale at auction in three or more parts, the following procedures shall be followed:

- A. Preliminary plans, showing the manner in which the owner desires to divide his land for sale at auction, shall be submitted for approval or review as required under Sections 301, 303 and 802 of these regulations, prior to advertisement of the sale.
- B. After preliminary approval, the land may be advertised and offered for sale as shown on the approved preliminary plan.
- C. All agreements of sale shall be subject to approval of final plans, and final settlement shall not be made until after such final approval and recording of the plan has been completed in accordance with the provisions of Sections 304, 305 and 803 of these regulations.
- D. When the land is sold in such a manner as to fall within the provisions of Section 802 hereof, appropriate water and sewer certification shall be presented prior to approval of the plan.
- E. The final plan shall show the land divided into the number and size of parcels as sold.
- F. If the land is sold as an entirety or in two parts, the subdivider shall so notify the Commission in writing and need not proceed with further approval of plans.

307. Re-subdivision Procedures

For any replatting or re-subdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision, except that lot sizes may be varied on an approved plan after recording, provided that: (1) no lot or tract of land shall be created or sold that is smaller than the size as shown on the approved plan, (2) drainage easements or rights-of-way shall not be changed, (3) street alignment and block sizes shall not be changed, (4) the property lines between the backs of the lots shall not be changed, (5) the rear portion of lots shall not be subdivided from the front part and (6) the character of the area shall be maintained.

ARTICLE IV

REQUIRED IMPROVEMENTS

401. Application

The following improvements contained in this Article shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement and in a manner approved by the Borough Planning Commission, consistent with sound construction and local practice. Where specific standards and specifications are required in other sections of these regulations, they shall apply.

In all respects in which standards for required improvements are not set forth herein or specified by the Commission hereunder, the applicable standard requirements of the Pennsylvania Department of Highways shall govern; and all work shall be performed in the manner prescribed in the standard specifications for road construction of said Department for the type of construction under consideration.

402. 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 (30) inches and shall be marked on top with a copper or brass dowel. Markers shall consist of iron pipes or of iron or steel at least fifteen (15) 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.
- C. Monuments shall be set:
 1. At the intersection of all lines forming angles in the boundary of the subdivision;
 2. At the intersection of all street 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.

403. Streets

- A. Streets shall be graded to the full right-of-way width, surfaced and improved to the grades and dimensions shown on plans, profiles and cross-sections submitted by the subdivider and approved by the Commission.
1. Pavement base shall be constructed according to the specifications of the Pennsylvania Department of Highways.
 2. Pavement wearing surface shall be constructed according to the specifications of the Pennsylvania Department of Highways.
 3. Gutters - In areas where curb is not used, the gutters must be stabilized to avoid erosion.
- B. Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Commission may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the Commission.
- C. Maximum slopes of all banks off the right-of-way measured perpendicular to the center line of the street shall be three (3) to one (1) for fills and two (2) to one (1) for cuts.

404. Off-street Parking

- A. Each proposed dwelling unit in a subdivision shall be provided with paved off-street parking space. Such off-street parking space may be provided as an individual garage, carport or driveway, located behind the building line or in a parking compound adjacent to or near the dwelling unit it serves. Driveways and parking compounds shall provide one usable and paved parking space of at least two hundred (200) square feet for each dwelling unit.
- B. Commercial developments within the scope of these regulations shall provide not less than three (3) square feet of paved area, inclusive of access lanes, for every one (1) square foot of interior floor area, exclusive of storage areas.

405. Street Signs

Street name signs shall be placed at all intersections. Their design shall be approved by the Commission.

406. Curbs

Curbs shall be required in subdivisions which have a typical lot width at the building setback line of 200' or less. Curbs may also be required in subdivisions where lots are greater than 200' wide if the character of the neighborhood is such that it would be deemed necessary or if it would be desirable to continue curbs that are existing in adjacent subdivisions or in case of community facilities such as schools, shopping areas and recreation areas.

407. Sidewalks

Sidewalks shall be required on both sides of the street in subdivisions where semi-detached and multiple-family structures are planned and in those subdivisions which have a typical lot width at the building setback line of 80' or less. Sidewalks may also be required in subdivisions where lots are greater than 80' wide if the character of the neighborhood is such that it would be deemed necessary or if it would be desirable to continue sidewalks that are existing in adjacent subdivisions or to provide access to community facilities such as schools, shopping areas and recreation areas.

408. Storm Drainage

Complete drainage systems for the entire subdivision area shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage systems for each section presented.

409. Water Facilities

In all new subdivisions, all lots or parcels must be provided with adequate means of water supply by means of one of the following methods:

- A. Public Water Supply System - Where possible, lots or parcels in all new subdivisions shall be connected to the public water supply system of the Borough of Orwigsburg. Approval of design and proposed construction shall be obtained from the Borough Engineer.
- B. Where the Planning Commission and Council, after consideration of engineering studies, are of the opinion that connection to the public water system is impractical, they shall, with the consent of the Pennsylvania Department of Health, grant permission, either temporarily or permanently, to make use of other water supply systems approved by the Pennsylvania Department of Health.

Where local, county or regional comprehensive plans indicate to the Planning Commission and Council that a public water supply system will serve the subdivision within a reasonable time, the installation of mains and house connections, in addition to the installation of temporary water supply systems provided for in Paragraph A above, may be required.

410. Sewer Facilities

Within an area of the Borough having a public sewer system which is, in the judgment of the Commission, based on a sewerage feasibility study, reasonably accessible to the subdivision and available for connection thereto, the subdivision shall be provided with a complete sanitary sewer system to be connected to the public sanitary sewer system.

In all new subdivisions, all lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of or use of buildings constructed thereon. In order to determine the adequacy of the soil involved to properly absorb subsurface sewage effluent and to determine the minimum lot area required for such installations, soil percolation tests will be performed. The results of these tests will be reviewed by the Borough Planning Commission and by the Pennsylvania Department of Health to determine the general suitability of the soil for on-lot disposal systems.

All sanitary sewer systems proposed shall conform to the requirements of the Pennsylvania Sewage Facilities Act - Act No. 537 of December 22, 1965.

Where local, county and regional comprehensive plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Borough Planning Commission shall require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems. Responsibility for the design and supervision of installation of all capped sewers, laterals and house connections shall be that of the Borough. Wherever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restriction or otherwise, as a condition of the sale of each lot or parcel within such subdivision, that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

411. Fire Hydrants

Wherever a public or community water supply system is provided, fire hydrants shall be installed within six hundred (600) feet of all existing and proposed structures, measured along accessible streets (as specified by the Middle Department Association of Fire Underwriters).

ARTICLE V

RECOMMENDED IMPROVEMENTS

The following improvements are recommended, but not required, by the Borough Planning Commission.

501. Street Trees

Shade tree planting should meet the following specifications:

- A. Trees shall be of nursery stock quality of an approved species grown under the same climatic conditions as at the location of the development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use and durable under the maintenance contemplated.
- B. The average trunk diameter measured at a height of three (3) feet above the finished grade level shall be a minimum of one and one-half (1 1/2) inches, depending on good practice with reference to the particular species to be planted.
- C. Trees shall be planted at maximum intervals of seventy (70) feet along both sides of the street and not nearer than five (5) feet from any sidewalk, curb, gutter or other right-of-way improvement as provided for in this ordinance.
- D. All planting shall be done in conformance with good nursery and landscape practice.
- E. The species and location of trees shall be such that they will not interfere with utility facilities.

502. Street Lights

When street lights are to be provided, the developer shall make the necessary arrangements with the Borough and the public service company involved.

503. Underground Utilities

Underground cables for communication and electrical utilities should be installed when and where practical.

ARTICLE VI

DESIGN STANDARDS

601. Application

All subdivisions approved by the Borough Planning Commission must comply with the following standards. The standards outlined herein shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare.

602. General Standards

- A. The design and development of subdivisions shall preserve, insofar as is possible, the natural terrain, natural drainage, existing topsoil and trees.
- B. Land shall be subdivided for uses in conformance with the comprehensive plan, zoning ordinance and other ordinances and regulations in effect in the Borough.
- C. Land subject to hazardous conditions such as open quarries, floods, precipices and water supply which does not meet U. S. Public Health Service standards shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.

Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

Subdivisions shall be laid out so as to avoid the necessity for excessive cut or fill.

603. Community Facilities

In reviewing subdivision plans, the Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.

Subdividers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential sections, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields; shopping and local business centers.

Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking, as appropriate to the use proposed. Prior to preparation of final plans, subdividers

of large tracts shall review with the Commission staff minimum standards for various community facilities applicable to the tract to be subdivided.

604. Street System

Proposed streets shall conform in all respects to the official map and general development plan of the Borough in which the subdivision is located or to such other street plans or parts thereof as have been officially prepared and adopted by the Borough.

Proposed streets shall further conform to such county and state street and highway plans as have been prepared, adopted and/or filed as prescribed by law and to the requirements of a general plan of the area as developed by the Commission.

Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.

Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.

If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

Dead end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sacs.

Stub streets greater than one lot depth in length shall be provided with a temporary turn-around to the standards required for cul-de-sacs or shall be paved to the full width of the right-of-way for the last twenty-five (25) feet of their length.

Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within a municipality and all street names shall be subject to the approval of appropriate local authorities and the Commission.

Private streets serving more than two single-family dwellings or more than five dwelling units in a multiple dwelling project shall be prohibited.

In a planned community development where several single or multiple unit dwelling structures exist and are permanently to remain (as noted on the plan and in the deed) under a single ownership, private access drives will be permitted, providing they conform to the design and construction standards of this ordinance.

Cul-de-sacs permanently designed as such shall not exceed six hundred

(600) feet in length and shall furnish access to not more than fifteen (15) dwelling units.

Cul-de-sacs shall have at the closed end a turn-around with a right-of-way having a minimum outside radius of not less than fifty (50) feet and shall be paved to a radius of not less than forty (40) feet.

Drainage of cul-de-sacs shall preferably be towards the open end.

605. Street Widths

A. Minimum street and cartway widths shall be as follows:

Street Type	Minimum
Minor	
Right-of-Way	50'
Cartway	33'
Marginal Access	
Right-of-way	40'
Cartway	26'
Cul-de-sac	
Right-of-Way	50'
Cartway	33'
Turn Around of Cul-de-sac	
Right-of-Way	100' -----Diameter
Cartway	80' - Diameter to outside curb 33' - Minimum Cartway Width
Collector	
Right-of-Way	60' or 80'
Cartway	As required by the governmental body having jurisdiction at the time of platting.
Arterial and Limited Access	
Right-of-Way	As required by the governmental body having jurisdiction at the time of platting
Cartway	and Pa. Department of Highways.

B. Provision for additional street width (right-of-way) may be required by the Commission in specific cases for:

1. Public safety and convenience;
2. Parking in commercial and industrial areas and in areas of high density residential development;

3. Widening existing streets (right-of-way) where the width does not meet the requirements of the preceding paragraphs.

606. Street Alignment

- A. Horizontal Curves - To ensure adequate sight distance when street cartway lines deflect more than five (5) degrees, connection shall be made by horizontal curves. The minimum centerline radii for local streets shall be one hundred fifty (150) feet and, of all other streets, shall be three hundred (300) feet. A tangent shall be required between curves and between a curve and street intersection.
- B. Vertical Curves - Vertical curves shall be used at changes of grade exceeding one per cent (1%) and shall be designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets (as determined by the current specifications of the American Association of State Highway Officials).

607. Street Grades

Centerline grades shall not be less than one-half of one per cent (0.5%).

Centerline grades shall not exceed the following:

1. Minor Streets - ten per cent (10%).
2. Primary and Major Traffic Streets - six per cent (6%).

Where the grade of any street at the approach to an intersection exceeds seven per cent (7%), a leveling area shall be provided having not greater than four per cent (4%) grades.

Maximum grade within any intersection shall not exceed one per cent (1%).

608. Street Intersections

- A. Intersections - Intersections of local streets with collector streets shall be kept to the minimum which will permit sound development of the abutting land.
- B. Number of Streets at Intersection - No more than two (2) streets shall intersect at one point.
- C. Angle or Street Intersections - Streets shall intersect at ninety (90) degrees, except where this may be impractical. Angles of less than ninety (90) degrees may be designed, subject to the approval of the Borough Planning Commission. No street shall intersect another at an angle of less than sixty (60) degrees.
- D. Centerlines of Intersecting Streets - Two streets intersecting from opposite sides shall intersect at their centerlines or their centerlines shall be offset at least one hundred twenty-five (125) feet.

Clear sight triangles of fifty (50) feet measured along street right-of-way lines from their points of junction shall be provided at all intersections; and no building, structure, grade or planting higher than two (2) feet above the centerline of the street shall be permitted within such sight triangles.

Intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline.

Minimum curb radii at street intersections shall be twenty-five (25) feet; and at the property line, the radius shall be ten (10) feet.

609. Street Access

Where a subdivision abuts or contains an existing or proposed major traffic street, the Commission may require marginal access streets, 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.

Access to parking areas on commercial and industrial sites shall be controlled and shall be so located as to provide a minimum of two hundred (200) feet between points of access.

Access drives to parking areas shall be not less than twenty (20) feet or more than thirty (30) feet wide.

Private driveways, where provided, shall be located not less than forty (40) feet from the intersection corner of corner lots and shall provide access to the street of lower classification when a corner lot is bounded by streets of two different classifications, as herein defined.

610. Alleys

Alleys are not permitted except where required to assure continuity in present Borough street patterns and where other methods of entrance and exit are impractical. Where permitted, alleys shall be twenty (20) feet in width and paved. No lots shall front on an alley.

611. Paving

All pavement, including pavement of streets and sidewalks, shall be installed as shown on final plan as approved by the Commission. All pavement shall be constructed according to the specifications of the Pennsylvania Department of Highways. The type and/or class of base and wearing surface required shall be determined by the Commission and Borough Engineer.

612. Curbs

Curbs shall be required in subdivisions which have a typical lot width at the building setback line of 200' or less. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be

used on collector or arterial streets. The transition from one type of curb to another shall be effected only at a street intersection. All curbs to be constructed of cement concrete, and the type chosen shall be constructed according to the specifications of the Pennsylvania Department of Highways.

613. Sidewalks

Sidewalks shall be a minimum of 4' wide except in the vicinity of shopping centers, schools, recreation areas and other community facilities where they shall be a minimum of 5' wide and located within the street right-of-way. Generally, a grass planting strip should be provided between the curb and sidewalk except where the rolled curb and gutter is used a grass planting strip shall be provided. Generally, the sidewalk should commence one (1) foot inside the right-of-way line and extend toward the curb line.

614. Lots and Lot Sizes

The following minimum lot size standards and requirements shall apply in the absence of, but shall not supersede, any existing zoning ordinance.

- A. Minimum lot size requirements per residential dwelling unit for other than multiple dwellings where both water supply and sanitary sewage disposal are to be provided by individual on-lot facilities:
 - 1. Forty-three thousand five hundred sixty (43,560) square feet minimum lot area per dwelling unit.
 - 2. A minimum lot width of one hundred fifty (150) feet per dwelling unit, measured at the building setback line.
 - 3. The minimum lot area requirements may be increased by the Borough Planning Commission in accordance with the results of the soil percolation tests required.

- B. Minimum lot size requirements per residential dwelling unit where either water supply or sanitary sewage disposal, but not both, will be provided by an individual on-lot facility:
 - 1. Minimum lot area - twelve thousand (12,000) square feet per dwelling unit.
 - 2. Minimum lot width - eighty (80) feet, measured at the building setback line.
 - 3. Minimum lot area requirements may be increased by the Borough Planning Commission according to the results of soil percolation tests as required.
 - 4. Where Pennsylvania Department of Health approval is required for water supply or sanitary sewage disposal systems for a proposed subdivision, the Borough Planning Commission shall require

that a copy of such approval or certification be submitted with the final plat.

- C. Minimum lot size requirements per residential dwelling unit, where both water supply and sanitary sewage disposal are provided by public facilities, either existing or authorized to be installed, residential lots shall have a minimum area of eight thousand (8,000) square feet and a minimum width measured at the building setback line of sixty-five (65) feet.
- D. Multiple Dwellings - Where a multiple dwelling development is proposed, the following minimum standards shall apply:
1. Where on-lot sewage disposal or water supply systems are proposed, the design of the treatment plant shall comply with Pennsylvania Department of Health requirements and in accordance to the results of the soil percolation tests.
 2. Minimum lot area requirements shall be five thousand (5,000) square feet per dwelling unit.
 3. Space between buildings shall be a minimum of thirty (30) feet and no less than the height of the tallest building involved.
 4. Buildings shall not exceed two and one-half stories (2 1/2) or thirty-five (35) feet in height.
- E. Wedge-shaped Lots - In the case of wedge-shaped lots, no lot shall be less than forty (40) feet in width, measured along the arc at the front street right-of-way line.

Front on Public Street - All residential lots in subdivisions shall front on a street.

Building Setback - There shall be a minimum building setback of thirty (30) feet, measured from the front street right-of-way line. In cases where the front street right-of-way line is indeterminate, the building setback shall be as approved by the Borough Planning Commission. In the case of corner lots, the measurement shall apply from both street right-of-way lines.

Lot depths shall be not less than one nor more than two and one-half times the average width.

Depth and width of parcels laid out or reserved for non-residential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.

Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.

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

615. Easements

Easements shall follow rear and side lot lines wherever practical and shall have a minimum total width of sixteen (16) feet, apportioned equally in abutting properties. They shall be designed so as to provide efficient installation of utilities. Public utility installations shall be so located as to permit multiple installations within the easements.

616. Open Space and Community Facilities

In reviewing subdivision plans and plats, the Borough Planning Commission and the subdivider shall consider needs and requirements for the following open space uses and community facilities:

1. Parks and playgrounds.
2. School sites.
3. Other public and semi-public buildings and facilities.
4. Locations for water supply systems or sewage treatment plant facilities in accordance with local and regional comprehensive plans.
5. Neighborhood shopping.
6. Highway right-of-way reservations in accordance with local and regional comprehensive plans.

In considering the needs for recreation space, the following standards, as well as those recommended in the Borough comprehensive plan, may be generally applied:

<u>Dwelling Units to be served</u>	<u>Recommended Recreation Space</u>
50-150	3 acres
151-350	5 acres
351-600	7 acres
601-900	9 acres
Each additional 300 units	2 acres

617. Blocks

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

1. Provision of adequate sites for type of buildings proposed.
2. Zoning requirements.

3. Topography.
4. Requirements for safe and convenient vehicular and pedestrian circulation.

Blocks shall have a maximum length of twelve hundred (1,200) feet, and, so far as practical, a minimum length of five hundred (500) feet. Special consideration shall be given to the requirements of satisfactory fire protection.

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.

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such easements shall have a width of not less than fifteen (15) feet and a paved walk of not less than four (4) feet.

618. Storm Drainage

Lots shall be laid out and graded to provide positive drainage away from buildings.

Drainage facilities shall be provided:

1. To permit unimpeded flow of natural water courses.
2. To ensure adequate drainage of all low points.
3. To intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained.

In the design of drainage facilities, special consideration shall be given to problems which may arise from concentration of storm water run-off over adjacent properties.

All proposed surface drainage structures shall be indicated on the plan.

All appropriate design, details and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

619. Filing of Plans and Profiles

Upon completion, plans and profiles of the improvements in a subdivision as constructed shall be filed with the Commission.

620. Specifications

All improvements shall be constructed in accordance with the specifications

of the Borough, the Pennsylvania Department of Highways or of the governmental agency having jurisdiction.

Where there are no such specifications, improvements shall be constructed in accordance with specifications furnished by the Borough Engineer or a registered professional engineer.

ARTICLE VII

IMPROVEMENT AGREEMENT

701. Contract

No final plat shall be approved by the Borough Planning Commission until the subdivider has submitted a Subdivision Improvement Agreement or a contract approved by the Borough, agreeing to construct the required improvements as shown on the record plat.

702. Approval of Guarantee

A bond or other suitable collateral in an amount stipulated in the Subdivision Improvement Agreement and in a form determined by the Borough to guarantee the performance of the above agreement or contract and to secure the completion of the above improvements within the time specified shall accompany the final plat submission.

ARTICLE VIII

PLAN REQUIREMENTS

801. Sketch Plan

A subdivision sketch plan may be submitted by the subdivider as a basis for informal and confidential discussion with the Commission staff.

Data furnished in a sketch plan will be at the discretion of the subdivider. For fullest usefulness, it is suggested that a subdivision sketch should include the following information:

1. Tract boundary.
2. Location map.
3. North point.
4. Streets on and adjacent to the tract.

5. Topographical and physical features.
6. Proposed general street layout.
7. Proposed general lot layout.

802. Preliminary Plan

- A. The subdivider shall supply five (5) copies of the preliminary plan and two (2) copies of other required material along with a written application to the Commission. The copies of the preliminary plan can be either black and white or blue and white prints. The sheet size shall be a minimum of 18" x 22".
- B. The preliminary plan shall be at a scale of fifty (50) feet or less to the inch and shall show the following information:
 1. Name and address of the owner of the tract or of his authorized agent, if any, and of the subdivider.
 2. Date, north point and graphic scale.
 3. Total acreage of the tract and number of lots.
 4. Zoning requirements - district and lot size.
 5. A location map for the purpose of locating the site to be subdivided, showing the relation of the tract to adjoining property and to all streets, roads and Borough boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided.
 6. Tract boundaries showing distances and bearings.
 7. Contours at vertical intervals of two (2) feet and location of bench mark and datum used.
 8. The names of all owners of all immediately adjacent unplatted land; the names of all proposed or existing subdivisions immediately adjacent and the locations and dimensions of any streets or easements shown thereon; the locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains and feeder lines, fire hydrants, gas, electric and oil transmission lines, water courses and other significant features within two hundred (200) feet of any part of the property proposed to be subdivided; and the location of all buildings and approximate location of all tree masses within the property.
 9. The location and widths of any streets or other public ways or places shown upon an adopted local or County plan, if such exists for the area to be subdivided.

10. The full plan of the development, showing the location of all proposed streets, roads, alleys, utility easements, parks, playgrounds and other public areas; sewer and water facilities; proposed building setback lines for each street; proposed lot lines and approximate dimensions of lots; lot numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use or proposed to be dedicated or reserved for future public use, together with the conditions of such dedications or reservations.
11. Provision for surface drainage of the tract to be subdivided.
12. Tentative cross-sections and centerline profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
13. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.
14. Any changes that may be proposed in the provisions of the zoning applicable to the area to be subdivided and suggested locations of buildings in connection therewith.
15. Where the preliminary plan submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished; the street system of the unsubmitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.
16. Proposed street names, to be accompanied by a letter from the postmaster of the area in which the subdivision is located, stating that the proposed names (except in the case of extensions of existing streets) do not duplicate the names of streets now in use.
17. A draft of any proposed covenants to run with the land.
18. A tentative timetable for the proposed sequence of development for the subdivision.
19. When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service must be presented to the Commission. This assurance shall be in the form of a letter signed by a responsible officer of the company or authority concerned, indicating their ability and willingness to make such service available.
20. When on-lot sewage disposal facilities are proposed, percolation tests shall be made at the subdivider's expense. The results and location of percolation tests made in accordance with the specifications of the Pennsylvania Department of Health shall be submitted

to the Commission. The test locations must be shown on at least two (2) copies of the preliminary plan.

21. When on-lot sewage disposal facilities are proposed, a satisfactory Pennsylvania Department of Health Feasibility Report must be received by the Commonwealth before approval of the preliminary plan, except as follows:
 - a. When the subdivision contains no lot under three (3) acres in area.
 - b. When on-lot sewage disposal systems are already installed and operating in a satisfactory manner on all lots under three (3) acres in area shown on the plan.
 - c. In re-subdivision of land for which plans were previously approved by the Planning Commission, where lot sizes are increased.
22. When on-lot sewage disposal facilities are proposed, the following general standards shall be met:
 - a. The percolation rate shall not exceed sixty (60) minutes for one (1) inch.
 - b. Percolation tests must be supervised and certified by a registered professional engineer or by a qualified sanitarian.
23. The preliminary plan shall also be accompanied by a check or money order drawn to the Orwigsburg Borough Treasurer in the amount of Twenty-five (\$25.00) Dollars. This check is not returnable unless the Commission fails to review the plan.

803. Final Plan

- A. The final plans which are to be submitted to the Commission for approval and subsequent recording shall either be drawn with India ink on tracing cloth or be a transparent reproduction of the final plan with black line on cloth or stable plastic base film. The final plans shall be at a scale of fifty (50) feet or less to the inch. If the final plans are drawn in two or more sections, it shall be accompanied by a key map showing the location of the several sections.

The subdivider shall supply five (5) copies of the proposed first plan and two (2) copies of other required material to the Commission. The sheet size shall be a minimum of 18" x 22".

- B. The final plan shall show the following:
 1. Name of the subdivision and the Borough in which it is located.

2. Name and address of the owner and subdivider.
3. North point, graphic scale and date.
4. Lot numbers (in consecutive order), dimensions, minimum area and total number of lots; acreage of whole development; density and use of land.
5. Source of title to the land of the subdivision and to all adjoining lots as shown by the books of the Recorder; names of the owners of all adjoining unsubdivided land.
6. A location map of the subdivision showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided.
7. Lot lines with accurate bearings and distances; distances to be to the nearest hundredth of a foot.
8. Pedestrian ways.
9. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public or community use; all areas to which title is reserved by owner.
10. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
11. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
12. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
13. Complete curve data for all curves included in the plan, including radius, delta angle, tangent, arc and chord.
14. Street lines with accurate dimensions in feet and hundredths of feet, with bearing of such street lines.
15. Street names.
16. Location and material of all permanent monuments and lot markers.
17. Easements for utilities and any limitations on such easements.
18. Setback lines not less than the minimum as fixed by the applicable zoning ordinance or any other setback lines established by these regulations or by public authority or those specified in the deed restrictions, whichever is greater.

19. The following information, where applicable, shall be shown on the plan:

a. Seals:

- (1) The impressed seal of the licensed engineer or surveyor who prepared the plan.
- (2) The impressed corporation seal, if the subdivider is a corporation.
- (3) The impressed seal of a notary public, or other qualified officer, acknowledging owner's statement of intent.
- (4) The impressed seal of the Borough within which the subdivision is located, if the Borough has a seal and the plan has been approved.

b. Acknowledgments:

- (1) A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision shown on the final plan is made with his or their free consent and that it is desired to record the same.
- (2) An acknowledgment of said statement before an officer authorized to take acknowledgments.

c. The following signatures in black India ink shall be placed directly on all copies of the plan submitted for approval:

- (1) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
- (2) The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.
- (3) The signature of the licensed engineer or surveyor who prepared the plan.

d. Upon approval of the final plan by the Borough Planning Commission and Council, the following signatures in black India ink shall be placed directly on all copies of the plan submitted:

- (1) The signature of the Chairman and Secretary of the Borough Planning Commission.,
- (2) The signature of the Borough Engineer.

- (3) The signatures of the President of the Borough Council and the Borough Secretary.
- (4) The signatures of the Chairman and the Executive Director of the Schuylkill County Planning Commission acknowledging that the plan has been approved or reviewed by the Commission.

All affidavits and acknowledgments shall appear in substantially the same form as prepared by the Commission.

20. The final plan shall be accompanied by the following material:
 - a. Final profiles, cross-sections and specifications for street improvements and sanitary and storm sewerage; and water distribution systems shall be shown on one (1) or more separate sheets.
 - b. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the drawing.
 - c. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space which shall bear the certificate of approval of the Borough's solicitor as to their legal sufficiency.
 - d. Certification of dedication of streets and other public property.
 - e. Where lot sizes are based on public water and/or public sewer facilities, assurance acceptable to the Commission that such facilities will be installed.
 - f. One of the following for guaranteeing improvements:
 - (1) A certificate from the subdivider and signed by the Borough that all improvements and installations in the subdivision required by these regulations have been made or installed in accordance with specifications; or
 - (2) A certificate from the subdivider and signed by the Borough that a bond, certified check or other security satisfactory to the Borough has been filed with the Borough; or
 - (3) The Commission shall require a bond, certified check or other security satisfactory to the Borough and Commission which shall:
 - (a) Be made payable to the Borough in which the subdivision is located;
 - (b) Be in an amount determined by the Borough and Commission to be sufficient to complete the improvements and installations in compliance with these regulations;

(c) In the case of a bond, it shall also:

(i) Be with surety satisfactory to the Borough and Commission.

(ii) Be in form, sufficiency and execution acceptable to the Borough and Commission.

(4) The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Borough and Commission. When the improvements have been completed and approved by the Borough and Commission, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the Borough and Commission, a portion of the bond, moneys or other security commensurate with the cost of the improvement may be released and returned.

(5) In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in escrow fund.

21. The final plan shall also be accompanied by a check or money order drawn to the Orwigsburg Borough Treasurer in the amount of Twenty (\$20.00) Dollars, plus One (\$1.00) Dollar for each lot. This check is not returnable unless the Commission fails to review the plan,
22. If the final plan sheet size is larger than 18" x 22", the final plan shall also be accompanied by a check or money order drawn to the Orwigsburg Borough Treasurer in the amount sufficient to cover the cost of reduction to the above size.
23. An inspection fee shall accompany the final plan in the form of a check or money order drawn to the Orwigsburg Borough Treasurer in the amount of one per cent (1%) of the bonded amount of improvement construction for the first \$10,000 and two per cent (2%) for each succeeding \$10,000.00.

ARTICLE IX

COUNTY REVIEW PROCEDURES

901. Preliminary Plan Review Procedures

To comply with the code requirements, the following procedures shall apply:

- A. Plan Requirements - The Borough shall submit two (2) copies of the preliminary plan under review, plus one (1) copy of any supporting documents related to the plan to the County Planning Commission Office.

- B. The County Planning Commission shall review the preliminary plan in accordance with applicable provisions of the County subdivision regulations. It is understood that differences may exist between the Borough subdivision ordinance and the County subdivision regulations. In reviewing plans, the County Planning Commission will review the preliminary plan with respect to the County comprehensive plan, community facilities, school district facilities, plus other applicable provisions of the County regulations, including possible deficiencies in the preliminary plan submission in view of County and regional planning requirements.
- C. The County Planning Commission shall review the plan within twenty (20) days of its receipt and forward by letter to the Borough and the subdivider the County Planning Commission's comments and recommendations concerning the plan. Failure by the County Planning Commission to act within the twenty (20) day period shall constitute a review of the plan by said County Planning Commission.

902. Final Plat Review Procedures

The following procedures shall apply:

- A. Plan Requirements - The Borough shall submit two (2) copies of the final plat under review, plus one (1) copy of any supporting documents related to the plan to the County Planning Commission office.
- B. The County Planning Commission shall review the final plat in accordance with applicable provisions of the County subdivision regulations. It is understood that differences may exist between the Borough subdivision ordinance and the County subdivision regulations. In reviewing plats, the County Planning Commission will review the final plat with respect to the County comprehensive plan, community facilities, school district facilities, plus other applicable provisions of the County regulations, including possible deficiencies in the final plat submission in view of County and regional planning requirements.
- C. The County Planning Commission shall review the plat within twenty (20) days of its receipt and forward by letter to the Borough and the subdivider the County Planning Commission's comments and recommendations concerning the plan. Failure by the County Planning Commission to act within the twenty (20) day period shall constitute a review of the plat by said County Planning Commission.

ARTICLE X

ADMINISTRATION

1001. Modifications

- A. The provisions of these regulations are the minimum standards for the protection of the public welfare. The Commission reserves the right to modify or to extend them as may be necessary in the public interest.

- B. If any mandatory provision of these regulations is shown by the applicant to be unreasonable and to cause unique and undue hardship as they apply to his proposed subdivision, the Commission may grant a variance in writing to such applicant from such mandatory provisions so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purposes of these regulations.

A variance shall only be granted by a majority of the Commission present at a specially scheduled public meeting. Further, the subdivision plans will be available for public inspection at the Borough office for a period of ten (10) days immediately preceding the date set for the said meeting.

- C. In granting variances and modifications, the Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

1002. Large Scale Developments

The standards and requirements of these regulations may be modified by the Commission and in the case of plans for complete communities or neighborhood units or other large scale developments, which in the judgment of the Commission achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to an achievement of the plan.

1003. Reconsideration

Any subdivider aggrieved by a finding, decision or recommendation of the Commission may request and receive opportunity to appear before the Commission (in accordance with the provisions of Section 1001) to present additional relevant information and request reconsideration of the original finding, decision or recommendation.

1004. Records

The Commission shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review.

All records of the Commission shall be public records.

1005. Validity

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Orwigsburg that this ordinance would have been adopted had such un-

constitutional, illegal or invalid sentence, clause, section or part thereof, not been included therein.

1006. Repeal

All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

1007. Effective Date

This ordinance and the subdivision regulations herein shall become effective on October 1, 1967, and shall remain in full force and effect until modified, amended or rescinded by the Commission and the Borough Council.

BOROUGH OF ORWIGSBURG

Harold J. Boyer
President of Borough Council

Attest:

Jessette M. Galtz
Secretary

APPROVED: This 20th day of September, A. D., 1967.

Lucien Jones
MAYOR