

2016



SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

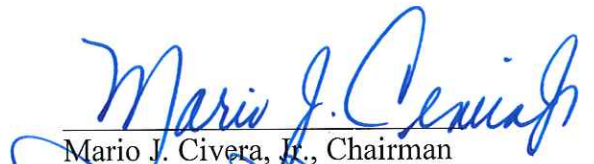
COUNTY OF DELAWARE
PENNSYLVANIA
ORDINANCE No. 2016-2

AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF DELAWARE, PENNSYLVANIA AMENDING ORDINANCE NO. 2010-6 KNOWN AS THE COUNTY CODE OF DELAWARE COUNTY PROVIDING FOR THE REPEAL OF ORDINANCE 1978-5 AND AMENDMENTS THERETO AND THE ADOPTION OF ORDINANCE 2016-2 TITLED AS THE "SUBDIVISION AND LAND DEVELOPMENT ORDINANCE" OF DELAWARE COUNTY

IT IS HEREBY ENACTED AND ORDAINED by the County Council of Delaware County, Pennsylvania, that Ordinance No. 2010-6 known as the County Code of Delaware County is hereby amended providing for the repeal of Ordinance No. 1978-5 and amendments thereto and the adoption of Ordinance No. 2016-2 titled as the "Subdivision and Land Development Ordinance" of Delaware County, a copy of which is attached hereto and made part hereof.

Effective Date of the Ordinance shall be August 13, 2016.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania, this 3rd day of August 2016.


Mario J. Civera, Jr., Chairman


Colleen P. Morrone, Vice Chairman


John P. McBlain


David J. White


Michael F. Culp

Attested: 
Anne M. Coogan, County Clerk

Acknowledgements

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The preparation of this ordinance was financed in part through funding from the Community Development Block Grant Program under Title I of the Housing and Community Development Act of 1974, P.L. 93-383 (as amended). Additionally, this project was subsidized through a Land Use Planning and Technical Assistance Program Grant from the Pennsylvania Department of Community and Economic Development, as administered by the Governor's Center for Local Government Services.

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ARTICLE I: GENERAL PROVISIONS

Section 100 Short Title

This Ordinance shall be known and may be cited as the “The Delaware County Subdivision and Land Development Ordinance of 2016.”

Section 101 Effective Date

- A. This Subdivision and Land Development Ordinance (Ordinance) shall become effective on **Month Day, Year**, and shall remain in effect until modified, amended, or rescinded by Delaware County.

Section 102 Purposes

- A. The purposes of this Ordinance are:
- 1) To provide for the harmonious, orderly, efficient, and integrated growth of Delaware County by encouraging redevelopment in eastern municipalities to help reduce development pressures in the western municipalities and to conserve remaining open space;
 - 2) To promote and protect the public safety, health, and general welfare of the residents of the County;
 - 3) To establish reasonable standards of design and procedures for land development, subdivision, and reverse subdivision in order to promote the orderly layout and use of land;
 - 4) To ensure that sites are suitable for building and human habitation and for the intended use;
 - 5) To ensure that the arrangement and design of subdivisions and land developments conform to any applicable municipal zoning ordinance, official map, official sewage facilities plan, County and municipal open space, recreation, or greenway plans, comprehensive plans, and to all relevant County and municipal codes, regulations, plans, maps, and ordinances adopted in furtherance thereof;
 - 6) To facilitate and accommodate prospective pedestrian, vehicular, and other intermodal movement, fire protection, life safety, and other essential services through a coordinated circulation system and design of streets, trails, paths and sidewalks;
 - 7) To ensure the coordination and conformity of subdivision and/or land development plans with the capital improvement plans of municipalities regarding such facilities as streets, sewers, and other facilities and improvements;
 - 8) To establish standards that ensure the proper management of natural and historic resources by requiring the conservation of these existing resources to the greatest possible extent in areas affected by excavation, construction, or other land development activities;
 - 9) To provide for drainage, water supply, sewage disposal, and other appropriate utility service for land that is scheduled for growth under the County and municipal comprehensive plans;

- 10) To provide for the arrangement of building lots, blocks, and streets so as to afford adequate light, view, and air and to facilitate emergency services;
- 11) To encourage subdivision and land development in accordance with principles and practices which conserve energy, both during and after construction, and which encourage the use of alternative energy sources by the layout of the lots and the siting of buildings.
- 12) To enable the development and redevelopment of a broad range of housing types which are affordable by residents of varying income levels;
- 13) To establish a uniform and equitable procedure for the review and processing of subdivision and land development plans; and
- 14) To ensure the recording of proper legal descriptions of subdivided land.

Section 103 Interpretation

A. The provisions of this Ordinance shall be deemed to be the minimum requirements necessary to meet the foregoing purposes. However, when interpreting such requirements, the following shall be noted:

- 1) Where, owing to special or unique conditions, life, health, safety, or property of persons may be threatened or endangered by the application of any of the requirements of this Ordinance, more stringent or restrictive requirements necessary to eliminate or alleviate such menace or jeopardy may be applied or imposed by the municipality.
- 2) Where, owing to special or unique conditions, the provisions of this Ordinance will inflict unnecessary hardship upon the applicant, reasonable exceptions to such provisions which will not be contrary to the foregoing purposes or to the public interest and will be in conformance with the existing character of the community may be made by the municipality.
- 3) Where the provisions of this Ordinance impose more stringent requirements than those of any statute, ordinance, code, or regulation, the provisions of this Ordinance shall prevail; where the provisions of any statute, ordinance, code, or regulation impose more stringent requirements than those of this Ordinance, such statute, ordinance, code, or regulation shall prevail.
- 4) Where it is desirable to effect economy and ingenuity in the layout of subdivisions and land developments and to protect sensitive natural and historic resources, modifications of site requirements may be made in accordance with the guidelines set forth in Section 1105 of this Ordinance, and the municipality may alter site requirements to encourage other practices which are in accordance with modern and evolving principles of site planning and development.

Section 104 Authority

A. In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, municipalities shall have the authority to regulate subdivision and land development by enacting a subdivision and land development ordinance. Through such authority the following shall apply:

- 1) No subdivision, reverse subdivision, or land development of any lot, tract, or parcel of land within the municipality shall be made, and no street, alley, sanitary sewer, capped

sewer, storm sewer, water main, or gas, oil, or electric transmission line or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the Ordinance regulations adopted herein and all other applicable municipal ordinances, codes, regulations, plans, and maps, as amended.¹

- 2) No lot in a subdivision may be sold, no permit to erect, alter, or add to any building or other structure or portion thereof upon land in a subdivision and/or land development may be issued, and no building may be erected in a subdivision or land development unless and until a final subdivision and/or land development plan is filed in accordance with [Section 306](#) of this Ordinance, has been approved and recorded in the Office of the Recorder of Deeds of the County of Delaware, Pennsylvania, and either the required improvements in connection therewith have been constructed or the municipality has been assured by means of a corporate bond or other security acceptable to the municipality that the improvements will subsequently be installed.
- B. The following are subject to the regulations of this Ordinance:
- 1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or 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, including the division, reverse subdivision of a lot, tract, or parcel of land, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Section 105 Jurisdiction

- A. This Subdivision and Land Development Ordinance shall apply to all subdivisions and land developments undertaken in those cities, borough, or incorporated towns or township wholly or partly within Delaware County, Pennsylvania, which have no Subdivision and Land Development in effect. It shall remain in effect in such a city, borough, or incorporated town or township (heretofore referred to as municipality) until a Subdivision and Land Development Ordinance is put into effect and a certified copy of such Ordinance is filed with the Delaware County Planning Commission.
- B. The municipal governing body shall have jurisdiction over subdivision and land development within the municipality. In order for the actions of the municipal governing body under this Ordinance to be correlated with all relevant data and procedures, the municipal governing body hereby designates the municipal planning commission as the agency to which the following responsibilities are assigned:
 - 1) To engage in all preliminary consultations with the applicant relating to subdivision and/or land development plans.
 - 2) To review, upon filing with the municipality, all sketch subdivision and/or land development plan proposals.

¹ Pennsylvania Municipalities Planning Code, Act 247, Section 507

- 3) To review, upon filing with the municipality, all Ordinance application packets for either preliminary or final approval of subdivision and/or land development plans.
 - 4) To make recommendations to the municipal governing body concerning approval, disapproval, modification, and conditions of approval of subdivision and/or land development plans.
 - 5) To make recommendations to the municipal governing body concerning the rationale for the granting of modifications to the provisions, requirements, and standards of this Ordinance.
 - 6) To review this Ordinance and make recommendations to the municipal governing body on proposed amendments to it.
 - 7) In the performance of the municipal planning commission functions, to enter upon any land to make examinations and surveys with the consent of the owner.
 - 8) Any municipality may by separate ordinance designate the Delaware County Planning Commission, with the Delaware County Planning Commission's concurrence, as its official administrative agency for review and approval of plats.²
- C. The municipal governing body authorizes the designated municipal official to determine whether or not any preliminary or final subdivision and/or land development plan application packets are complete, thereby being deemed an "officially submitted plan," and acceptable to the municipal governing body for the purpose of establishing the date of filing.
- 1) The municipality shall, within seven (7) calendar days, inspect such application packet to see if it contains the required information as listed in [Section 300.D](#) of this Ordinance.
 - 2) In the event that the submission is found to be incomplete, the municipality shall notify the applicant by certified mail return receipt requested or in person that the date of filing will not be effective until all required forms, fees, types, and copies of plans and papers are correctly submitted.
- D. The municipal governing body may designate to additional boards or commissions of the municipality the following responsibilities:
- 1) Should a municipal Open Space Committee and/or Park and Recreation Board exist, to review and make recommendations to the municipal planning commission concerning the adequacy or appropriateness of open space, parks, or recreation proposed by either preliminary or final subdivision and/or land development plans.
 - 2) Should a municipal Historical Commission exist, to review and make recommendations to the municipal planning commission or other appropriate municipal body concerning the impact upon historic resources of the municipality by proposed preliminary or final subdivision and/or land development plans.
 - 3) Should a Sewer Authority exist, to review and make recommendations to the municipal Planning Commission concerning the consistency with the municipality's Act 537 Plan and the adequacy of any public sanitary sewage system proposed by preliminary or final subdivision and/or land development plans.
- E. The municipal governing body shall designate a municipal official to enforce the provisions of this Ordinance.
- F. Inspection of actual construction under any approved subdivision and/or land development plan shall be the sole responsibility of the municipality, which shall undertake reasonable measures to provide an adequate inspection of all projects.

² Pennsylvania Municipalities Planning Code, Act 247, Section 502 C

- G. In the event that any action by the applicant is inconsistent with the provisions of this Ordinance, the municipal governing body or its authorized representative may issue a cease and desist order or take such other appropriate action as is deemed necessary under the circumstances.

Section 106 Severability

- A. Should any court of competent jurisdiction decide that any section or provision of this Ordinance is unconstitutional or invalid, this decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. Moreover, should any court of competent jurisdiction decide that the application of any provision of this Ordinance to any premises is unconstitutional or invalid, this decision shall be limited to the person, property, or situation immediately concerned and shall not affect the applicability of the relevant provision to other persons, properties, or situations.

ARTICLE II: INTERPRETATIONS AND DEFINITIONS

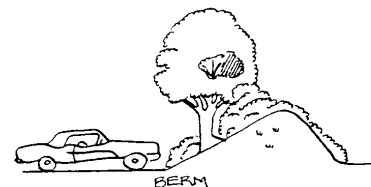
Section 200 Language Interpretation

- A. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated below:
- 1) Words in the singular shall include the plural, and those in the plural shall include the singular.
 - 2) Words in the present tense shall include all other tenses.
 - 3) The masculine gender shall include the feminine and neuter.
 - 4) The word "used" shall include the words "designed" or "arranged."
 - 5) The words "person," "developer," and "owner" shall include an individual, corporation, unincorporated association, partnership, estate, trust, fiduciary, or other legal entity including the principal officers thereof or any person or entity acting directly or indirectly by, through, or under any of the foregoing.
 - 6) The word "building" shall include "structure" and shall be construed to be followed by the phrase "or part thereof."
 - 7) The word "occupied" shall include the words "intended to be occupied."
 - 8) The words "should" and "may" are permissive.
 - 9) The words "shall" and "will" are mandatory and directive.
 - 10) The words "as amended" as applied to any statute, ordinance, code, regulation, plan, or map includes replacements, supplements, or restatements thereof.
 - 11) Reference to a particular article, section, or subsection inherently refers to other articles, sections, or subsections.
- B. The terms "such as" and "including" are intended to introduce matters which are illustrative of the meaning of the sentence, clause, or phrase in which such terms appear without limiting or taking away from the sense of the sentence, clause, or phrase in which such terms appear.

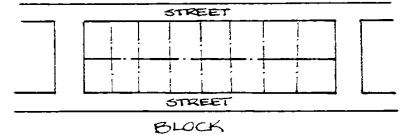
Section 201 Specific Definitions

- A. For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings indicated herein:
- 1) **The 1% ANNUAL CHANCE FLOOD**– (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year.
 - 2) **ACCELERATION LANE** – An added street lane that permits integration and merging of slower moving vehicles into lanes of the main vehicular flow.
 - 3) **ACCESS** – A way or means of approach to provide physical ingress to and egress from a parcel, tract, or lot.
 - 4) **ACCESSWAY** – A drive, driveway, aisle, private street, sidewalk, walkway, or other pavement that connects parking areas, buildings, and other structures to a street or highway.
 - 5) **ACCESSORY BUILDING OR STRUCTURE** – A building or structure subordinate to the principal permitted building on a lot and used for purposes customarily incidental to those of such principal building.
 - 6) **ACT 167 (STORMWATER MANAGEMENT PLAN)** – The plan for managing stormwater runoff in a respective watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167).

- 7) **ACT 247 REVIEW FORM** – A County of Delaware form that is to be used to provide information that aids in the review of a subdivision and/or land development plan and for general administrative purposes.
- 8) **AGENT** – Any person or entity other than the landowner or developer who, acting upon written authority of the landowner or developer, files subdivision and/or land development application packets with the municipality for the purpose of obtaining approval thereof.
- 9) **AISLE** – An accessway within a parking area or parking lot that provides space for the maneuvering of vehicles.
- 10) **ALLEY** – A paved lane that provides secondary service access for vehicles to the side or rear of abutting properties.
- 11) **ALTERATION** –
 - a. Any change in the exterior or structural portions of a building.
 - b. Any change to or in a building that would alter its use classification.
 - c. Any change which would substantially alter an existing sewage system, traffic condition, or other infrastructure element.
- 12) **ALTERNATIVES** – Choices between or among two (2) or more plans, layouts, approaches, solutions, and/or results.
- 13) **APPLICANT** – A landowner or developer who has filed a complete application for subdivision and/or land development, including heirs, successors, assigns, and grantees.
- 14) **APPLICATION PACKET** – Includes the required number of plans with all other plan requirements, a fully completed County Application for Act 247 Review Form, a completed subdivision and/or land development checklist, and payment of fees in accordance with the fee schedules adopted by the municipality and [Section 1201](#) of this Ordinance.
- 15) **ARCHITECT** – A person licensed to practice architecture in the Commonwealth of Pennsylvania.
- 16) **ARTERIAL STREET** – A street connecting to major traffic generators and serving a large volume of comparatively high speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation (PennDOT).
- 17) **AS-BUILT PLAN** – A plan prepared by a licensed surveyor or engineer per State Registration law showing dimensions and locations of all improvements as actually constructed.
- 18) **BEARINGS AND DISTANCES** – See “metes and bounds.”
- 19) **BENCHMARK** – A mark on a fixed and enduring object (as a concrete post set into the ground) indicating a particular elevation and used as a reference in topographical surveys.
- 20) **BERM** – A raised earth mound of sufficient height that constitutes an effective screen and gives maximum protection and immediate visual screening. The maximum slope on any berm shall not exceed thirty (30) percent in grade.



21) **BLOCK** – Property bounded on one (1) side by a street and on the other three (3) sides, by a street, railroad right-of-way, waterway, unsubdivided area, or other definite boundary.



22) **BOUNDARY LINE** – A line bounding a lot or tract as shown on the officially filed plan.

23) **BUFFER** – An area adjacent to a property boundary that is landscaped and maintained for a width as required in the municipal zoning ordinance and this Ordinance. Buffers serve to separate the uses of land and eases the transition between them.

24) **BUILDABLE AREA (BUILDING ENVELOPE)** – The area of a lot remaining after the minimum yard and setback requirements of the municipal zoning ordinance have been met, within which a principal permitted building shall be located. Such setback requirements include yard setbacks and setbacks from regulated floodplain areas and such features as steep slopes, very steep slopes, and easements. Where a buildable area is shown on a plan as extending into an area subject to flooding or any other area that may involve a conditional use or special exception, those portions of the buildable area extending into any such area shall be delineated, depicted, and otherwise noted on all plans in an accurate and conspicuous manner to disclose the specific uses which may occur in such areas.

25) **BUILDER** – A person who is not necessarily the owner of the land or agent of the same who, by contract or other agreement, is charged with the construction of buildings or other structures or making any construction improvements on any parcel of land.

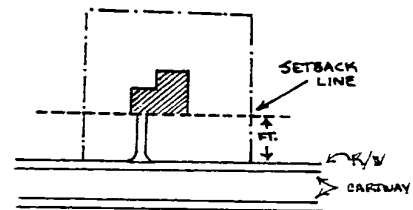
26) **BUILDING** – Any structure that is built for the support, shelter, or enclosure of persons, animals, or property of any kind.

27) **BUILDING AREA** – The aggregate of the maximum horizontal cross-sectional areas of the buildings on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches, bay windows not extending through more than one (1)-story and not projecting more than five (5) feet, one (1)-story open porches projecting not more than ten (10) feet, steps, and balconies.

28) **BUILDING PERMIT** – A document issued by the municipality granting permission for the construction, repair, alteration of, or addition to a structure.

29) **BUILDING SETBACK LINE** –

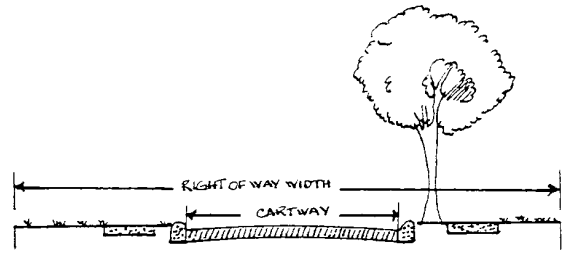
For the purpose of determining the minimum width of a lot, building setback line shall mean the line parallel to the edge of the right-of-way, and at a distance therefrom at least equal to the depth of the front yard required for the zoning district in which the lot is located.



30) **CALIPER** – An instrument utilized for obtaining outside measurements of trees. For measuring trees, the caliper measurement shall be taken at a point on the trunk thirty-six (36) inches above the natural ground line.

31) **CAPPED SEWERS** – Sanitary sewage facilities that are installed and capped where existing sanitary sewage facilities are not accessible and available, but may be proposed for connection at a later date in the Official Sewage Facilities Plan of the municipality. Such facilities shall include sanitary sewers, force mains, pumping stations, and all other appurtenances necessary to serve the entire subdivision and/or land development.

32) **CARTWAY** – That area of a street where vehicles are permitted including travel lanes, but not including shoulders, curbs, gutters, or pedestrian spaces.



33) **CENTERLINE** – A line equidistant from and parallel to the street, right-of-way, or property lines on each side of the street.

34) **CERTIFICATE OF OCCUPANCY** – A statement signed by the municipality, setting forth that a building, structure, or use legally complies with the municipal zoning ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

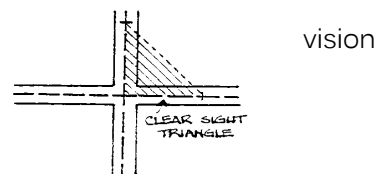
35) **CHANNEL** – An area that conveys the normal continuous or intermittent flow of water.

36) **CHECKLIST** – Forms included in the appendices of this Ordinance that are to be used to provide information relative to the completeness of the subdivision and/or land development plan application packet.

37) **CLEAR SIGHT DISTANCE** –

- a. For local streets, the longest line of unobstructed vision along a street cartway from a point three and one half (3½) feet above the centerline of the street to the top of an object six (6) inches high on the same centerline.
- b. For all other streets, the longest line of unobstructed vision along a street cartway from a point three and one half (3½) feet above the centerline to an object four and one quarter (4¼) inches above the pavement.
- c. The American Association of State Highway Officials' (AASHTO) publication entitled *A Policy on Geometric Design of Highways and Streets*, latest edition, shall govern all sight distance situations, unless the municipality requires more stringent control to improve known or potentially hazardous conditions.

38) **CLEAR SIGHT TRIANGLE** – An area of unobstructed at a street intersection defined by lines of sight between points at a given distance from the intersection of the street centerlines.



39) **COLLECTOR STREET** – A street which, in addition to providing access to abutting properties, intersects local streets to provide a route giving access to other collector and arterial streets. Streets in nonresidential subdivisions and/or land developments shall generally be considered collector streets.

40) **COMMON OPEN SPACE** – A parcel of land or an area of water or a combination of both within a tract that is designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

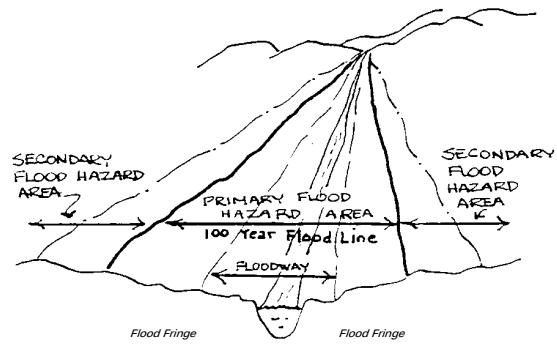
- 41) **COMMUNITY FACILITIES** – The services that provide for various community health, education, safety, leisure, and related needs and the locations at which these services are provided.
- 42) **COMMUNITY MANAGEMENT** – The person who owns or has charge, care, or control of the mobile home park or homeowners association.
- 43) **COMMUNITY SANITARY SEWAGE SYSTEM** – A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
- 44) **COMMUNITY WATER SUPPLY SYSTEM** – A system for supplying water from a common source to two (2) or more dwellings and/or other buildings, generally serving a single land development, subdivision, or neighborhood and operated by a private utility or developer.
- 45) **COMPACT RESIDENTIAL DEVELOPMENTS** – Multi-family and cluster subdivision and/or land developments whereby the buildings on a tract, attached or detached, are grouped closely together and set off from similar groups by intervening space held in common ownership or by the public.
- 46) **COMPLETE APPLICATION PACKET** – The requisite number of plans, all supplementary information, data, and documents, together with a completed and signed application form provided by the municipality and the appropriate filing fees, as required by [Article XII](#) of this Ordinance.
- 47) **COMPLETE STREETS** – A policy to ensure that the entire right-of-way is routinely designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities can safely move along and across a complete street.
- 48) **COMPLETION GUARANTY** – The financial security that may be accepted by the municipality as a guaranty that improvements required as part of a final subdivision and/or land development plan are completed to the satisfaction of the municipality.
- 49) **COMPREHENSIVE PLAN** – The maps, charts, and textual matter adopted by the municipality in accordance with Article III of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- 50) **CONDITIONAL USE** – A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- 51) **CONDOMINIUM** – An estate in real property consisting of the all of the following characteristics:
 - a. Individual ownership of units (the interior and associated exterior areas designated for private use in a land development plan);
 - b. Undivided, common interest in all or a portion of the exterior open space and any community interior spaces in accordance with the Pennsylvania Uniform Condominium Act, as amended, and with the provisions for open space, streets, or other development features in the municipal zoning ordinance and this Ordinance.
- 52) **CONSTRUCTION** – Any disturbance of the land or the erection of structures thereon, including the cutting of trees or clearing of brush. However, staking or clearing for survey lines or performing engineering or other scientific tests to obtain data shall not be deemed as construction.

- 53) **CONTIGUOUS PROPERTY OWNER** – The owner of record of a lot that is contiguous at any point to the lot in question or that is contiguous to that section of street on which the subject lot has frontage.
- 54) **CONTINUOUS VISUAL BUFFER** – A visually impenetrable screen created through the effective use of plant materials, fencing, walls, and/or earthen berms.
- 55) **CONTOUR** – An invisible line on the surface of the earth along which all points are at the same elevation above sea level.
- 56) **CROSSWALK** – A publicly or privately owned right-of-way for pedestrian use that crosses areas paved for motor vehicle use.
- 57) **CUL-DE-SAC** – A single access street intersecting a through street at one end and terminating in a permanent vehicular turnaround at the other end.
- 58) **CURB** – A stone or concrete boundary marking the edge of the cartway or paved area.
- 59) **CUT** –
 - a. An excavation.
 - b. The difference between a point on the original ground and a designated point of lower elevation on the final grade.
- 60) **DATE OF FILING** – The date on which a complete application packet for subdivision and/or land development has been submitted and officially accepted by the municipality.
- 61) **DATUM** – A reference point from which elevations are measured. The standard datum is sea level as established by the United States Geological Survey (USGS).
- 62) **DECELERATION LANE** – An added roadway lane that permits vehicles to slow down and leave the main vehicular flow.
- 63) **DEDICATION** – A gift or other donation of property by the owner thereof to the municipality or other entity.
- 64) **DEED** – A legal document conveying an estate or other right, title, or interest in property.
- 65) **DENSITY** – The number of units per acre of gross area.
- 66) **DESIGN STANDARDS** – Standards appearing in [Article VIII](#) and [Article IX](#) of this Ordinance.
- 67) **DETENTION BASIN** – An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely soon after a rainfall event and become dry until the next rainfall event.
- 68) **DEVELOPER** – Any landowner, equitable owner, authorized agent of such landowner, or tenant with permission of such landowner who makes or causes to be made a subdivision and/or land development application.
- 69) **DEVELOPMENT** –
 - a. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.
 - b. Any mining, excavation, landfill, or land disturbance.
 - c. Any use or extension of the use of land.
- 70) **DITCH** – A small drainage channel.
- 71) **DOUBLE FRONTAGE LOT** – A lot extending between and having frontage on two (2) generally parallel streets (excluding corner lots). Also known as reverse frontage.
- 72) **DRAINAGE** – A system for conveying stormwater runoff, surface water, or groundwater from the land by facilities or structures which serve to control or otherwise manage

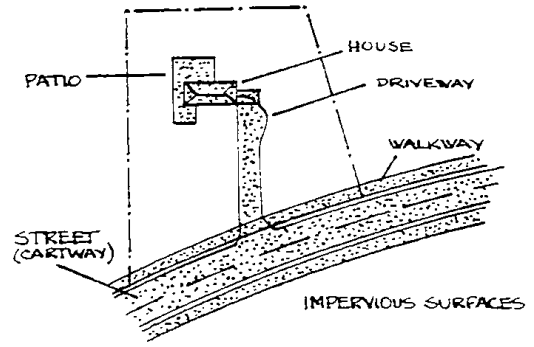
runoff and minimize sedimentation and soil erosion during and after construction or development.

- 73) **DRAINAGE EASEMENT** – A right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
- 74) **DRAINAGE PLAN** – A plan for controlling surface water runoff on a given development site so that it will preclude erosion or flooding and/or the adverse effects of impervious areas on surface water runoff as required by the municipal ordinances, codes, regulations, and maps. See Stormwater management Site Plan.
- 75) **DRAINAGEWAY** – Any watercourse or trench, ditch, swale, gutter, piped flow, or other similar depression or structure in which water flows in a definite direction, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow.
- 76) **DRIVEWAY** – A gravel or paved surface on a lot that provides access for vehicles to a parking space, garage, dwelling, or other structure from a street.
- 77) **DWELLING** – A building designed for and occupied exclusively for residential purposes, including a mobile home.
- 78) **DWELLING UNIT** – Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.
- 79) **EASEMENT** – A right, privilege, or other interest granted or reserved for the use of land for a particular purpose; the land to which such right or privilege pertains.
- 80) **EGRESS** – An exit.
- 81) **ELEVATION** –
 - a. A vertical distance above or below a fixed reference level.
 - b. A scale drawing of the front, rear, or side of a building.
- 82) **ENGINEER** – A person registered by the Commonwealth of Pennsylvania to practice professional engineering.
- 83) **ENLARGEMENT** –
 - a. An addition to the floor area of an existing building.
 - b. An increase in size of another existing structure.
 - c. An increase in that portion of a tract of land occupied by an existing use.
- 84) **EROSION** – The removal of surface materials by the action of natural elements.
- 85) **EXCAVATION** – The removal or recovery of soil, rock, minerals, mineral substances, or organic substances other than vegetation from water or land or beneath the surface thereof, whether exposed or submerged.
- 86) **EXISTING GRADE** – The elevation, relative to a given datum, of the ground surface prior to any excavation, cut, or fill.
- 87) **FENCE** – A vertical structure or enclosure designed as a barrier and erected as a freestanding unit.
- 88) **FILED** – The complete submission of a subdivision and/or land development plan application packet with the proper forms, plans, documents, and other submissions and fees, as required by this Ordinance, according to the timetable set forth herein.
- 89) **FILL** –
 - a. A material such as sand, gravel, earth, and other suitable and approved composition.
 - b. Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of a stripped or otherwise cut surface.

- 90) **FINAL PLAN** – A subdivision plan and/or land development plan prepared for official recording purposes depicting all features required in [Article VI](#), [Article VII](#) and all plans, documents, and submissions required therein.
- 91) **FINISHED GRADE** – The elevation, relative to a given datum, of the ground surface after completion of any excavation, cut, or fill.
- 92) **FLAG LOT** – A lot which has street frontage connected to the major portion of the lot by means of a narrow strip of land. A lot whose configuration resembles a flag and a connecting pole or post.
- 93) **FLOOD** – The general and temporary inundation or partial and complete inundation of normally dry land areas from the overflow of streams, rivers, watercourses, or other inland water from any source.
- 94) **FLOODING** – A general or temporary condition of partial or complete inundation of areas from the overflow of inland waters and/or the unusual and rapid accumulation of water on or under the ground.
- 95) **FLOODPLAIN** –
- Any land area susceptible to being inundated by water from any flood.
 - Any land area designated as such by an official municipal ordinance.
 - Any land area capable of accommodating a 1% annual chance flood
- 96) **FLOODWAY** – The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude.
- 97) **FLOOD-FRINGER** – The area as described in the municipal zoning ordinance and delineated based upon a Federal Emergency Management Agency's Flood Insurance Rate Map.
- 98) **FRONTAGE** – The length of any one (1) property line of a lot that abuts a street line, ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered front lot lines and shall be subject to the applicable yard requirements.
- 99) **FRONT LOT LINE** – The line separating the lot from the street right-of-way.
- 100) **GRADE** –
- The slope of a street or other installation, expressed as a percent.
 - The elevation of existing, finished, or proposed conditions, as hereinafter defined.
- 101) **GRADING** – The changing of the surface of the ground by cutting, filling, or excavation, including land in its cut or filled condition.
- 102) **GROSS ACREAGE** – The acreage of a lot within the boundary lines.
- 103) **GROUNDWATER RECHARGE** – The replenishment of geologic structures and rock or soil interstices that have the capacity to store water or permit the transfer of water to a geologic storage area.
- 104) **GUTTER** – That portion within a street right-of-way designed for surface drainage.
- 105) **HISTORIC RESOURCE** – All buildings, sites, structures, objects, and districts identified in the County historic and archaeological resources maps/surveys or any other official federal, state, County, or local inventory.



- 106) **HORIZONTAL CURVE** – A geometric design feature of a roadway – provides a smooth change in direction to the left or right.
- 107) **IMPACT** – The power of an event to produce changes in a condition.
- 108) **IMPERVIOUS SURFACE** – A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, driveway areas, or roofs. Any surface areas designed to be gravel or crushed stone shall be regarded as impervious surfaces.
- 109) **IMPROVEMENTS AGREEMENT** – A list of improvements approved by the municipality that the applicant agrees to install as a prerequisite to final plan approval.
- 110) **INFRASTRUCTURE** – The basic installations and facilities on which the continuance and growth of a community depend, such as streets, sewers, electrical transmission facilities, transportation, and communication systems.
- 111) **INGRESS** – An entrance.
- 112) **INTERIOR LOT**– See Flag Lot.
- 113) **INVERT** – The lowest visible surface of a drainage conduit or channel.
- 114) **LAKES AND PONDS** – Natural or artificial bodies of water that retain water year round. Artificial ponds may be created by dams or result from excavation. Lakes are bodies of water of two (2) or more acres. Ponds are any water body less than two (2) acres. The shoreline of such water bodies shall be measured from the spillway crest elevation rather than the permanent pool, if there is a difference.
- 115) **LAND DEVELOPMENT** –
- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - i. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.
 - ii. 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.
 - b. A subdivision of land.
 - c. Land developments do not include:
 - i. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units.
 - ii. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - iii. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For this purpose, 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 approved by proper authorities.



- 116) **LAND DEVELOPMENT PLAN** – A sketch, preliminary, or final subdivision and/or land development plan, submitted in compliance with [Articles IV, V, VI](#), and [VII](#) of this Ordinance.
- 117) **LANDOWNER** – The legal or beneficial owner of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land that is the subject of an application for subdivision and/or land development.
- 118) **LAND PLANNER** – A design professional who is recognized as a certified planner by the American Planning Association.
- 119) **LANDSCAPE ARCHITECT** – A design professional registered by the Commonwealth of Pennsylvania to practice landscape architecture.
- 120) **LANDSCAPE SCREEN** – Any combination of hedges, walls, trees, or earth berms arranged so as to create a continuous visual barrier.
- 121) **LANDSCAPED AREA (LANDSCAPED BUFFER)** – That portion of a tract or lot in which plantings have been installed in accordance with the landscaping requirements of [Article VIII](#) of this Ordinance. The landscaped area includes the buffer planting strip, as well as plantings which serve a functional and/or aesthetic purpose when located around and between buildings, streets, parking areas, pedestrian spaces, walkways, sitting areas, service or maintenance structures, courtyards, and the like.
- 122) **LAND USE** – The use to which land is used, arranged, and the like. Use is typically expressed in terms of the type of activity or development that exists, such as agricultural, residential, municipal, and the like.
- 123) **LOADING AREA** – A space accessible from a street for the temporary use of vehicles while loading or unloading merchandise or materials.
- 124) **LOCAL STREET** – A street used primarily to provide access to abutting properties.
- 125) **LOT** – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law to be used, developed, or built upon.
- 126) **LOT AREA** –
- a. The area enclosed by the boundary lines of a lot, as herein defined, exclusive of:
 - i. Rights-of-way of dedicated streets.
 - ii. Fire lanes.
 - iii. Rights-of-way or easements proposed for dedication.
 - iv. Utility easements and other underground lines beyond those directly servicing the lot, except for sewer authority easements that may be included in the computation of lot area.
 - v. Stormwater management basins.
 - vi. Any land within a floodway.
 - vii. Any wetlands.
 - viii. Any slope in excess of twenty-five (25) percent.
- 127) **LOT COVERAGE** – The proportion of the lot area (expressed as a percent) that is covered by the maximum horizontal cross-section of a building or buildings.
- 128) **LOT LINE** – A legally recorded property boundary line. In the case of any lot abutting a street, the lot line for the portion of the lot abutting the street shall be deemed to be the same as the street line and shall not be the centerline of the street or any other line within the street.

- 129) **LOT WIDTH** – The distance measured between the side lot lines at the required building setback line. When there is only one (1) side lot line, as in the case of two-family or single-family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall of the end dwelling unit. In the case of a corner lot, the lot width shall be measured between the side lot line and the front lot line opposite it.
- 130) **MAINTENANCE GUARANTY** – The financial security that may be accepted by the municipality as a guaranty that improvements required as part of an application for subdivision and/or land development will be in first-class condition, state of repair, and working order for a specific period of time. Such financial security shall be similar to that accepted for a completion guaranty.
- 131) **MAJOR SUBDIVISION** – The division or reverse subdivision of a lot, tract, or parcel of land by any means into five (5) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purposes of lease, transfer of ownership, or building or lot development. The division of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street shall not be considered a major subdivision.
- 132) **MANUFACTURED HOME** – As defined by the Department of Housing and Urban Development Code, is a structure built from 1983 to the present that is transportable in one (1) or more sections, which in traveling mode is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on a lot, is three hundred twenty (320) or more square feet and is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.
- 133) **METES AND BOUNDS** – A method of describing the boundaries of land by directions or bearings and distances from a known point of reference, including the content of the land and each lot, in square feet and acres and fractions thereof.
- 134) **MINOR SUBDIVISION** – The division or reverse subdivision of land, as described hereinbefore, from two (2) to four (4) lots, tracts, or parcels not involving any new street. The division of land for agricultural purposes into parcels of more than ten (10) acres shall not be considered a minor subdivision.
- 135) **MITIGATION** – The act of precluding a potentially adverse effect and/or making a potentially adverse effect less severe through measures that will improve a condition and/or lessen the impact.
- 136) **MOBILE HOME** – A manufactured home that was built prior to 1983, defined as a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation. This designation identifies all manufactured homes built before the enactment of the Department of Housing and Urban Development Code.
- 137) **MOBILE HOME PARK** – A parcel or contiguous parcels of land that are designated and improved with two (2) or more mobile home lots for the placement thereon of mobile homes.
- 138) **MOBILE HOME STAND** – That part of an individual lot that has been reserved and prepared for the placement of the mobile home, including the paved portion of any outdoor living area.
- 139) **MODIFICATION** – A waiver from this Ordinance's requirements.

- 140) **MONUMENTS AND MARKERS** – Structures that mark and identify lot lines and street lines or corners of lots and streets in accordance with [Section 802](#) of this Ordinance.
- 141) **NATIONAL REGISTER OF HISTORIC PLACES** – The official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, engineering, or culture as authorized by the National Historic Preservation Act of 1966, as amended.
- 142) **NET ACREAGE** – See “Lot Area.”
- 143) **NOTABLE TREES** – Trees of a twelve (12) inch caliper or greater.
- 144) **OFFICIALLY FILED PLAN** – Any plan that has been accepted for processing by the municipality. This means that the plan application packet must be recognized by the municipality as satisfactorily meeting the requirements of the appropriate checklist.
- 145) **OFFICIAL MAP** – A map showing desired future public facilities adopted by ordinance pursuant to Article IV of the Municipalities Planning Code, Act 247, as amended.
- 146) **OFFICIAL SEWAGE FACILITIES PLAN** – A plan adopted by the municipality and approved by the Pennsylvania Department of Environmental Protection (PADEP) that sets forth recommendations for the provision of adequate sewage systems within the municipality in accordance with the Pennsylvania Sewage Facilities Act, Act 537, as amended.
- 147) **ON-LOT SANITARY SEWAGE DISPOSAL** – A single system of piping, septic tanks, or other facilities serving a single lot that collects and disposes of sewage into the soil on the lot where such system is used through septic tank filter fields and in compliance with the prevailing federal, state, County, and municipal regulations.
- 148) **ON-LOT WATER SUPPLY SYSTEM** – An individual well and/or water distribution system supplying water to a single dwelling or on a lot occupied or to be occupied by another permitted building from a source located on the same lot and in compliance with the prevailing federal, state, County, and municipal regulations.
- 149) **OPEN SPACE** – A parcel of land, an area of water, or a combination of both within a development not including streets, off-street parking areas, private yard space, and areas set aside for nonresidential and public facilities. Common or public open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use.
- 150) **PARKING SPACE** – A reasonably level space available for the temporary parking of one (1) motor vehicle, exclusive of passageways, driveways, or other means of circulation or access. A parking space shall include either covered garage spaces or uncovered parking lot space located off of the street right-of-way.
- 151) **PEDESTRIAN SPACE** – An improved or unimproved area reserved for foot traffic.
- 152) **PENNSYLVANIA MUNICIPALITIES PLANNING CODE** – Pennsylvania Act 247 of 1968, P.L. 805, as amended.
- 153) **PHASE** – A section or sections for which an applicant proposes to commence development at the same time, as part of a timetable for development of any development over a period of years.
- 154) **PLAN** – A draft, diagram, drawing, or set thereof showing the present and proposed physical features of and improvements to land and the proposed development thereto; see also [Article III](#) of this Ordinance for classification and requirements of plans. The term “plan” includes profiles, cross-sections, and the like.
- 155) **PLANNED RESIDENTIAL DEVELOPMENT** – An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units or a combination of

- residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage, and required open space to the regulations established in the municipal zoning ordinance.
- 156) **PLANTINGS (PLANTING SCREEN)** – Trees, shrubs, and ground covers that are installed and maintained in accordance with a landscaping plan as set forth in [Section 817](#) of this Ordinance.
- 157) **PLAT** – The map or plan of a subdivision or land development.
- 158) **PRELIMINARY PLAN** – A subdivision and/or land development plan filed as a basis for consideration and approval prior to preparation of a final plan, depicting all features required in [Article V](#) and [Article VII](#) of this Ordinance, including an improvements construction plan, conservation plan, and all other plans, documents, and submissions required therein.
- 159) **PRINCIPAL BUILDING** –
- a. A roofed structure enclosed within exterior or fire walls erected of component structural parts and designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.
 - b. The main structure on a given lot.
- 160) **PRIVATE STREET** – A street designed to public street standards, but not offered or required to be offered for dedication or duly accepted by the municipality as a public street.
- 161) **PROPOSED GRADE** – The elevation, relative to a given datum, of the ground surface proposed to be achieved by excavation, cut, or fill.
- 162) **PUBLIC GROUNDS** – Includes publicly owned and operated facilities such as parks, playgrounds, trails, paths, and other recreational areas, public areas, sites for schools, sewage treatment, refuse disposal, scenic sites, and historic sites.
- 163) **PUBLIC HEARING** – A formal meeting held pursuant to the Pennsylvania Municipalities Planning Code's public notice requirements by the municipality, intended to inform and obtain public comment prior to taking action in accordance with the provisions of this Ordinance.
- 164) **PUBLIC NOTICE** – A notice, as defined by the Pennsylvania Municipalities Planning Code, as amended, that is published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.
- 165) **PUBLIC RIGHT-OF-WAY** – Any street, avenue, boulevard, highway, sidewalk, alley, or similar place that is owned or controlled by a governmental entity.
- 166) **PUBLIC SANITARY SEWAGE SYSTEM** – Any system other than an on-lot sewage disposal system which is administered and operated by a governmental agency, authority, or commission for the collection, conveyance, treatment, and disposal of wastes from customers in compliance with prevailing federal, state, County, and municipal regulations.
- 167) **PUBLIC WATER SUPPLY SYSTEM** – Any system for water distribution and water supply, other than an on-lot water supply system, which is owned, administered, and operated by an organization that is regulated by a governmental agency, authority, or commission.
- 168) **RECORD PLAN** – The copy of the final subdivision and/or land development plan that contains the original endorsement of the municipality and evidence of review by the

Delaware County Planning Commission (DCPC) and is intended to be recorded with the Delaware County Recorder of Deeds. The record plan contains only that part of the information presented on final subdivision and/or land development plans that is required by the County Recorder of Deeds for the purposes of recording. Such plans shall be of mylar or linen and shall not exceed thirty (30) inches by forty-two (42) inches; however, the Office of Recorder of Deeds of Delaware County prefers twenty-four (24)-inch by thirty-six (36)-inch prints.

- 169) **REDIVISION** – The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded or the alteration of any streets or the establishment of any new streets within any such subdivision.
- 170) **RESTRICTION** – A limitation on property that may be created in a deed, lease, or mortgage through zoning, subdivision, or other municipal codes, ordinances, regulations, plans, or maps, or conditions of approval of a subdivision and/or land development plan.
- 171) **RETENTION BASIN** – An impoundment in which stormwater is stored and not released during the storm event. Retention basins are designed for infiltration purposes and do not have an outlet.
- 172) **REVERSE SUBDIVISION** – The consolidation of two (2) or more previously subdivided lots into a smaller number of lots.
- 173) **REUSE** – A use for an existing building or parcel or lot of land other than the use for which it was originally intended or made.
- 174) **REVIEW** – An examination of the sketch, preliminary, or final plan by the municipality and/or County to determine compliance with this Ordinance and all other municipal ordinances, codes, regulations, plans, or maps.
- 175) **RIGHT-OF-WAY** – A strip of land granted or reserved for public or private use.
- 176) **RIPARIAN BUFFER** – An area of land adjacent to a stream and managed to maintain the integrity of stream channels and shorelines to 1) reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and 2) supply food, cover and thermal protection to fish and other wildlife. (refer to Appendix H of the *Pennsylvania Handbook of Best Management Practices for Developing Areas*).
- 177) **SANITARY SEWAGE** – Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste resulting from the discharge of toilets, laundry tubs, washing machines, sinks, bathtubs, showers, dishwashers, or any other source of water-carried waste of human origin.
- 178) **SAG** – A measure of the vertical curve of the roadway at the bottom portion of the curve.
- 179) **SANITARY SEWER** – A pipe that conveys sanitary sewage.
- 180) **SCALE** – The relationship between distances on a map and the actual ground distances.
- 181) **SCREENING** – The use of plant materials, fencing, walls, and/or earthen berms or combinations thereof to aid in the concealment of such features as parking areas and vehicles within them and to provide privacy between two (2) or more different land uses or activities. A visual, sound, and/or other barrier.
- 182) **SCREEN PLANTING** – The plantings that are used in a buffer planting strip or other landscaping arrangement to create a continuous visual buffer.
- 183) **SEDIMENT** – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.
- 184) **SEDIMENTATION** – The process by which mineral or organic matter is accumulated or deposited by wind, water, or gravity.

- 185) **SEPTIC TANK** – A watertight receptacle that receives the discharge of sewage from a building, sewer, or part thereof and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.
- 186) **SEPTIC TANK FILTER FIELD** – A system of open-jointed pipes intended to distribute septic tank effluent into the ground for absorption and evaporation.
- 187) **SEWAGE** – All effluent carried by sewers, whether it is sanitary sewage, residential, commercial, institutional, or industrial wastes.
- 188) **SEWERAGE** – The entire system of sewage collection, conveyance, treatment, and disposal.
- 189) **SEWAGE ENFORCEMENT OFFICER** – The official of the local agency who issues and reviews sewer permit applications and conducts such investigations and inspections as are necessary to implement the rules and regulations of the Pennsylvania Sewage Facilities Act, Act 537, as amended.
- 190) **SHADE TREE** – A woody plant, usually deciduous, which normally grows with one (1) main trunk and has a canopy that screens and filters the sun.
- 191) **SHARED DRIVEWAY** – A commonly shared or used gravel or paved way on a lot which provides access for vehicles to a maximum of two (2) dwellings or other structures from a street.
- 192) **SIDEWALK** – A paved, surfaced, or leveled area paralleling and separated from the cartway of the street used as a pedestrian walkway within a pedestrian space.
- 193) **SIGN** – A visual communication that is used for the purpose of bringing the subject thereof to the attention of others. Signs include letters, numbers, symbols, trademarks, illustrations, or designs as they may appear on billboards, banners, storefronts, marquees, canopies, poles, and other stationary locations on or off the premises of the activity to which the message pertains.
- 194) **SINGLE ACCESS STREET** – An interior street, including but not limited to cul-de-sac and loop designs, which is designed to provide only one (1) point of intersection with an existing through street.
- 195) **SITE** – A tract or parcel of land or combination of contiguous lots on a tract that form an area for a development project.
- 196) **SKETCH PLAN** – A schematic plan, not necessarily to exact scale, indicating topographic, vegetative, and other salient existing features of a tract, tract surroundings, and the general layout of the proposed subdivision and/or land development in sufficient detail to allow for disclosure of all significant review matters prior to the filing of a preliminary subdivision and/or land development application packet.
- 197) **SKIRTING** – Panels specifically designed for the purpose of screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground elevation below.
- 198) **SLOPE** – The face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a percentage, based upon vertical difference in feet per one hundred (100) feet of horizontal distance.
- 199) **SOIL EROSION** – The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, and ice.
- 200) **SOIL EROSION AND SEDIMENTATION CONTROL PLAN** – A plan and related narrative report required in accordance with [Article VIII](#) of this Ordinance.

- 201) **SOIL PERCOLATION TEST** – A field test, in accordance with criteria of PADEP and the municipal Sewage Facilities Plan, conducted to determine the suitability of the soil for on-site sewage disposal facilities and infiltration structures by measuring the absorptive capacity of the soil at a given location and depth.
- 202) **SPECIAL EXCEPTION** – A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- 203) **STATEMENT OF INTENT** – A brief description of the proposed land development explaining in very general and concise terms everything that, according to the applicant's view, may be of importance for a site plan review. The purpose of this statement is to facilitate the review task by providing the reviewer with a departure point, a context that may enable him to place the factual information otherwise stated on plans in a proper perspective.
- 204) **STEEP SLOPE** – Those areas of land that are characterized by a change in elevation of fifteen (15) percent or more but not exceeding twenty-five (25) percent over the specified distance or contour.
- 205) **STORM SEWER** – A sewer that carries stormwater, surface water, and groundwater drainage but excludes sewage and residential, commercial, and industrial wastes.
- 206) **STORMWATER** – Drainage runoff from the surface of the land resulting from precipitation, snow, or ice melt
- 207) **STORMWATER MANAGEMENT SITE PLAN** – The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Ordinance, and including all necessary design drawings, calculations, supporting text, and documentation to demonstrate that Ordinance requirements have been met.
- 208) **STREAM** – Any perennial current or flow of water, especially running along the surface of the earth.
- 209) **STREET** – Includes any avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians.
- 210) **STREET LINE** – The dividing line between a lot and the outside boundary or right-of-way line of a street, road, or highway legally open or officially platted.
- 211) **STREET TREE** – A shade tree within a street right-of-way in accordance with [Article VIII](#) of this Ordinance.
- 212) **STRUCTURE** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- 213) **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 of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access to any residential dwelling shall be exempted.
- 214) **SUBDIVISION AND LAND DEVELOPMENT PLAN** – A sketch, preliminary, or final plan proposal for land development or planned residential developments including a subdivision plan, locations and intensity of various uses, locations and bulk of their

- related structures, all covenants, grants of easement, and other conditions relating to use or density of development.
- 215) **SURVEYOR** – A person registered by the Commonwealth of Pennsylvania to practice surveying.
- 216) **SWALE** – An elongated depression in the ground that collects and channels surface water runoff.
- 217) **TENURE** – The form of occupancy of a unit, i.e., fee simple, rental, condominium, cooperative, etc.
- 218) **TIEDOWN** – Any device designed for the purpose of anchoring a mobile home to ground anchors.
- 219) **TILE ABSORPTION FIELD** – A system of open, jointed, or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption.
- 220) **TOPSOIL** – Soil material containing organic matter that is normally characterized as the “A horizon” in a soil profile.
- 221) **TRACT** – An area, lot, parcel, site, or property that is the subject of a subdivision and/or land development application packet.
- 222) **TREE MASS** – A natural contiguous grouping of trees.
- 223) **TRAIL (or PATH)** – A linear route used for nonmotorized recreation or transportation purposes, such as walking, jogging, hiking, bicycling or horseback riding. Depending on their intended use, trails may be paved or unpaved.
- 224) **USE** – The specific purpose for which land or a building is proposed to be subdivided and/or developed or is otherwise designed, arranged, intended, or for which it is proposed or may be occupied or maintained.
- 225) **UTILITIES** –
- a. Facilities such as sewers, water mains, fire hydrants, streetlights, and other facilities of the same general character.
 - b. Installations of a community that pertain to their consumption and emission characteristics, including facilities such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications, and electrical transmission.
- 226) **VERTICAL CURVE** – A geometric design feature of a roadway – provides a smooth transition between an ascending grade and descending grade, or visa-versa. A crest vertical curve begins with an ascending grade and ends with a descending grade. A sag vertical curve begins with a descending grade and ends with an ascending grade.
- 227) **VERY STEEP SLOPE** – The area of land that is characterized by a change in elevation of twenty-five (25) percent or more over the specified distance or contour.
- 228) **WALKWAY** – A thoroughfare for pedestrian travel.
- 229) **WATERCOURSE** – A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- 230) **WETLANDS** – Areas with hydric soils that are inundated or saturated by surface and/or ground water that support hydrophytic vegetation, such as swamps, bogs, marshes, and the like, such areas being regulated by the United States Army Corps of Engineers and/or PADEP.
- 231) **WETLANDS MARGIN** – The transitional area extending outward from the edge of the wetlands. The wetlands margin shall extend one hundred (100) feet from the wetland boundary or to the limit of the hydric soils, whichever is greater.

232) **WOODLANDS** - Those areas of extensive vegetation in which the dominant plants are trees that are indigenous to the area.

B. Words not defined above shall have the meaning given in the Pennsylvania Municipalities Planning Code, the municipal zoning ordinance, other municipal codes, applicable federal and state regulations, and, if not defined in the aforementioned documents, the most recent edition of Webster's Unabridged Dictionary.

ARTICLE III: APPLICATION PROCEDURE

Section 300 Requirement of Review

- A. Whenever any subdivision and/or land development is proposed and before any permit for the erection of a structure shall be granted, the applicant shall apply to the municipality in which the subdivision, land development or structure is proposed to be located, for approval of such application in accordance with the procedures and standards specified in this Ordinance ([Sections 105, 301-308](#), and elsewhere) and Article V of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- B. Where a subdivision and/or land development plan is required as part of an application for a conditional use approval, a variance, or a special exception, the municipality may require that the subdivision and/or land development plan be submitted to the Delaware County Planning Department (DCPD) for review as a sketch plan.
- C. The applicant shall submit an application packet for each subdivision and/or land development plan to the municipality no less than twenty-one (21) calendar days prior to DCPC's meeting at which the plan may be reviewed. DCPC's regularly scheduled meetings are on the third (3rd) Thursday of each month. The municipality shall then submit the application packet to DCPD no less than fourteen (14) calendar days prior to DCPC's meeting at which the plan may be reviewed.
- D. Subdivision and/or land development plans shall be accepted for review only when the application packet contains all plan requirements, a fully completed County Application for Act 247 Review Form, a completed checklist, and payment of fees in accordance with the fee schedules adopted by the municipality and [Section 1201](#) of this Ordinance. The municipality shall review the application packet within seven (7) calendar days to determine whether or not it is complete. If complete, the application packet is deemed an "officially filed plan"; then the review time period as described in [Section 303.M](#) of this Ordinance applies. If the application packet is incomplete, then it shall be returned to the applicant with the missing information noted through written correspondence.
- E. A complete application packet shall be forwarded to DCPC for advisory review and report prior to action by the municipality. Approval or disapproval by the municipality shall be in accordance with the procedures specified in this Ordinance and in Article V of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- F. DCPC's review and report process shall be no longer than thirty (30) calendar days, starting from the day the "officially filed plan" is filed in DCPD's office and accepted for review.

- 1) If the application packet is not accepted for review by DCPD, then the developer and municipality shall be notified, through written correspondence, of the deficiency within seven (7) calendar days of application packet receipt.
 - 2) Failure to so notify the developer and municipality by DCPD within the allotted seven (7) calendar days shall cause the application packet to be accepted for DCPC's review and report.
- G. Each new or revised subdivision and/or land development plan which involves substantive change requiring an additional review shall be considered a new submission, and an additional DCPC thirty (30)-calendar day review and report period may apply.
- H. Whenever an application for a major subdivision and/or land development is proposed that may affect adjacent municipalities, either the municipality or DCPC may solicit reviews and reports from such municipalities.
- I. The review of subdivision and/or land development plans by DCPC consists of three stages: sketch, preliminary, and final plans. Sketch plans, although not required, are strongly recommended for the benefit of both the applicant and the municipality. Table 3-1 indicates the required plans for the different types of submissions.

Table 3-1 • Plans by Submission Type

Submission	Sketch	Preliminary	Final
Minor Subdivision	Recommended	Recommended	Required
Major Subdivision	Recommended	Required	Required
Land Development	Recommended	Required	Required

- J. The specific procedures for all plans shall be in accordance with [Section 302](#) and [Article IV](#) of this Ordinance for sketch plans, [Section 303](#) and [Article V](#) of this Ordinance for preliminary plans, and [Section 304](#) and [Article VI](#) of this Ordinance for final plans.
- K. All subdivision and/or land development plans must be accompanied by the information as indicated in Table 3-2.

Table 3-2 • Additional Information by Submission Type

Plans, Reports, and Papers	Sketch Plan	Preliminary Plan	Final Plan
Delaware County Planning Department Application for Act 247 Review Form	Required	Required	Required
Coversheet including Index and Title	Recommended	Required	Required
Pennsylvania Department of Environmental Protection Act 537 Planning Module or Act 537 Exemption Letter	Recommended	Required	Required
Street Profiles	Recommended	Required	Required
Conservation Plan	Recommended	Recommended	Recommended
Improvements Construction Plan and Profile(s) Plan	Recommended	Required	Required
Drainage Plan	Recommended	Required	Required

- L. Three (3) copies of the subdivision and/or land development plan shall be submitted by the municipality to DCPD immediately upon the municipality's acceptance of an "officially filed plan."
- M. The appropriate fee in effect at the time of application packet filing, in accordance with [Section 1201](#) of this Ordinance, shall also accompany the subdivision and/or land development plan submittal.

Section 301 Classification of a Subdivision and/or Land Development

- A. Minor subdivision and/or land development.
 - 1) All minor subdivisions and/or land developments shall be in conformance with [Article VII](#) of this Ordinance.
 - 2) The determination of which subdivisions and/or land developments are minor shall be made in accordance with the following conditions of eligibility:
 - a. A subdivision and/or land development for residential purposes only shall be determined to be minor, provided that:
 - i. The total number of lots shall not exceed four (4). If there is only one (1) existing dwelling unit on a lot, then this means that only three (3) additional lots could be created.

- ii. Such subdivision and/or land development does not involve any new streets or easements for access.
 - b. The subdivision of a tract into not more than four (4) lots for agricultural use shall be determined to be minor, provided that such lots are ten (10) acres or greater.
 - c. The subdivision of a portion of a lot, the lot area of which does not meet the minimum requirements of the municipal zoning ordinance, for the purpose of conveyance to an adjoining property shall be determined to be minor. Such substandard lot area shall not be considered a building lot.
 - d. During any five (5)-year period, no more than four (4) lots may be subdivided by an applicant for a single tract through the minor subdivision and/or land development process; otherwise, the subdivision shall be considered a major subdivision.
- B. Major subdivision and/or land development.
- 1) All major subdivisions and/or land developments shall be in conformance with [Articles III, IV, V, and VI](#) of this Ordinance.

Section 302 Sketch Plan Submission and Review

- A. A sketch plan application packet for any proposed subdivision and/or land development may, at the option of the applicant, be submitted to the municipality for review. The submission of a sketch plan application packet represents a basis for an informal discussion between the municipality and the applicant, which may prove to be valuable to the prospective applicant in formulating plans, documents, and other submissions for preliminary and/or final plan approval. In the event that the applicant submits a sketch plan application packet, the following shall apply:
- 1) The applicant shall consult the municipality regarding the required number of sketch plan application packets to be submitted in accordance with [Section 300](#) of this Ordinance.
 - 2) Should the municipality deem the application packet an “officially filed plan,” it shall forward three (3) copies of the “officially filed plan” to DCPD for staff review and report. When appropriate, DCPD will forward one (1) copy to the Delaware County Soil Conservation District for review and comment.
- B. In addition to furnishing copies of the sketch plan, the applicant shall identify the name, address, and telephone number of the holder of legal title to the land involved, the nature of the applicant’s interest in the land (whether holder of legal or equitable

title or otherwise), and the name, address, and telephone number of the agent, if any. Such information shall be provided in writing.

- C. DCPD shall review the sketch plan and shall indicate, within thirty (30) calendar days, any and all review comments pertaining to the sketch plan to the applicant and municipality by written correspondence.
- D. DCPD's review shall take into consideration the requirements of this Ordinance, the municipal zoning ordinance, and the municipal comprehensive plan and shall pay particular attention to the following: the arrangement, location, and width of streets and their relation to the topography of the site; the arrangement, size, and location of lots and proposed structures, if any; drainage; sewage disposal and water supply; the relation of the subdivision and/or land development to the natural and historic features of the site; and the potential further development of adjoining lands which may not yet be subdivided.
- E. After receipt of DCPD's report, the municipality shall review the findings and render its decision. In the event that the sketch plan does not meet the purposes and requirements of this Ordinance, the applicant shall be advised of the specific deficiencies by the municipality either in person or through written correspondence. In the event that the sketch plan is satisfactory, the municipality shall recommend that the applicant proceed to the preliminary plan stage.

Section 303 Preliminary Plan Submission and Review

- A. The preliminary subdivision and/or land development plan shall be prepared in accordance with this Section and [Articles V](#) and [VII](#) of this Ordinance. When a preliminary plan application packet is filed, it shall meet all of the provisions of [Sections 300](#) and [302](#) of this Ordinance.
- B. A stormwater management plan shall be submitted with preliminary plans for relevant land developments.
- C. The applicant shall consult the municipality regarding the required number of preliminary plan application packets to be submitted. The preliminary subdivision and/or land development plan shall be provided as black-line or blue-line prints.
- D. Where any one (1) or combination of the following items are involved, two (2) additional sets of plans shall be required and submitted to the municipality:
 - 1) Pumping stations.
 - 2) Sewage treatment plants.
 - 3) Retaining walls.

- 4) Public water supply systems or community water supply systems.
 - 5) Traffic control systems.
- E. The municipal Engineer may submit review comments on the preliminary subdivision and/or land development plan in writing to DCPC. This correspondence shall be submitted no less than fourteen (14) days prior to the meeting at which DCPC may review and report on the preliminary subdivision and/or land development plan.
- F. The applicant shall contact the municipality regarding contiguous property owner notification requirements.
- G. DCPC shall perform the following:
- 1) Determine whether the preliminary subdivision and/or land development plan meets the requirements of this Ordinance, municipal zoning, and the municipal comprehensive plan.
 - 2) Recommend that the preliminary subdivision and/or land development plan proceed to final plan or be revised and resubmitted and communicate such by letter to the municipality and the applicant. In the case of a recommended disapproval, DCPC shall indicate the specific deficiencies and the Ordinance provisions that have not been met.
- H. DCPC may perform the following:
- 1) Review all applicable reports from the municipal Engineer, municipal Planning Commission, appropriate Water and/or Sewer Authority, PennDOT, Delaware County Soil Conservation District, and other reviewing agencies.
 - 2) Discuss the submission with the applicant.
 - 3) Recommend revisions so that the plan will conform to this Ordinance and other applicable municipal ordinances.
- I. During the course of DCPC's review of the preliminary subdivision and/or land development plan and prior to any action by the municipality within the required ninety (90)-calendar day period, the preliminary subdivision and/or land development plan may be revised by the applicant as requested by the municipality. The submittal of a revised plan not precipitated by municipal comments that involves substantive change requiring an additional review shall restart the required ninety (90)-calendar day review period. The required number of any revised preliminary subdivision and/or land development plan and accompanying data shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof. The revised preliminary subdivision and/or land development plan shall be submitted to the

municipality at least twenty-one (21) calendar days prior to the regular monthly meeting of DCPC. Three (3) copies of the revised preliminary plan shall be delivered to DCPD for DCPC's review and report.

- J. After the DCPC report on the preliminary subdivision and/or land development plan has been submitted to the municipality, the municipality shall place such preliminary subdivision and/or land development plan on its agenda for review and action.
- K. The municipality shall, within the ninety (90)-calendar day review period:
 - 1) Review the recommendation of DCPC and other reviewing agencies.
 - 2) Determine whether the preliminary subdivision and/or land development plan meets the purposes and requirements of this Ordinance and other applicable regulations.
 - 3) Approve or disapprove the preliminary subdivision and/or land development plan or approve the preliminary subdivision and/or land development plan subject to conditions, changes, or additions. Whenever the municipality approves a preliminary subdivision and/or land development plan subject to conditions, the applicant shall indicate, in writing, whether such conditions are accepted or rejected within fifteen (15) calendar days of notification of the decision by the municipality. Any conditional approval by the municipality that is not accepted or rejected by the applicant within the fifteen (15) calendar day period shall be rescinded automatically.
- L. Municipal approval of the preliminary subdivision and/or land development plan shall constitute preliminary approval of the intent and proposed density of the subdivision and/or land development but shall not constitute approval of the detail required of the final subdivision and/or land development plan nor authorize the sale of lots or construction of buildings.
- M. The municipality shall render a decision on every preliminary subdivision and/or land development plan and communicate it to the applicant not later than ninety (90)-calendar days following the date of the regular monthly meeting of the municipality or DCPC (whichever first reviews the "officially filed plan") next following the date the application packet was deemed an "officially filed plan" or after a final order of the court remanding an application, provided that should the next said meeting occur more than thirty (30) calendar days following the designation of an "officially filed plan" or the final order of the court, said ninety (90)-calendar day period shall be measured

from the thirtieth (30th) day following the day the complete application packet was deemed an “officially filed plan.”³

- N. The decision of the municipality shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) calendar days following the decision or at the end of the ninety (90)-calendar day period, whichever shall occur first.⁴
- O. In the event that the preliminary subdivision and/or land development plan is not approved in terms as filed, the decision shall specify the defects found in the preliminary subdivision and/or land development plan and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.⁵
- P. If the preliminary subdivision and/or land development plan is approved by the municipality, then the applicant may proceed to submit a final subdivision and/or land development plan for approval as set forth in [Section 304](#) and [Article VI](#) of this Ordinance.

Section 304 Final Plan Submission and Review

- A. The procedure for approval of final subdivision and/or land development plans shall be identical to the procedure as outlined for preliminary subdivision and/or land development plans in [Section 303](#) of this Ordinance, except that:
 - 1) Within one (1) year after the date of approval of the preliminary subdivision and/or land development plan, the applicant shall file a final subdivision and/or land development plan application packet.
 - 2) Unless an extension of time has been granted by the municipality upon written request of the applicant, a final subdivision and/or land development plan filed after the one (1)-year period shall be considered a new preliminary subdivision and/or land development plan which shall be required to comply with all preliminary subdivision and/or land development plan application procedures of [Section 303](#) of this Ordinance and shall be subject to the preliminary plan application fees.
 - 3) The municipality may authorize submission of the final subdivision and/or land development plan in sections, each covering approximately one third (1/3) of the entire area proposed for subdivision and/or land development or one third (1/3) of the number of buildings or other structures proposed for land development as shown on the approved preliminary subdivision and/or land development plan,

³ Pennsylvania Municipalities Planning Code, Act 247, Section 508.

⁴ Pennsylvania Municipalities Planning Code, Act 247, Section 508.

⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 508.

provided that the first final subdivision and/or land development plan section shall be submitted within the aforementioned one (1)-year period and the last final subdivision and/or land development plan section shall be submitted within three (3) years after the date of preliminary subdivision and/or land development plan approval.

- 4) The final subdivision and/or land development plan shall conform in all respects to the preliminary subdivision and/or land development plan as required by [Article V](#) of this Ordinance.
- 5) The applicant shall submit the required fees and financial security associated with the completion guaranty.
- 6) The applicant shall prepare a planning module for land development, as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
- 7) The applicant shall submit a final subdivision and/or land development plan that includes all of the requirements set forth in [Article VI](#) of this Ordinance.
- 8) Highway occupancy permit.
 - a. No final subdivision and/or land development plan which will require access to a highway under the jurisdiction of PennDOT shall be finally approved unless the final subdivision and/or land development plan contains a notice that a highway occupancy permit is required, pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a state highway is permitted. PennDOT shall, within sixty (60) calendar days of the date of receipt of an application for a highway occupancy permit:
 - i. Approve the permit, which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical, or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the Department shall give notice thereof in accordance with regulations.⁷
 - ii. Deny the permit.⁸

⁶ Pennsylvania Municipalities Planning Code, Act 247, Section 508.6.

⁷ Pennsylvania Municipalities Planning Code, Act 247, Section 508.6.

⁸ Pennsylvania Municipalities Planning Code, Act 247, Section 508.6.

- iii. Return the application for additional information or correction to conform to PennDOT regulations.⁹
 - iv. Determine that no permit is required, in which case PennDOT shall notify the municipality and the applicant in writing.
 - v. If PennDOT shall fail to take any action within the sixty (60)-day period, the permit will be deemed to be issued. The final subdivision and/or land development plan shall be marked to indicate that access to the state highway shall be only as authorized by a highway occupancy permit. Neither PennDOT nor any municipality to which permit-issuing authority has been delegated under Section 420 of the "State Highway Law" shall be liable for damages for any injury to persons or property arising out of the issuance or denial of a driveway permit or for failure to regulate any driveway. Furthermore, the municipality from which the building permit approval has been requested shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Department.¹⁰
- 9) In the event that the final subdivision and/or land development plan is not approved, then the applicant, if he desires to proceed, shall file a revised final subdivision and/or land development plan with the municipality, following the same submission and review procedures required for the initial final subdivision and/or land development plan submission as required by this section.
- 10) If the final plan is approved:
- a. Approval shall not be final until entry into a contract and the production of completion and maintenance guaranties as set forth in [Section 1001](#) of this Ordinance.
 - b. The exact copies of the approved final subdivision and/or land development plan, as determined by the municipality, shall be signed in accordance with [Section 306.D.2.g](#) of this Ordinance.
- 11) Approval of the final subdivision and/or land development plan shall not authorize the sale or transfer of lots or the development of land until construction is permitted to commence in accordance with [Section 307](#) of this Ordinance. Such approval shall not constitute a waiver, release, or assumption by the municipality of any requirements of any municipal ordinances, codes, regulations, plans, or maps.

⁹ Pennsylvania Municipalities Planning Code, Act 247, Section 508.6.

¹⁰ Pennsylvania Municipalities Planning Code, Act 247, Section 508.6.

- 12) Every final subdivision and/or land development plan approval shall be subject to the following conditions:
 - a. The applicant shall execute a subdivision and/or land development agreement, in accordance with [Section 305](#), unless exempted as a minor subdivision and/or land development plan.
 - b. The applicant shall execute a completion guaranty, in accordance with [Section 1001](#) of this Ordinance, where deemed applicable by the municipality.
 - c. The applicant shall tender a deed of dedication to the municipality, if requested by the municipality, for public improvements, easements, and other appurtenances and improvements thereto after such improvements are completed and the municipal Engineer certifies such completion as being satisfactory.
 - d. The filing with the municipality of copies of all required permits, approvals, agreements, clearances, and the like from all required governmental agencies (such as PennDOT, PADEP, and/or the municipality), authorities, companies which may provide water supply or sewage disposal facilities, pipeline easement holders, or others.
 - e. The applicant shall pay any fees that may be outstanding in accordance with [Sections 1201](#), [1202](#), [1203](#), [1204](#), and [1205](#) of this Ordinance.
 - f. Proof of recording of the final subdivision and/or land development plan in accordance with [Section 306](#) of this Ordinance.

Section 305 Subdivision and/or Land Development Agreement

- A. Every applicant who seeks to obtain final subdivision and/or land development plan approval, unless exempted as a minor subdivision and/or land development plan, shall execute a subdivision and/or land development agreement ([Appendix A](#) of this Ordinance) satisfactory to the municipality before the final subdivision and/or land development plan is signed by the municipality and recorded in accordance with [Section 306](#) of this Ordinance. The agreement shall include, but need not be limited to, the following:
 - 1) That the applicant agrees that he will accurately lay out and properly construct all improvements and follow all practices according to the plans, profiles, notes, and other forms of documentation filed as part of the final subdivision and/or land development plan application packet as approved or where any or all of these improvements or practices are required as conditions of approval and that the applicant will file an as-built plan in accordance with [Section 308](#) of this Ordinance to confirm the same.

- 2) That the applicant shall complete the improvements and engage in the practices as referenced in [Section 305.A.1](#) of this Ordinance within the time or times specified by the municipality and in accordance with [Section 307](#) of this Ordinance.
- 3) That the applicant guarantees completion and maintenance of all improvements by means of acceptable forms of financial security to the municipality as set forth in [Section 1001](#) of this Ordinance.
- 4) That the applicant agrees to tender a deed of dedication to the municipality, if requested by the municipality, for public improvements, easements, and other appurtenances and improvements thereto, except that the municipality shall not accept any offer of dedication of the same by ordinance or resolution until their completion is certified as being satisfactory by the municipality and an as-built plan is submitted and approved by the municipality.
- 5) That the applicant shall comply fully with all of the terms and conditions of this Ordinance as the same relate to the subdivision, land development, or redevelopment and all municipal ordinances, codes, regulations, plans, and maps.
- 6) That the applicant shall establish a three (3)-party agreement and account for the creation, maintenance, and/or inspection of improvements, sewer authority security, and the park and recreational facilities when required by this Ordinance.
- 7) That the applicant shall obtain all necessary permits, as applicable, including a land disturbance permit, a building permit, and those from PADEP, PennDOT, and the municipal Zoning Hearing Board.
- 8) That the applicant, in the event that any proposed street is not intended to be offered for dedication or is not accepted by the municipality, accepts stipulations which shall be noted on the final subdivision and/or land development plan, such as the following:
 - a. That the municipality shall not be responsible for repairing or otherwise maintaining any undedicated streets.
 - b. That the method of assessing repair and maintenance costs of undedicated streets shall be established in recorded deed restrictions so as to be binding on all successors, assigns, or grantees.
 - c. That if dedication be sought at any time, the street shall conform in its entirety to municipal design standards for the same in all respects or that the owners of the lots shown on the approved final subdivision and/or land development plan, at their own expense, restore the street to conform with or otherwise render the street in conformance with such standards.

- 9) The subdivision and land development agreement shall be structured by the municipality to include provisions relating to the above, as well as other matters pertaining to certificates of insurance, water and sewer availability, emergency access, a three (3)-party escrow agreement, and the like.
- B. A bond, certified check, or other security to guarantee the completion and maintenance of improvements in accordance with the provisions of [Section 1001](#) of this Ordinance.

Section 306 Recording the Final Plan

- A. Upon municipal approval of a final subdivision and/or land development plan, the applicant shall, within ninety (90) calendar days of such final approval or ninety (90) calendar days after the date of delivery of an approved plat signed by the municipality, following completion of conditions imposed for such approval, whichever is later, and after the applicant executes the subdivision and land development agreement and the completion and maintenance guaranties, as set forth in [Section 1001](#) of this Ordinance, record such subdivision and/or land development plan in the Office of the Recorder of Deeds in and for the County of Delaware, Pennsylvania.¹¹ Should the final subdivision and/or land development plan not be recorded within such period, the action of the municipality in approving the final subdivision and/or land development plan shall be considered automatically rescinded.
- B. The final subdivision and/or land development plan to be recorded or “record plan” shall be an exact copy, including original signatures, of the approved final subdivision and/or land development plan and shall be filed with the Office of Recorder of Deeds of Delaware County before proceeding with the sale of lots or the construction of buildings or other structures or improvements. The recording of the final subdivision and/or land development plan 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 plan.¹²
- C. No subdivision or land development may be recorded unless the “record plan” bears the DCPC stamp certifying that it reviewed such plan.
- D. The maximum “record plan” sheet size is thirty (30) inches by forty-two (42) inches; however, the Office of Recorder of Deeds of Delaware County prefers twenty-four (24)-inch by thirty-six (36)-inch prints for recording purposes. The scale of the location map on a record plan shall be one (1) inch equals one thousand (1,000) feet.

¹¹ Pennsylvania Municipalities Planning Code, Act 247, Section 513.a.

¹² Pennsylvania Municipalities Planning Code, Act 247, Section 513.a.

- 1) Prints of the completed and signed “record plan” shall be provided and distributed in the following manner:
 - a. Applicant receives one (1) print.
 - b. Office of the Recorder of Deeds of Delaware County receives one (1) print.
 - c. DCPD receives one (1) print.
 - d. The applicant shall contact the municipality to determine the number of recorded plans that it requires for its use.
- 2) The following information shall appear on the “record plan,” in addition to the information required in [Section 602](#) of this Ordinance for the final plan:
 - a. The seal of the State licensed engineer or surveyor who prepared the “record plan.”
 - b. The corporation seal, if the applicant is a corporation.
 - c. The seal of a notary public or other qualified officer acknowledging owner’s statement of intent.
 - d. The municipal seal certifying approval. If the municipality utilizes a crimp seal, then an area shall be reserved that allows for the seal to be oriented in the upright position. The bottom right hand corner is recommended.
 - e. The DCPC stamp certifying that it reviewed such plan.
 - f. A statement to the effect that the applicant is the owner of the land proposed to be subdivided, that the subdivision shown on the final subdivision and/or land development plan is made with his free consent, and that it is desired to record the same.
 - g. The following signatures shall be placed directly on the “record plan” in black ink:
 - i. The signature of the owner of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
 - ii. The signature of the notary public or other qualified officer, acknowledging the owner’s statement of intent.
 - iii. The signatures of the licensed professional engineer or surveyor who prepared the final subdivision and/or land development plan.

E. Effect of recording.

- 1) After a final subdivision and/or land development plan has been approved and recorded as provided in this section, all streets and public grounds on such plan shall become a part of the official map (as adopted by Article IV of the Pennsylvania Municipalities Planning Code, Act 247, as amended) of the municipality without public hearing, should one exist.¹³
 - a. Streets, parks, and other public improvements shown on a “record plan” may be offered for dedication to the municipality by formal deed of dedication, and intent thereof shall be noted on the “record plan” or the owner may note that such improvements have not been offered for dedication to the municipality.
 - b. Every street, park, or other improvement shown on a “record plan” shall be deemed to be a private street, park, or improvement until such time as the same has been offered for dedication to the municipality and accepted, by resolution, and recorded in the Office of the Clerk of the Court of Delaware County or until it has been condemned for use as a public street, park, or improvement.

F. Amendments to approved final subdivision and/or land development plans.

- 1) Proposed amendments to approved final subdivision and/or land development plans shall be acted on in the same manner as the original approved plan.

Section 307 Commencement and Completion of Construction and Improvements

- A. No construction shall be commenced until the municipality has issued all applicable permits.
- B. No construction shall be commenced until the applicant files with the municipality all permits, approvals, clearances, and the like from governmental agencies (such as those from PennDOT, PADEP, and/or the municipality), authorities, companies that may provide water supply or sewage disposal facilities, pipeline easement holders, or others.
- C. If the applicant does not commence construction of improvements within one (1) year from the approval date of the final subdivision and/or land development plan, then the municipality may reevaluate the required escrow amount in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended, and [Section 1001.G](#) of this Ordinance.

¹³ Pennsylvania Municipalities Planning Code, Act 247, Section 514.

- D. In the case where development is projected over a number of years, each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots, dwelling units, or buildings as depicted in the final subdivision and/or land development plan, unless a lesser percentage is approved by the municipality.¹⁴
- E. A copy of the “record plan” shall be available at the construction site.

Section 308 As-built Plan

- A. After final subdivision and/or land development plan approval and upon completion of all required improvements, the applicant shall submit an as-built plan, prepared by a licensed engineer or surveyor as per State Registration Law, showing the location, dimension, and elevation of all improvements in accordance with [Section 1003](#) of this Ordinance.
- B. Said as-built plan shall indicate the actual location, dimensions, and/or elevations of all completed improvements.
- C. Said as-built plan shall indicate that the resultant construction, grading, and drainage are in conformance with the previously approved drawings and specifications.
- D. Said as-built plan shall note any and all deviations from the previously approved drawings and specifications.
- E. Two (2) copies of the as-built plan shall be filed with the municipality.
- F. The as-built plan shall be submitted before the final release of escrow funds for any major subdivision and/or land development. Refer to [Section 1002](#) of this Ordinance for more details.

¹⁴ Pennsylvania Municipalities Planning Code, Act 247, Section 508.4.vi.

ARTICLE IV: SKETCH PLAN

Section 400 Purpose

- A. The purpose of the sketch subdivision and/or land development plan is to provide an opportunity for the applicant to consult early with the municipality before incurring any costs associated with preparing a preliminary or final subdivision and/or land development plan. During the sketch subdivision and/or land development plan review process, matters pertaining to access, circulation, water supply, sewage disposal, lot layout, building layout, and conceptual drainage design are analyzed relative to existing natural and man-made conditions, the municipal comprehensive plan, the zoning ordinance, and any other pertinent plans and ordinances.

Section 401 General Requirements

- A. A licensed engineer, architect, landscape architect, surveyor, land planner, or other design professional may prepare sketch subdivision and/or land development plans. When the above-mentioned professional does not prepare a sketch subdivision and/or land development plan, the applicant can submit a to-scale drawing.
- B. The sketch subdivision and/or land development plan shall reflect the following:
 - 1) Conformance with [Section 302](#) of this Ordinance regarding sketch subdivision and/or land development plan procedure.
 - 2) All sketch subdivision and/or land development plans shall meet the requirements of [Section 402](#) of this Ordinance.
- C. Sketch subdivision and/or land development plans shall be submitted on sheet sizes no smaller than eleven (11) inches by seventeen (17) inches or larger than thirty (30) inches by forty-two (42) inches.
- D. The sketch subdivision and/or land development plan checklist, which appears in [Appendix B](#) of this Ordinance, shall be completed and submitted as part of the sketch subdivision and/or land development plan application packet.
- E. Upon submission of a sketch subdivision and/or land development plan, the applicant shall and does authorize the municipality and DCPD to enter the tract for the purpose of site evaluation.

Section 402 Sketch Plan Requirements

- A. The following sketch subdivision and/or land development plan requirements shall be met:
 - 1) Location map based on a USGS quadrangle map with the tract outlined.

- 2) Legibly drawn sketch subdivision and/or land development plan to a scale of not more than one (1) inch equals one hundred (100) feet.
- 3) Name of the subdivision and/or land development.
- 4) Name, complete mailing address, and telephone number of the holder of legal title of the land involved and the nature of the landowner's interest, whether holder of legal title, equitable title, or other.
- 5) If the applicant is not the landowner, then the name, complete mailing address, and telephone number of the applicant and proof that the applicant is an authorized agent of the landowner to make application.
- 6) Name, complete mailing address, and telephone number of the person who prepared the sketch subdivision and/or land development plan, when someone other than the applicant prepares the sketch subdivision and/or land development plan.
- 7) Zoning district and the degree to which the sketch subdivision and/or land development plan conforms to such requirements, including overlay districts. Include any variances, special exceptions, conditional uses, or modifications requested and/or required.
- 8) A note pertaining to the degree to which the layout or arrangement conforms to the municipal comprehensive plan and to any regulations or maps adopted in furtherance thereof.¹⁵
- 9) A note of the proposed intensity of use: gross density in residential development or the number and type of prospective tenants in office, commercial, or industrial developments.
- 10) North arrow and date.
- 11) Written and graphic scale.
- 12) Tract boundaries.
- 13) Total acreage of the tract, together with the approximate gross and net lot area for each proposed lot.

¹⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 503.2.i.

- 14) Existing man-made features such as buildings and their uses, streets, sidewalks, driveways, motor vehicle and bicycle parking areas, sewer lines, storm drains, culverts, bridges, utility easements, and water lines.
- 15) Significant natural features within the tract, including contours measured at vertical intervals of not less than ten (10) feet, watercourses, ponds, lakes, wetlands, tree masses, and proposed major changes in these features.
- 16) Significant historic structures, buildings, ruins, sites, and objects within the tract, including those identified as a National Historic Landmark, a National Register of Historic Places (or eligible) property or district, and those found on a Delaware County historic and archaeological resources map/survey or any other County or local inventory/survey and district.
- 17) Historic structures proposed to be adaptively reused, significantly altered, and/or demolished.
- 18) Boundaries of all contiguous properties with owner names.
- 19) Proposed lot layout, with building setback lines and buildable areas as defined in [Article II](#) of this Ordinance.
- 20) Proposed open space and/or recreational areas, including notes describing the proposed use and improvement.
- 21) Proposed method of water supply.
- 22) Proposed method of sanitary sewage disposal and anticipated flows.
- 23) Proposed method of stormwater drainage.
- 24) Proposed streets on the tract with consideration of the potential for further development of adjoining tracts and the existing street network.
- 25) The 1% annual chance flood and floodway based upon a Federal Emergency Management Agency Flood Insurance Rate Map.
- 26) Proposed number, type, and location of all buildings and major structures.
- 27) Proposed location of parking areas and parking lots.
- 28) A copy of the sketch subdivision and/or land development plan checklist for a major subdivision and/or land development completed and signed by the person who prepared the sketch subdivision and/or land development plan.

Section 403 Phased Development

- A. In the case of sketch subdivision and/or land development plans that call for development in phases or sections, a freehand map at an appropriate scale showing the successive phases will be required.

ARTICLE V: PRELIMINARY PLAN

Section 500 Purpose

- A. The purpose of the preliminary subdivision and/or land development plan is to obtain formal approval before proceeding with the preparation of detailed final subdivision and/or land development plans.
- B. The preliminary subdivision and/or land development plan submitted shall reflect any changes that may have been recommended during a sketch subdivision and/or land development plan review. All information and procedures relating to the preliminary subdivision and/or land development plan shall comply with this Ordinance, except where modifications therefrom may be specifically recommended by DCPC and approved by the municipality, pursuant to the requirements of [Sections 103](#) and [1105](#) of this Ordinance.

Section 501 General Requirements

- A. The preliminary subdivision and/or land development plan and all plans forming a part thereof required by this Ordinance shall be submitted as clear and legible black-line or blue-line paper prints in accordance with [Section 306.D](#) of this Ordinance. The preliminary subdivision and/or land development plan shall reflect the following:
 - 1) Conformance with [Section 303](#) of this Ordinance regarding preliminary subdivision and/or land development plan procedure.
 - 2) All preliminary subdivision and/or land development plans shall meet the requirements of [Section 502](#) of this Ordinance.
- B. The preliminary subdivision and/or land development plan checklist, which appears in [Appendix C](#) of this Ordinance, shall be completed and submitted as part of the preliminary subdivision and/or land development plan application packet.
- C. Upon submission of a preliminary subdivision and/or land development plan, the applicant shall authorize the municipality and DCPD to enter the tract for the purpose of site evaluation.

Section 502 Preliminary Plan Requirements

- A. In addition to the requirements listed in [Section 402](#) of this Ordinance, the following shall apply:
 - 1) The preliminary subdivision and/or land development plan shall be drawn at a scale of no less than one (1) inch equals fifty (50) feet unless the average size of the proposed lots of the subdivision is in excess of five (5) acres, in which case, a scale of not more than one (1) inch equals one hundred (100) feet may be used.

- 2) If the preliminary subdivision and/or land development plan requires more than one (1) sheet, each sheet shall be numbered and shall show its relationship to the total number of sheets.
- 3) The maximum sheet size is thirty (30) inches by forty-two (42) inches; however, the Office of Recorder of Deeds of Delaware County prefers twenty-four (24)-inch by thirty-six (36)-inch prints for recording purposes.
- 4) Location map based on a USGS quadrangle map with the tract outlined. In the case of development of a section of the entire tract, the location map shall show the relationship of the section to the entire tract.
- 5) Dates of the original and any revised subdivision and/or land development plans.
- 6) Name, complete mailing address, signature, and seal (as permitted by the professional registration laws of the Commonwealth of Pennsylvania) of the licensed engineer, architect, landscape architect, surveyor, or land planner responsible for preparing a development plan, and any other documents or submissions forming a part of the preliminary subdivision and/or land development plan application packet.
- 7) Tract boundaries, with dimensions, bearings, and distances and the source of boundary information.
- 8) When the preliminary subdivision and/or land development plan includes only a portion of an applicant's entire tract or such portion is contiguous to another tract of the applicant, the dimensions and metes and bounds of the balance of such entire tract or other tract shall also be shown.
- 9) Names and complete mailing address of abutting owners with tax parcel numbers.
- 10) Zoning on and adjacent to the tract, including notes regarding the relevant area and bulk regulations for each zoning district that pertains to the tract, with an indication of conformance to the same, such as the percent of any lot area covered by impervious surfaces and the percent of any lot covered by buildings. Include any variances, special exceptions, conditional uses, or modifications requested and/or required.
- 11) Floodway, flood-fringe, and the 1% annual chance flood shall be accurately and conspicuously delineated. Benchmarks shall be used to determine flood elevations.
- 12) The use proposed in the municipal comprehensive plan that pertains to the tract.

- 13) Existing contours at vertical intervals of two (2) feet based on contour information derived from an actual topographic survey for the tract, due evidence of which may be required by the municipality and/or DCPC, including the date and source of the contours. For tracts that are relatively flat with grades of less than two (2) percent, contours shall be shown at one (1) foot intervals or through the use of spot elevations. Slopes shall be accurately depicted and identified as follows:
 - a. Very steep slopes and steep slopes shall be shown for all portions of the tract based on two (2)-foot contours.
 - b. The preliminary subdivision and/or land development plan shall also include a legend that clearly differentiates between such steep and very steep slopes specified in [Section 816.A.7](#) of this Ordinance.
- 14) Datum to which contour elevations refer and reference to known, established benchmarks and elevations.
- 15) All existing surface water resources, such as watercourses, wetlands, ponds, lakes, springs, drainage swales, and other natural drainage features.
- 16) Existing tree masses, hedgerows, and freestanding trees twelve (12) inches in caliper or greater, indicating which are to be removed and which are to remain. The edge of woodlands to remain shall be shown as a scalloped line. In addition, the types of vegetation associations that exist on the tract shall be noted in terms of their species, type, and sizes.
- 17) Natural resources as identified in the Pennsylvania Natural Heritage Program's Pennsylvania Natural Diversity Inventory (PNDI) and the Delaware County *Natural Areas Inventory*.
- 18) Soil types as identified in the United States Department of Agriculture's *Soil Survey of Chester and Delaware Counties*, including a table listing the soil characteristics pertaining to slope, depth to seasonal high-water table, depth to bedrock, flood hazard potential, and limitations for septic tank filter fields.
- 19) Location of existing man-made features such as buildings and their uses, driveways, wells, sewer lines, septic tanks and other on-lot sewage disposal systems, storm drains, culverts, bridges, utility easements, utility poles, water lines and mains, fire hydrants, railroads, and other significant man-made features within the tract.
- 20) All existing streets by type on or adjacent to the tract, including the name, state route numbers if applicable, rights-of-way widths, and cartway widths.

- 21) All existing property lines, easements, and rights-of-way, dimensions, bearings, and distances for same, and the purpose for which such easements or rights-of-way have been established.
- 22) Proposed lot lines with dimensions, lot numbers in consecutive numerical order, proposed minimum setback areas, and the proposed buildable area (using a dashed line to reflect the minimum yard and setback requirements). Where a buildable area is shown on a preliminary subdivision and/or land development plan as extending into the floodway, flood-fringe, and the 1% annual chance flood or any other area that may involve a conditional use or special exception, those portions of the buildable area extending into any such areas shall be delineated, depicted, and otherwise noted on all preliminary subdivision and/or land development plans in an accurate and conspicuous manner to disclose the specific uses that may occur in such areas.
- 23) Proposed location and method of water supply on each lot.
- 24) Proposed location and method of sanitary sewage disposal on each lot.

B. In the case of a land development, the following additional requirements shall apply:

- 1) Location, alignment, and width of all proposed streets, driveways, rights-of-way, and easements, the identification of street names (as provided in [Section 803](#) of this Ordinance), and the purpose for which private rights-of-way or other easements are proposed.
- 2) Location, alignment, and width of the proposed pedestrian circulation system.
- 3) Building locations and motor vehicle and bicycle parking areas together with an appropriate indication of size (e.g., the number of prospective dwelling units shall be indicated for multiple dwelling buildings), preliminary provisions for traffic control, loading areas and docks, signage, curbing, and other proposed structures.
- 4) A preliminary landscaping plan depicting proposed street trees, buffer area plantings, and other plantings as required by [Article VIII](#) of this Ordinance. For major subdivisions, this landscaping plan is to be prepared, signed, and sealed (as permitted by the professional registration laws of the Commonwealth of Pennsylvania) by a landscape architect.
- 5) A preliminary lighting plan depicting proposed light standards, locations, height, cut-off angle, and illumination value in accordance with all applicable municipal codes and ordinances.
- 6) A schematic diagram of the proposed method for stormwater management.

- 7) If on-lot water is to be utilized, then include the proposed method of water supply for each lot and a schematic layout of water lines.
 - 8) If on-lot sanitary sewers are to be utilized, then include the proposed method of sanitary sewage disposal for each lot and a schematic layout of sewer lines and capped sewers, when applicable.
 - 9) The location and description of all off-tract improvements.
- C. The preliminary subdivision and/or land development plan shall also be accompanied by the following:
- 1) A copy of the deed for the subject tract along with any covenants and/or restrictions.
 - 2) A statement on the preliminary subdivision and/or land development plan of the types of buildings, other structures, and/or dwelling units proposed to be constructed, indicating whether the same will be of uniform construction or different in design and whether same will be custom or production styled. The statement is to be accompanied by an elevation drawing of the proposed buildings and/or dwelling units.
 - 3) A preliminary traffic impact study, if required by the municipality, as set forth in [Section 503](#) of this Ordinance.
 - 4) A preliminary phasing schedule, if applicable, for the proposed sequence of the subdivision and/or land development. The phasing schedule shall indicate the order in which construction activities will occur.
 - 5) A planning module for land development as required by Act 537 of 1967, known as the "Pennsylvania Sewage Facilities Act" unless granted an exemption or not required.
 - 6) Water supply.
 - a. A written statement indicating the method of water supply.
 - b. Whenever on-lot systems are proposed, a feasibility report shall reflect the following:
 - i. There shall be an objective description of the ability of achieving a reliable, safe, and adequate water supply for an individual or community well, whenever such well is proposed, within the capacity of available resources. The description shall reference geologic and hydrogeologic data relative to groundwater conditions and potential yields.

- ii. In addition to such information regarding water supply, the description shall indicate the demand for water from the proposed subdivision and/or land development and its related uses and users.
 - c. When water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision and/or land development, applicants shall present evidence that the subdivision and/or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.¹⁶
- 7) Sanitary sewage disposal.
 - a. A written statement indicating the method of sanitary sewage disposal.
 - b. Whenever on-lot systems are proposed, a feasibility report shall reflect the following:
 - i. There shall be an objective description of the ability of achieving a successful system for the disposal of sewage. The description shall reference soils data relative to limitations for septic tank, filter fields, or other systems and shall indicate various indices of suitability for such a system, such as permeability and depth to seasonal high water table. In addition, percolation test results shall be discussed and exhibited.
 - c. When connection to public sewage facilities is proposed, assurance of the availability of such service. An officer of the company or authority concerned shall in the form of a letter sign this assurance, indicating the ability and willingness to make such service available.
- 8) A drainage plan shall be filed in conformance with local codes, the Stormwater Management Ordinance, the Pennsylvania Stormwater Best Management Practices Manual (latest revision) and the respective Act 167 watershed plan and shall include at a minimum, tract boundaries, existing and proposed contours, existing natural features, and proposed subdivision and/or land development layout. The drainage plan shall also include all proposed buildings, driveways, parking areas, lot layouts, and profiles of all proposed sewers, including elevation,

¹⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 503.1

sizes, slopes, and materials, at a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.

- 9) Whenever improvements are to be constructed or installed, a preliminary improvements construction plan in accordance with [Section 505](#) of this Ordinance.
- 10) A draft of any proposed covenants or restrictions upon or against the property, subject to the approval of the municipality.
- 11) When the proposed tract involves a gas pipeline, petroleum products transmission line, electric power transmission line, or any other pipeline or cable located thereon, a letter from the owner or authorized agent of such a facility indicating minimum setback distance requirements or a true and correct copy of the easement or grant of record shall be filed.
- 12) When the preliminary subdivision and/or land development plan includes only a portion of the entire or contiguous tract owned by the applicant, a conceptual plan that shows the prospective future street system and other improvements of the remaining land shall be submitted when required by the municipality.
- 13) A list of all permits, agreements, approvals, clearances, and the like required to be obtained in connection with the proposed subdivision and/or land development and the federal, state, County, or other agencies, authorities, and companies from which the same are to be obtained.
- 14) A draft of all other plans, documents, and submissions which by terms of any municipal ordinance, code, or regulation may be required by the municipality for final subdivision and/or land development plan approval shall be required in preliminary form and shall accompany and form a part of any preliminary subdivision and/or land development plan when the application packet for approval thereof is filed.
- 15) If the applicant is not the landowner, a notarized statement (i.e., agreement of sale) signed by the landowner, indicating that the applicant has the approval of the owner to submit the subdivision and/or land development application packet.
- 16) Certification as to the accuracy of the preliminary subdivision and/or land development plan and details of such plans shall be prepared in accordance with Act 367 of 1945, known as the "Engineer, Land Surveyor, and Geologist Registration Law," P.L. 913, No. 367, 63 P.S. § 148 et seq., as amended.
- 17) If the subject tract abuts a street under the jurisdiction of the State, a note shall be added to the preliminary subdivision and/or land development plan that indicates

that a highway occupancy permit is required before a driveway or street can access a state highway.

Section 503 Traffic Impact Study

- A. A traffic impact study shall be required for proposed subdivisions and/or land developments that meet one (1) or more of the criteria identified in Table 5-1.
- B. A licensed engineer shall prepare the traffic impact study.
- C. The applicant shall consult with the municipality to determine the extent of the traffic impact study area.

Table 5-1 • Type of Developments Requiring a Traffic Impact Study

Type of Development	Threshold Criteria
PennDOT Highway Occupancy Permit (HOP) required	3,000 or more Average Daily Trips (ADT's) ¹⁷ generated; 1,500 or more day; 100 or more vehicles entering or exiting the development within a 1 hour period
No HOP required	500 or more Average Daily Trips 50 or more Average Daily Trips during site's peak hours

- D. A traffic impact study shall include the following information:
 - 1) A tract description that includes the size, location, proposed land uses, construction phasing, and completion date. A brief description of major existing and proposed subdivision and/or land developments within one half (½) mile of the tract or as directed by the municipality.
 - a. If the proposal is residential, then the types of dwelling units, number of bedrooms, and probable socioeconomic characteristics of the residents (pertinent to transportation needs) shall also be included.
 - 2) A traffic facilities description that includes:
 - a. A full documentation of the proposed and existing internal street network. This full description shall include proposed vehicular and nonvehicular circulation, proposed ingress and egress locations, street widths and rights-of-way, parking

¹⁷ The anticipated number of peak hour trips, trips per day, and classification of proposed land use shall be determined using the current edition of ITE's *Trip Generation Manual*, most recent edition, as amended. Threshold criteria are PennDOT's.

areas, traffic channelizations, traffic calming devices, and traffic control devices within the tract. The proposed street design shall accommodate public transportation usage, including bus turnarounds, bus shelters, and bus route sign locations, when appropriate and done in accordance with transit agency specifications.¹⁸

- b. A full documentation of the external street network within the study area. This full description shall include diagrams of major intersections, existing and proposed public transportation facilities, and bicycle and pedestrian spaces facilities. If available, future street improvements from proposed surrounding subdivisions and/or land developments shall be noted and included in the calculations.
- 3) An existing traffic conditions report shall be measured and documented for all arterial and collector streets and major intersections in the study area. This report shall include:
- a. Existing average daily traffic volumes and peak traffic counts by hour shall be recorded.
 - b. Complete traffic counts at major intersections encompassing the peak traffic and peak development-generated hours shall be documented.
 - c. Intersection turning movements shall be documented.
 - d. A volume/capacity analysis based upon existing volumes shall be performed during the peak hours and the peak development-generated hours. Levels of service shall be determined for each street and major intersection.
 - e. A traffic safety analysis based on accident records for the past two (2) years, sight distances, and potential conflict points shall be performed.
 - f. Detailed traffic counts on local streets or access roads are not required, unless the municipality deems it necessary.
- 4) The anticipated traffic impact of the subdivision and/or land development shall be evaluated.
- a. An estimation of vehicular trips to result from the proposal shall be computed for both the existing street system and the development-generated peak hours. Vehicle trip generation rates to be used for this calculation shall be obtained from the most recent edition of the *Trip Generation Manual*, published by the

¹⁸ SEPTA has provided [SEPTA Bus Stop Design Guidelines](#) with local specifications

Institute of Transportation Engineers. These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the reference sources(s) and methodology followed shall be documented. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points.

- b. All turning movements shall be calculated.
 - c. Pedestrian and bicycle volumes shall be calculated.
 - d. Public transportation ridership shall be calculated.
 - e. Any characteristic of the tract that will cause particular trip generation problems shall be noted.
- 5) The total future traffic demand based upon full occupancy of the proposed subdivision and/or land development shall be calculated.
- a. This demand shall consist of the combination of the existing traffic expanded to the completion year (straight line projections based on historical data), the development-generated traffic, and the traffic generated by other proposed subdivisions and/or land developments in the study area. If phasing of the proposed subdivision and/or land development is anticipated, then calculations for each phase of completion are required. Public transportation, bicycle, and pedestrian trips will be taken into account.
 - b. This analysis shall be performed using the peak traffic hours and peak development-generated hours for arterial and collector streets and their major intersections.
 - c. Volume/capacity calculations shall be completed for all major intersections.
 - d. All access points shall be examined for the necessity of installing traffic control devices. This evaluation shall compare the projected traffic to PennDOT's warrants for the traffic control device installation.
- 6) Levels of service for arterial and collector streets and their intersections shall be listed.
- a. Arterial and collector streets and their intersections with a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended

improvements may include, but not be limited to, internal circulation design, tract access location and design, external street and intersection design and improvements, traffic signal installation and operation, public transportation service, and pedestrian and bicycle facility design.

- 7) The traffic impact study shall make recommendations for street improvements bordering the tract that will accommodate the traffic generated by the subdivision and/or land development. Cost estimates for said improvements shall also be provided.
- 8) Should the traffic impact study identify off-tract transportation improvements, the applicant shall make financial contributions in accordance with the municipal Act 209 study (Municipalities Planning Code, Article V-A). In the event that an Act 209 study is not applicable, then the applicant and municipality shall discuss the degree to which the applicant may contribute to any off-tract street improvements that will benefit the subdivision and/or land development.
- 9) The municipality may combine contributions for traffic impact studies from more than one (1) applicant to accomplish one (1) major coordinated traffic study.

Section 504 Improvements Construction Plan and Profile(s) Plan

- A. Whenever improvements are proposed such as a new street or the upgrading of an existing street, the improvements construction plan shall accompany and become a part of the preliminary and final subdivision and/or land development plans. The improvements construction plan shall be drawn at a ten-to-one (10-to-1) ratio of horizontal to vertical scale, whereby the horizontal scale shall be at least fifty (50) feet to the inch and the vertical scale shall be five (5) feet. However, the horizontal scale may be forty (40) feet to the inch with a vertical scale of four (4) feet to the inch; or, twenty (20) feet to the inch and two (2) feet, respectively, when directed by the municipality. The improvements construction plan shall be prepared by a licensed engineer and shall show thereon or be accompanied by the following:
 - 1) On all plans, profiles, and other sheets which depict the information required in this section, the following shall be provided:
 - a. Proposed subdivision and/or land development name or identifying title.
 - b. North arrow, scale, and date.
 - c. Name of the landowner, developer, and the authorized agent, if any.
 - d. Name of the licensed engineer responsible for having prepared the plan(s), profile(s), cross-section(s), documents, and/or other submissions forming the improvements construction plan.

- 2) The horizontal plan shall show details of the horizontal layout of streets, including:
 - a. Centerline with bearings, distances, curve data, and stations corresponding to the profile.
 - b. Right-of-way and curb lines with radii at intersections.
 - c. Tie-ins by bearings and distances to intersections of all public streets, with the names and widths thereof.
 - d. Location of all proposed monuments with references thereto.
 - e. Property lines and ownership of abutting properties.
 - f. Proposed lot lines, storm and sanitary sewers, water and other utility lines, and fire hydrants.
 - g. Location and size of all drainage structures, public utilities, the pedestrian circulation system, lighting standards, street name signs, and other improvements.
- 3) The profile shall be a vertical section of streets, with details of vertical alignment, including:
 - a. Profiles and elevations at fifty (50)-foot stations along the centerline of the existing ground surface and along both right-of-way lines, if available.
 - b. Profiles and percentage of grade along the proposed centerline and elevations at fifty (50)-foot intervals.
 - c. The length of vertical curves and elevations at twenty-five (25)-foot intervals.
 - d. Profile of any storm or sanitary sewer location under any proposed street, showing the length, size, grades, material, inverts, and rim elevations of manholes and outlets.
- 4) The cross-section of streets prepared in accordance with the design standards and requirements in [Article VIII](#) of this Ordinance, including:
 - a. Right-of-way width and location and width of paving within the right-of-way.
 - b. Type, thickness, and crown of paving.
 - c. Type and size of curb, with detail of curb.
 - d. Grading of the pedestrian circulation system.

- e. Location, width, type, and thickness of the improved pedestrian circulation system.

Section 505 Phased Development

- A. In the case of subdivision and/or land development plans to be developed in phases or sections over a period of time, a map delineating each phase or section of the proposed subdivision and/or land development consecutively numbered so as to illustrate phasing of development and a schedule indicating the approximate time for which application for final approval of each phase or section are intended to be filed.

ARTICLE VI: FINAL PLAN

Section 600 Purpose

- A. The purpose of the final subdivision and/or land development plan is to allow formal review and approval by the municipality before final subdivision and/or land development plans are recorded as required by [Section 306](#) of this Ordinance.

Section 601 General Requirements

- A. The final subdivision and/or land development plan and all plans forming a part thereof required by this Ordinance shall be submitted on clear and legible black-line or blue-line paper prints. If two (2) or more sheets are required, a key map shall be shown on each sheet, and an overall index of sheets shall be submitted. The final subdivision and/or land development plan scale and size shall be the same as that described in [Section 306.D](#) of this Ordinance. The final subdivision and/or land development plan shall reflect the following:
 - 1) Conformance with [Section 306](#) of this Ordinance.
 - 2) Requirements of [Sections 304](#) and [602](#) of this Ordinance.
- B. The final subdivision and/or land development plan checklist that appears in [Appendix D](#) of this Ordinance shall be completed and submitted as part of the final subdivision and/or land development plan application packet.
- C. Upon submission of a final subdivision and/or land development plan, the applicant shall authorize the municipality and DCPD to enter the tract for the purpose of site evaluation.

Section 602 Final Plan Requirements

- A. In addition to all of the requirements set forth in [Article V](#) of this Ordinance, the final subdivision and/or land development plan shall contain the following:
 - 1) All dimensions shall be shown with accurate distances to hundredths (.01) of a foot and bearings to fifteen (15) seconds.
 - 2) Tract boundaries and individual lot boundaries with dimensions, bearings, and distances, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
 - 3) Total gross acreage and net acreage of the tract and total net acreage of the individual lots proposed therein to the hundredths (.01) of a foot.
 - 4) Number of lots, dwelling units, buildings, and other structures proposed.

- 5) Lots numbered in a logical sequence including street addresses for use by Delaware County's 911 system.
- 6) Location of existing and proposed permanent reference monuments and markers and a note indicating the materials and size of the same, as required by [Section 802](#) of this Ordinance.
- 7) Pedestrian circulation system, including all sidewalks, walkways, pedestrian rights-of-way, and other improvements to be used for general public use.
- 8) A final landscaping plan indicating precise types, quantities, and sizes of proposed trees, shrubs, ground covers, and other landscaping elements, in accordance with [Article VIII](#) of this Ordinance. For major subdivisions, this landscaping plan is to be prepared, signed, and sealed (as permitted by the professional registration laws of the Commonwealth of Pennsylvania) by a landscape architect.
- 9) A final lighting plan indicating the precise location and height of light standards, their cut-off angle, and illumination value in accordance with all applicable municipal codes and ordinances.
- 10) Signature blocks used for signing the final subdivision and/or land development plan in accordance with [Section 306.D.2](#) of this Ordinance.
- 11) The location of percolation test pits, whenever on-site sewage disposal is proposed, and the location of the proposed on-site sewage systems.
- 12) The location of test pits where stormwater is to be disposed and a listing of absorption rates, whenever seepage pits are proposed.
- 13) The location of the proposed well(s) for on-lot water supply.
- 14) The following shall also be noted on the final subdivision and/or land development plan:
 - a. The seal of the licensed engineer responsible for having prepared the plans forming a part of the final subdivision and/or land development plan.
 - b. A statement indicating the intent to make an offer of dedication of the streets and other improvements.
 - c. A statement indicating who is responsible for the maintenance of the tract improvements.
- 15) In addition to all materials required in [Article V](#) and under this section, the following shall be submitted:

- a. A final traffic impact study, as set forth in [Section 503](#) of this Ordinance.
 - b. A final phasing schedule, if applicable, for the proposed sequence of the subdivision and/or land development. The phasing schedule shall indicate the order in which construction activities will occur. Phases shall be shown on the drainage plan required under [Section 502](#) of this Ordinance and all other applicable municipal codes and ordinances.
 - c. A final stormwater management site plan reflecting, in final form, the information required by [Sections 502](#) and [603](#) of this Ordinance and all other applicable municipal codes and ordinances.
 - d. Whenever improvements are to be constructed or installed, a final improvements construction plan and a final profile(s) plan, reflecting in final form the information required under [Section 505](#) of this Ordinance.
 - e. Final documents for any proposed covenants or restrictions upon the property, subject to the approval of the municipality and the final legal descriptions for all lots.
 - f. An approved planning module or PADEP Letter of Exemption for land development as required by the Pennsylvania Sewage Facilities Act, Act 537 of 1967, if available.
 - g. A licensed engineer's and/or sewage enforcement officer's report describing percolation test results and the ability to create a successful system for on-lot or community sewage disposal whenever such a system is proposed.
 - h. A licensed engineer's report evidencing the ability to create a successful system for on-lot water supply whenever such a system is proposed.
 - i. All other plans, documents, and submissions which were filed in preliminary form as required in [Section 502](#) of this Ordinance shall be filed in final form to accompany and form part of any final subdivision and/or land development plan application packet.
- 16) The following additional information requirements shall apply only to final land development plans:
- a. The locations and heights of all structures, including freestanding signs, and distances between buildings and between buildings and streets or property lines.

- b. Number of dwelling units by type by number of bedrooms and the location and square footage of floor space to be devoted to nonresidential use, together with use specifications.
- c. The location, square footage, and number of vehicular parking spaces in all parking areas, and specifications of type and size of other parking facilities.
- d. Locations and widths of all private driveways and any controls proposed at their intersections with streets carrying vehicular traffic.
- e. The exact locations and sizes of all public or common open space areas, recreational areas and facilities, and the ownership and proposed maintenance, offers of dedication, or covenants governing their use.

Section 603 Stormwater Management Site Plan

- A. The drainage plan shall be filed in accordance with [Sections 502](#) and [602](#) of this Ordinance.

Section 604 Improvements Construction Plan and Profile(s) Plan

- A. All illustrations and notes required under [Section 505](#) of this Ordinance.
- B. A horizontal plan of storm drains and sanitary sewers, which may be shown on a separate drainage plan, including:
 - 1) The location and size of the line with stations corresponding to the profile.
 - 2) Locations of manholes or inlets with the grade between and elevation of the flow line and the top of each manhole or inlet.
 - 3) Property lines and properties of abutting owners, with details of easements.
 - 4) The beginning and end of the proposed construction.
 - 5) Locations of laterals.
 - 6) Locations of all other drainage facilities and utilities in the vicinity of storm and/or sanitary sewer lines.
 - 7) Hydraulic design data for culverts and/or bridge structures and details of the proposed handling of surface and/or subsurface drainage problems.
- C. Profiles of storm drains and sanitary sewers, which may be shown on a separate drainage plan, including:
 - 1) Profile of existing and proposed ground surface with elevations at the top of manholes or inlets.

2) Profile of storm drains or sewers showing the type and size of pipe, grade, cradle (if any), manhole or inlet locations with the length and slope of the pipe between structures shown, and elevations at the flow line.

D. Plans and details of bridges, street trees, retaining walls, stormwater management structures, erosion and sedimentation control structures, and all other proposed improvements containing sufficient information which would customarily be included in working drawings and specifications for the proposed construction and which would enable the municipality to perform an effective evaluation of the proposed improvements and with specific detail which would allow the contractor to build the same.

Section 605 Subdivision and Land Development Agreement

A. A subdivision and land development agreement ([Appendix A](#) of this Ordinance) shall be executed in accordance with [Section 305](#) of this Ordinance.

Section 606 Recording the Final Plan

A. The recording of an approved final subdivision and/or land development plan shall be as described in [Section 306](#) of this Ordinance.

B. No final subdivision and/or land development plan shall be signed and recorded until all required County, state, and federal permits and/or approvals are obtained. In no case shall building permits be approved until evidence of such approvals and/or permits are submitted to the municipality.

Section 607 Amendments to an Approved Plan

A. Proposals for amendments to an approved final subdivision and/or land development plan shall be acted upon in the same manner as prescribed for the originally approved final subdivision and/or land development plan.

ARTICLE VII: MINOR SUBDIVISION AND/OR LAND DEVELOPMENT

Section 700 Purpose

- A. The purpose of this Article is to establish a streamlined set of requirements for minor subdivisions and/or land developments that meet the conditions of eligibility set forth in [Section 301](#) of this Ordinance.

Section 701 General Requirements

- A. The minor subdivision and/or land development plan and all plans forming a part thereof required by this Ordinance shall be submitted on clear and legible black-line or blue-line paper prints. If two (2) or more sheets are required, a key map shall be shown on each sheet, and an overall index of sheets shall be submitted.
- B. The minor subdivision and/or land development plan checklist that appears in [Appendix E](#) of this Ordinance shall be completed and submitted as part of the minor subdivision and/or land development plan application packet.

Section 702 Minor Plan Requirements

- A. The procedures of [Section 304](#) of this Ordinance and the following shall apply to preliminary and final minor subdivision and/or land development plans:
 - 1) Location map based on a USGS quadrangle map with the tract outlined.
 - 2) The maximum sheet size is thirty (30) inches by forty-two (42) inches; however, the Office of Recorder of Deeds of Delaware County prefers twenty-four (24) inch by thirty-six (36) inch prints for recording purposes.
 - 3) Legibly drawn at a scale of one (1) inch equals fifty (50) feet.
 - 4) Metes and bounds in degrees, minutes, and seconds and in feet and decimal parts thereof.
 - 5) The boundary line of the subdivision shown as a heavy line.
 - 6) Name of the minor subdivision and/or land development.
 - 7) Names and complete addresses of the owner of record and applicant.
 - 8) Name, complete address, and seal of the surveyor who prepared the plan.
 - 9) Applicable zoning district, including overlay districts, lot area and yard requirements, and the percentage of the lot(s) allowed to be covered by impervious surfaces and buildings.

- 10) The use(s) proposed in the municipal comprehensive plan that pertains to the tract.
- 11) North arrow and date of the plan or drawing, including revision dates.
- 12) Written and graphic scales.
- 13) Gross and net acreage of lots.
- 14) Contiguous boundaries of all adjoining properties and the names of owners and tax parcel numbers of such properties.
- 15) Existing streets on or adjacent to the tract with existing and future rights-of-way, names, and cartway widths.
- 16) Buildings (and their uses), driveways, wells, sewer lines, water mains, fire hydrants, utility poles, septic tanks, storm drains, culverts, bridges, utility easements, and other significant man-made features within the lot which is being subdivided.
- 17) Significant historic structures, buildings, ruins, sites, and objects within the tract, including those identified as a National Historic Landmark, a National Register of Historic Places (or eligible) property or district, and those found on a Delaware County historic and archaeological resources map/survey, or any other County or local inventory/survey or district.
- 18) Historic structures proposed to be adaptively reused, significantly altered, and/or demolished.
- 19) Existing contours at two (2)-foot intervals, including the date and source of the contours. For tracts that are relatively flat with grades less than two (2) percent, contours shall be shown at one (1)-foot intervals or through the use of spot elevations.
- 20) Existing natural features, including streams, ponds, springs, wetlands, soil types and description, and tree masses and notable trees, indicating which are to be removed and which are to remain.
- 21) Proposed lot boundaries, lot layout, and building setback lines.
- 22) Proposed driveway location(s).
- 23) Any areas within the floodway, flood-fringe, and the 1% annual chance flood.
- 24) A grading plan indicating proposed contour and final grades at two (2)-foot intervals and all proposed improvements. For tracts that are relatively flat with

grades of less than two (2) percent, contours shall be shown at one (1)-foot intervals or through the use of spot elevations.

- 25) A stormwater management site plan as required by [Section 603](#) of this Ordinance and all other applicable municipal codes and ordinances.
- 26) Tract and lot boundaries with dimensions, metes, and bounds, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
- 27) Location of permanent reference monuments and corner markers.
- 28) Locations of percolation test pits and the proposed on-lot sewage disposal system.
- 29) An approved planning module for subdivision and/or land development as required by the Pennsylvania Sewage Facilities Act, Act 537 of 1967, if available.
- 30) Locations of proposed wells for on-site water supply.
- 31) A graphic depiction and a list of all easements shall be shown and, if appearing on record, the book and page numbers.
- 32) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided. The plans must clearly differentiate between existing and proposed deed restrictions. If there are no deed restrictions, a note to that effect must be placed on the plan.
- 33) A written subdivision and/or land development agreement, pursuant to [Section 305](#) of this Ordinance.
- 34) Copies of the proposed legal description for each lot, based on net acreage.
- 35) If the proposed tract(s) abuts on a street under the jurisdiction of the State, a note shall be added to the final minor subdivision and/or land development plan to indicate that a highway occupancy permit is required before a driveway or street can access a state highway.
- 36) A list of all permits, agreements, approvals, clearances, and the like required to be obtained in connection with the minor subdivision and/or land development and the federal, state, County, or other agencies, authorities and companies from which the same are to be obtained.

- 37) Certification as to the accuracy of the minor subdivision and/or land development plan and details of such plans shall be prepared in accordance with Act 367 of 1945, known as the “Engineer, Land Surveyor, and Geologist Registration Law,” P.L. 913, No. 367, 63 P.S. Section 148 et seq., as amended.

Section 703 Recording the Final Plan

- A. The recording of an approved final minor subdivision and/or land development plan shall be as described in [Section 306](#) of this Ordinance.

ARTICLE VIII: GENERAL DESIGN STANDARDS

Section 800 Purpose

- A. The municipality and DCPC will utilize the design standards and requirements set forth in this Article in determining the adequacy of all proposed subdivision and/or land development plans.

Section 801 General Standards

- A. All subdivision and/or land development plans to be approved by the municipality must comply with the standards contained within this Article. Such standards shall be considered minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Whenever provisions of this Article conflict with the provisions of other ordinances and regulations, the most restrictive provisions shall apply.
- C. These standards shall not be construed to be complete specifications for construction. Detailed and complete specifications shall be the responsibility of the applicant.
- D. Where literal compliance with the standards hereinafter specified is not possible, the municipality may modify the standards to permit reasonable utilization of property and/or encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and/or land developments while securing substantial conformance with the objectives of these regulations, in accordance with [Section 1105](#) of this Ordinance.
- E. All development should be consistent with the land use patterns promoted in Delaware County 2035, the Delaware County Comprehensive Plan, and any subsequently adopted County comprehensive plans. Delaware County 2035 encourages efficient development density close to existing infrastructure and community resources to minimize the need for the development of new infrastructure. New subdivisions and land developments shall be interconnected with existing developments to the greatest extent possible and include multimodal transportation options to reduce vehicle dependency. The purpose of requiring interconnectivity and street connections is to achieve a street network that provides multiple routes to and from destinations. Such a network is key to supporting walking and bicycling as convenient, safe, and healthy forms of transportation.
- F. Tracts shall be developed only with uses permitted in conformance with the municipal comprehensive plan, zoning ordinance, official sewage facilities plan, and other municipal ordinances, codes, plans, maps, and regulations.

- G. Tracts shall be developed in conformance with all pertinent statutes, regulations, rules, and codes of federal, state, and County agencies concerned with subdivision, land development, construction, and improvements or any activity arising out of or related thereto in any way whatsoever.
- H. All subdivisions and land developments shall be designed to minimize environmental damage to the maximum extent possible, by carefully fitting the subdivision or development to the existing conditions and natural features of the site. The design of subdivisions and/or land developments shall preserve, insofar as possible, the existing historic features, natural terrain, natural drainage, topsoil, and trees of the tract, while taking into account energy conservation and solar access.
- I. The design of subdivisions and/or land developments shall take into consideration relevant features of all adjacent development. Further development on adjacent land should also be considered, insofar as possible, based on plans, sketches, or indications of intent available to the municipality at the time of plan application.
- J. Tracts subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be developed for building purposes unless such hazards have been eliminated or unless the subdivision and/or land development plan shall show adequate safeguards as recommended by the municipality, DCPC, and/or PADEP.
- K. All portions of a tract subject to flooding as shown on the Federal Emergency Management Agency's Flood Insurance Rate Maps may not be considered for residential occupancy unless the tract is developed in accordance with all applicable local, County, state, and federal laws. If a portion of the tract is deemed by the municipality to be uninhabitable for residential occupancy or for such other use as may increase danger to health, life, or property or aggravate the flood hazard, such land shall be set aside for such uses that will not be affected by periodic or occasional inundation or conditions that produce unsatisfactory living conditions.
- L. Landlocked areas shall not be created.
- M. Proposed subdivisions and/or land developments shall be coordinated with existing nearby neighborhoods, with particular reference to street layout and the provision of sanitary sewage and water facilities, so that the community as a whole may develop harmoniously.

- N. The name of any subdivision and/or land development shall not be similar to or conflict with the name of any existing project in or adjacent to the municipality and shall be subject to the approval of both municipality and the fire company serving the municipality.
- O. All planning, design, construction, and maintenance of lots and uses and structures thereon shall be in accordance with recognized architectural, engineering, and related standards.
- P. Where possible, buildings shall be placed as close as practical to streets and sidewalks to improve the walkability and attractiveness of the street. Parking lots shall be placed behind and next to, rather than in front of, buildings. The placement of buildings and parking lots in this manner makes it easier for individuals who travel to the development to walk from surrounding residential neighborhoods, nearby employment sites, and public transit stops or stations, by making the walking distance shorter and reducing dangers from motor vehicles. Where this may not be possible, SEPTA should be consulted for inclusion of design standards to accommodate bus access.

Section 802 Monuments and Markers

- A. Monument locations must be shown on the final subdivision and/or land development plan to define the exact location of all street rights-of-way and to enable the reestablishment of all street right-of-way lines. Monuments shall be placed at the following locations:
 - 1) At each intersection.
 - 2) At changes in direction of street lines.
 - 3) At each end of every street line.
 - 4) At locations where topographical conditions obstruct sighting between two otherwise required monuments.
 - 5) At all areas of land, improvements, or public easement to be offered for dedication prior to acceptance thereof by the municipality or other entity to which the same are offered.
 - 6) At all areas of common open space and community on-lot sewage disposal owned and maintained by a homeowners' association or similar organization.
 - 7) At other locations along the lines of streets as may be determined to be necessary by the municipality.

- B. Monument locations defining the perimeter of the tract shall be determined by the municipality.
- C. Markers shall be set at locations shown on the final subdivision and/or land development plan as follows:
 - 1) At all points where lot lines intersect curves, either front or rear.
 - 2) At all angles in property lines of lots.
 - 3) At all other lot corners.
- D. Monuments and markers shall be placed so that the scored and 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. Monuments and markers shall consist of the following:
 - 1) Monuments that mark the tract's external boundaries shall be of concrete or granite, with a minimum dimension of six (6) inches by six (6) inches and twenty-four (24) inches in length. Concrete monuments shall be permanently marked on top with an indented cross or drill hole one-fourth ($\frac{1}{4}$) inch in diameter, which shall coincide exactly with the point of intersection of the lines being monumented.
 - 2) Markers for lot boundaries within the tract shall consist of iron pipes or steel bars a minimum of twenty-four (24) inches in length and five-eighths ($\frac{5}{8}$) inch in diameter.
- E. A Licensed Surveyor shall place all monuments and markers. The surveyor shall certify, in writing, that the monuments and markers were placed in accordance with the as-built plan. Such monuments and markers shall be clearly visible and placed before the issuance of any occupancy permit. Prior to the release of escrow funds, lots and streets must have all monuments and markers in place, and the same shall be noted on the as-built plan as having been set.

Section 803 Streets

- A. General principles and criteria.
 - 1) Proposed streets shall conform to all municipal, County, and state street and highway plans as prescribed by law.
 - 2) Residential streets shall be laid out in a manner that discourages excessive traffic and speeds. Traffic calming techniques are encouraged. However, the arrangement of streets shall provide for extension and continuation of existing or platted streets into and out of adjoining tracts.

- 3) The proposed street pattern and layout shall be properly and logically related to existing streets and their functional classifications.
- 4) The proposed street pattern should allow for a variety of different street types, generally in a rectilinear or grid pattern. An interconnected street pattern with short block lengths provides multiple routes, diffuses automobile traffic and shortens walking distances. In exceptional circumstances, such as when steep slopes are present, the grid street pattern need not be adhered to, and curvilinear streets may be used.
- 5) The proposed street pattern and layout shall be properly and logically related to the topography of the land with regard to grades and conditions of drainage. Grades of streets shall conform as closely as possible to the existing grade so as to produce usable lots and minimize cuts and fills.
- 6) The proposed street pattern shall be designed to enhance views from the street.
- 7) The proposed street pattern and layout shall permit safe and convenient circulation of vehicular and pedestrian traffic.
- 8) The proposed street pattern and layout shall provide suitable access for emergency vehicles.
- 9) The proposed street pattern and layout shall provide suitable access for public transit vehicles where routes exist or are planned.
- 10) All streets shall be platted to the boundary lines of the tract when the subdivision and/or land development adjoins tracts that may be developed in the future, and the same shall be provided with easements and/or rights-of-way for turnarounds and, if required by the municipality, improved to the property boundary, including improved turnaround areas.
- 11) Whenever a street with a single point of ingress and egress is proposed, the municipality may require that a right-of-way be shown on subdivision and/or land development plans to allow for a future connection to streets on an adjoining tract.
- 12) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining tracts.
- 13) All residential development with thirty (30) or more units shall provide two (2) points of access, when required by the municipality. The second point of access, when provided for emergency purposes only, shall be provided on an undeveloped lot. Exceptions to this standard may be permitted when main entrances to developments are designed with one (1)-way ingress and egress points.

- 14) The right-of-way of a street shall be shown on subdivision and/or land development plans. The municipality may also prescribe additional right-of-way requirements in accordance with [Section 803.B](#) of this Ordinance.
- 15) Every lot shall have access to a public street unless the municipality approves otherwise, pursuant to and in accordance with the requirements of [Section 1105](#) of this Ordinance.
- 16) If lots resulting from subdivision are large enough to permit further subdivision or if a portion of the tract is not subdivided, a notification requiring adequate street rights-of-way to permit further subdivision and whether such is available shall be placed on the subdivision and/or land development plan.
- 17) Where streets continue into adjoining municipalities, compatibility of design, particularly with regard to cartway widths, shall be employed to avoid abrupt changes in the cartway width or to other improvements within the right-of-way.
- 18) The municipality may require the use of double frontage lots whenever a subdivision and/or land development abuts an arterial or collector street. Access to such double frontage lots shall be from the local street.
- 19) Streets shall be designed so as to avoid edge deterioration through the use of curbs, as required in [Section 804](#) of this Ordinance.
- 20) In the event that any part of a tract abuts a street that is not fully improved to the design standards that correspond to the street classification, said street shall be improved to meet the applicable design standard for the street in question, especially in terms of cartway and right-of-way widths, unless approved otherwise by the municipality.
- 21) Where a subdivision and/or land development abuts a railroad, streets crossing the railroad shall be kept to a minimum and placed to facilitate grade separation.
- 22) Streets shall be designed for maximum safety for fire trucks and other emergency vehicles and shall be approved by the municipality upon the recommendation of the fire marshal.
- 23) Any person who proposes access to a state highway is required to obtain a highway occupancy permit from PennDOT. Prior to the issuance of a permit, the municipality shall review the application and forward its comments to PennDOT.
- 24) No dwelling or other principal permitted building that depends upon the improvement of any street for ingress and egress shall be permitted to be occupied until all improvements are fully completed from an existing street to and across the front of the lot on which the building is located and/or to a sufficient depth along

the side of the lot to service any driveways and parking spaces as required by this Article.

- 25) No street shall be paved between November 1 and March 15 without written permission of the municipality.
- 26) Adequate drainage shall be provided for low points along streets and where required to intercept runoff.
- 27) When required by the municipality, street lighting shall be in accordance with a plan approved by the municipality and shall be installed prior to final release of escrow. The applicant shall also coordinate lighting improvements with the electric company.
- 28) The determination of which proposed streets are to be considered collector streets and which are to be considered local streets shall be made by the municipality in accordance with the definitions of [Article II](#) of this Ordinance and the traffic capacities for such streets.
- 29) All streets shall be designed as Complete Streets, as defined in [Article II](#), where feasible.

B. Street right-of-way and cartway widths.

- 1) Streets shall be designed as identified in Table 8-1 and laid out to preserve the integrity of their design. Streets shall be classified by function, as follows:

Table 8-1 • Minimum Right-of-Way and Cartway Widths by Street Classification

Street Classification	Right-of-way, Minimum (feet)	Cartway, Minimum (feet)	Recommended Minimums (feet)		
			Travel Lane	Parking Lane	Paved Shoulder ^
Arterial	80	**	11-12	10-12	8-10
Collector	60	48	10-12	7-11	6-10
Local	50	36	9-11	7-8	-
Access Road	*	24	9-10	7-8	-

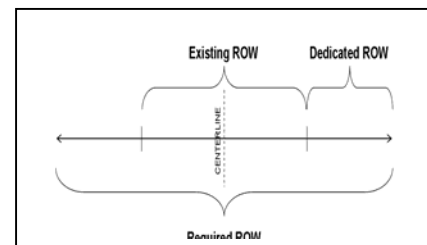
* Adequate width to provide utilities, drainage facilities, landscaping, grading, travel and parking lanes, curb, and pedestrian spaces.

^ The paved shoulder for arterial and collector roads should have five (5) to six (6) feet of width reserved for a bicycle lane. Also, see [Section 807](#).

**As recommended by PennDOT

- 2) Additional right-of-way and cartway widths may be required by the municipality due to densities of dwelling units, increased usage of existing streets, or topographical conditions. Before doing so, a special study may be required by the municipality to determine whether or not these additional requirements are necessary, and the municipality shall, upon conclusion of said study, have the discretion to change these standards accordingly in order to:
 - a. Lessen traffic congestion.
 - b. Secure safety from fire, panic, and other dangers.
 - c. Facilitate the adequate provision for transportation and other public requirements.
 - d. Promote the general welfare.
- 3) Right-of-way widths in excess of the aforementioned standards shall be required whenever, due to topography, additional width is necessary to provide adequate street embankments. Such slopes shall not be in excess of three (3) to one (1) in cut and fill.
- 4) When a subdivision and/or land development fronts on an existing street having a right-of-way less than the minimum width required in this Article, a right-of-way line shall be established and dedicated with the following considerations:

- a. The distance of the right-of-way line from the centerline of the existing right-of-way shall be one half ($\frac{1}{2}$) the width of the required minimum right-of-way along the frontage of the subject tract.
- b. The right-of-way shall be delineated, depicted, and otherwise noted on all subdivision and/or land development plans and shall be offered for dedication with the improvements associated therewith.
- c. Any required setback shall be measured from the right-of-way line. However, only the lot area contained within the existing right-of-way width shall be subtracted when computing the minimum lot area requirements for compliance with the municipal zoning ordinance.



C. Cul-de-sac streets.

- 1) Cul-de-sac streets shall not be less than the length that excludes them from liquid fuels calculations nor exceed six hundred (600) feet. If a cul-de-sac street intersects

another cul-de-sac street, then the maximum total length of the sum of the streets shall not exceed one thousand two hundred (1,200) feet.

- 2) Cul-de-sac streets shall not serve more than thirty (30) residential dwelling units. In the case of industrial or business parks, a cul-de-sac shall not serve more than one thousand (1,000) employees.
- 3) Cul-de-sacs shall have a closed-end turnaround with a right-of-way having a minimum outside radius of fifty (50) feet and shall be paved to a radius of not less than (40) feet.
- 4) When required for future extension, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient width along the boundary line to permit extension of the street at full width.
- 5) When required by the municipality, a secondary point of access shall be provided on an undeveloped lot and held in fee simple or through a similar agreement as approved by the municipality.
- 6) Drainage of cul-de-sacs shall be directed to flow along the curb line. Drainage shall be toward the open end of the cul-de-sac whenever possible.
- 7) Superelevated cul-de-sacs shall be prohibited.
- 8) The centerline grade on a cul-de sac street shall not exceed ten (10) percent.
- 9) The minimum centerline grade for a cul-de-sac shall be one (1) percent.
- 10) No cul-de-sac turnaround shall have a grade that exceeds four (4) percent.
- 11) All design standards in [Section 803](#) of this Ordinance that are pertinent to cul-de-sacs shall apply.

D. Alleys.

- 1) Alleys in residential developments shall have a minimum width of twenty (20) feet and a minimum paved surface of sixteen (16) feet. Where alleys serve dwellings only on one (1) side, the municipality may recommend a paved alley surface of no less than fourteen (14) feet.
- 2) Dead-end alleys, alley intersections, and sharp changes in alignment shall be avoided.

E. Street grades.

- 1) There shall be a minimum centerline grade of one (1) percent and a maximum centerline grade of ten (10) percent on all local streets.
- 2) A minimum centerline grade of one (1) percent and a maximum centerline grade of seven (7) percent are required on all collector and arterial streets.
- 3) Maximum grade within an intersection shall not exceed four (4) percent. Approaches to an intersection shall also not exceed four (4) percent within fifty (50) feet of the nearest right-of-way line of the intersecting street and, where feasible, shall follow a straight course within one hundred (100) feet of the intersection.
- 4) The slope of the crown on proposed streets shall be between one-fourth ($\frac{1}{4}$) and one-half ($\frac{1}{2}$) inch per foot, except on superelevated curves where the slope shall be not less than one-fourth ($\frac{1}{4}$) inch per foot and shall extend from the inside to the outside edge of the paving.
- 5) The finished grades on all streets shall be carried the entire width of the right-of-way. However, grading behind the curbs or beyond the edge of the cartway may be modified, as determined by the municipality, provided that the minimum sight distances are maintained along the vertical and horizontal curvatures of the street, no obstructions exist at intersections within the clear sight triangle, and no pedestrian spaces are impacted.
- 6) Maximum slopes of banks measured perpendicular to the centerline of the street shall be three (3) feet horizontal to one (1) foot vertical in fill areas and shall be planted and vegetated to prevent erosion.

F. Horizontal curves.

- 1) Whenever street centerlines are deflected five (5) degrees or more within five hundred (500) feet, connection shall be made by horizontal curves.
- 2) Horizontal curves shall be designed with the following minimum radii:
 - a. Arterial Streets – In accordance with PennDOT's standards for highway design in effect at the time of application.
 - b. Collector Streets – Three hundred (300) feet.
 - c. Local Streets – One hundred fifty (150) feet.
 - d. Access Roads – One hundred (100) feet.
- 3) Tangents of at least one hundred (100) feet shall be required between reverse curves and shall be measured at the centerline.

- 4) The municipality may approve variations in radii, in accordance with the requirements of [Section 1105](#) of this Ordinance, when topographic or other conditions so require.

G. Vertical curves.

- 1) Vertical curves are required for changes in grade greater than one (1) percent. However, where a curve would be a sag curve, vertical curves shall be used in changes of grade exceeding two (2) percent.
- 2) Vertical curves shall be designed as follows:
 - a. Arterial and Collector Streets – In accordance with PennDOT's standards for highway design in effect at the time of application.
 - b. Local Streets and Access Roads – The rate of change of grade on vertical curves shall be no more than four (4) percent per one hundred twenty-five (125) feet of street and no more than four (4) percent per one hundred (100) feet for sags, provided that clear sight distance for summits is maintained at all points along the centerline.
- 3) A combination of minimum radii and maximum grades will not be approved.

H. Street intersections.

- 1) Streets shall intersect at right angles.
- 2) Intersections involving the junction of more than two (2) streets or driveways shall be avoided.
- 3) A maximum curb or paving radius of thirty-five (35) feet and a maximum radius of twenty-five (25) feet for right-of-way lines shall be provided at all local street or access road intersections, and maximum radii of fifty (50) feet and forty (40) feet, respectively, shall be provided at all collector or arterial street intersections.
- 4) Proper sight distance shall be provided with respect to both horizontal and vertical alignment. A clear sight distance, as defined in [Article II](#) of this Ordinance, shall be provided along the centerline of streets as outlined in Table 8-2.

Table 8-2 • Clear Sight Distances by Grade By Posted Speed Limit

Posted Speed (miles per hour)	Required Sight Distance in Feet by the Grade of the Street					
	-9%	-6%	-3%	3%	6%	9%
15 to 25	173	165	158	147	143	140
30	227	215	205	200	184	179
35	287	271	257	237	229	222
40	354	333	315	289	278	269
45	427	400	378	344	331	320
50	507	474	446	405	388	375
55	593	553	520	469	450	433

- 5) Proper sight lines shall be maintained at all street intersections where there shall be a clear sight triangle of seventy-five (75) feet, measured along the centerlines from the point of intersection. The triangular shaped portion of land forming the clear sight triangle shall not have anything erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection, except for utility poles, light standards, street signs, and fire hydrants.
- 6) Proposed intersections along one (1) side of an existing street shall coincide with any existing intersections on the opposite side of such street or be offset by at least one hundred fifty (150) feet from centerline to centerline.
- 7) If possible, intersections along arterials and collector streets shall be a minimum of eight hundred (800) feet apart.
- 8) Where a subdivision and/or land development borders an existing street or intersection which is determined to be in need of improvement based on the required traffic study, said street or intersection shall be improved to the full extent as required in [Section 803](#) of this Ordinance, with the following considerations:
 - a. This requirement shall apply only to municipal streets and those sides of intersections that pertain to municipal streets, unless the State concurs with the improvements and imposes certain requirements along streets that it owns and maintains.
 - b. Should the tract border an undersized street or intersection on only one side, then the improvements shall take place only on the side of the street or intersection that is adjacent to the tract.

- c. All improvements to be made to said streets and intersections shall be determined by the municipality.
 - d. Land associated with the rights-of-way for undersized streets and intersections shall be delineated, depicted, and otherwise noted on all subdivision and/or land development plans for the subject tract and shall be offered for dedication with the improvements associated therewith.
- I. Acceleration and deceleration lanes.
- 1) Acceleration and deceleration lanes shall be provided to aid in ingress and egress relative to arterials and collector streets, with the following considerations:
 - a. Where a subdivision and/or land development borders a state highway, the applicant shall confer with PennDOT regarding specific design standards for such lanes.
 - b. Where a subdivision and/or land development borders a municipal street, the applicant shall confer with the municipality regarding specific design standards for such lanes.
- J. Street signs and numbers.
- 1) Proposed streets that are in alignment with existing and named streets shall bear the names of the existing streets. In no case shall the name of a proposed street duplicate or be phonetically similar to an existing street name in the postal district. All street names shall be subject to the approval of the municipality and fire company serving the municipality and may be granted after consulting the local postmaster.
 - 2) Street signs that are approved by the municipality shall be erected by the applicant prior to any issuance of a certificate of occupancy.
 - 3) Stop signs on all streets will be required as directed by the municipality. Said stop signs shall be erected at the same time as the street base is applied.
 - 4) House numbers (E911 numbers) will be assigned to each proposed lot in conjunction with the newly created street name, subject to review by the fire marshall, police chief and local postmaster.
- K. Existing streets.
- 1) Along existing streets which adjoin proposed subdivisions and/or land developments, the municipality may require additional cartway, right-of-way,

shoulder, or other paving to create stable and/or safe conditions, as determined by the municipality.

L. Private streets.

- 1) Private residential streets shall be designed in accordance with this section.
- 2) Private streets shall be indicated as such on the record plan and shall be subject to contract and guaranty requirements outlined in [Article X](#) of this Ordinance. The private street shall be owned and maintained by a homeowners' association comprised of the owners or pursuant to alternate arrangements approved by the municipality such as a recorded maintenance/easement agreement.

M. Construction of streets.

- 1) All materials used in the construction of streets and the methods of construction and drainage thereof shall be in accordance with the most current requirements of PennDOT Form 408, Specifications.
- 2) All streets shall be constructed in accordance with any other standards required by the municipality.
- 3) All streets maintained by the State shall conform to PennDOT design standards.
- 4) Underground utilities shall be installed before the streets are constructed.
- 5) All utility companies shall be notified of street openings in accordance with the Act of December 10, 1974, P.L. 852, No. 287, as amended, 73 P.S. § 176 et seq.

N. Construction of bridges and culverts.

- 1) Bridges and culverts shall be designed to meet current PennDOT standards, to support expected highway and street traffic loads, and to carry or bridge expected water flows.

Section 804 Curbs

A. The curb dimensions along collector, local, and access roads, unless specified otherwise by the municipality, shall be as follows:

- 1) Vertical curbing shall be poured in place, shall be Class A Cement Concrete, eighteen (18) inches in depth with an eight (8)-inch reveal and shall be in accordance with those requirements set forth in the latest edition of PennDOT Form 408, Specifications, Section 630. After completion of the bituminous paving, Class BM-1 or AC-20 asphalt shall be applied to paving, and Class BM-1 asphalt shall be applied to the joint between the curb and the bituminous paving for a

distance of one (1) foot from the curb towards the center of the street to effectively seal the joint. All dimensions, except those as noted above, shall be as shown on Drawing RC-64 of the PennDOT Standards for Roadway Construction, latest edition, and amendments thereto related to the detail entitled "Plain Cement Concrete Curb."

- B. Concrete curbs constructed along state or arterial roads shall be in accordance with PennDOT Form 408, Specifications, Section 630.
- C. At driveways, a depressed curb may be constructed of concrete, according to municipal specifications.
- D. Curb dimensions in all parking areas, unless specified otherwise by the municipality, shall be as follows:
 - 1) Vertical curbing shall be poured in place, shall be Class A Cement Concrete, eighteen (18) inches in depth with an six (6)-inch reveal and shall be in accordance with those requirements set forth in the latest edition of PennDOT Form 408, Specifications, Section 630. After the parking area is paved, Class BM-1 or AC-20 asphalt shall be applied to paving and Class BM-1 asphalt shall be applied to the joint between the curb and the parking area for a distance of one (1) foot from the curb towards the parking area to effectively seal the joint.
- E. Unless otherwise required by the municipality, curb maintenance shall be the responsibility of the property owner.

Section 805 Driveways

- A. General.
 - 1) In order to preserve the function of arterial highways to carry through traffic at higher speeds than local and collector streets, driveway access shall be restricted by such means as combining driveways for several properties, parallel service roads, and marginal access roads. Developers, property owners, and municipalities shall provide these facilities.
 - 2) Driveways onto collector streets should be located a minimum of two hundred (200) feet from the closest intersecting street.
 - 3) A minimum grade of one (1) percent shall be provided on all driveways. A maximum grade of any driveway within the right-of-way of any street shall be four (4) percent. Within the property line, exclusive of the right-of-way, the maximum grade of a driveway shall be not greater than fifteen (15) percent. Grades adjacent to garages shall not exceed seven (7) percent.

- 4) All driveways shall be paved with a hard surface material, approved by the municipality, from the edge of the street cartway to a point in the lot thirty (30) feet from the edge of the cartway. The remainder of the driveway may be surfaced with erosion-resistant materials approved by the municipality. Nonsurfaced dirt driveways are prohibited.
- 5) Shared driveways shall be designed to serve no more than two (2) dwellings or other principal buildings. A shared driveway must be located on a single lot, and the right of passage by easement shall be provided to the other lot. Unless approved otherwise by the municipality, a shared driveway will be located on land belonging to the lot which has its dwelling unit located farthest from the street.
- 6) Access and maintenance easements and/or agreements must be provided for the shared portion of any shared driveway and recorded with the plan.
- 7) Driveways shall not intersect any street opposite a through street.
- 8) For driveway intersections, at a point fifteen (15) feet from the curb line there shall be a clear sight distance in both directions of two hundred (200) feet for local streets and three hundred (300) feet for collector streets measured from the point of intersection

B. Residential.

- 1) Individual residential driveways shall be provided to furnish access on any lot, unless shared driveways are utilized in accordance with [Section 805.A.5](#) of this Ordinance.
- 2) No individual residential driveway shall have access onto an arterial or collector street. Should no local streets be adjacent to the tract, an alley serving the residential dwellings is permitted to access the arterial or collector street.
- 3) Driveways serving more than two (2) single-family dwellings shall be prohibited. A driveway shall lie in a strip of land as part of the lot it serves. For one (1) lot, the driveway shall not be less than nine (9) feet wide in cartway. For two (2) lots, the driveway shall be not less than sixteen (16) feet wide in cartway.
- 4) The centerline of all residential driveways shall be located not less than forty (40) feet from the nearest curb line of the street parallel to said access drive.

C. Nonresidential.

- 1) The width of a driveway for a nonresidential use shall be eleven (11) feet in cartway for individual driveways and twenty-two (22) feet in cartway for shared driveways. Such driveways shall have a radius at the curb line so that the driveway width shall

be a minimum of fourteen (14) feet in cartway for individual driveways and a minimum of twenty-five (25) feet in cartway for shared driveways.

- 2) Nonresidential entrance and exit driveways crossing the right-of-way of a street shall be limited to two (2) per lot along the frontage of any single street, and their centerlines shall be spaced at least one hundred (100) feet apart. On all corner properties, there shall be a minimum spacing of one hundred (100) feet, measured at the curb line, between the centerline of any entrance or exit drive and the nearest curb line of the street parallel to said access drive.
- 3) Nonresidential driveways entering opposite sides of any street should be laid out either directly opposite one another or with a minimum offset of one hundred fifty (150) feet between their centerlines.
- 4) Nonresidential driveways intersecting arterial streets should be deep enough to allow for the stacking of a minimum of three (3) cars. No parking spaces shall front on this section of the driveway.

Section 806 Parking Areas and Parking Lots

- A. All parking areas and parking lots shall be designed with careful regard to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design.
- B. Parking areas and parking lots shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- C. All parking areas and parking lots shall be in accordance with the requirements of the municipal zoning ordinance, and the following:
 - 1) The minimum dimensions of stalls and aisles shall be as follows:
 - a. Stall width shall be at least eight (8) feet, six (6) inches, except that all handicapped stalls shall meet the minimum requirements established by the Americans with Disabilities Act.
 - b. Stall depth shall be at least eighteen (18) feet, with said dimensions measured on the angle for all angle parking and twenty-two (22) feet for parallel parking.
 - c. Minimum width of aisles providing access to stalls for one (1)-way traffic only vary with the angle of the parking, as shown in Table 8-3.

Table 8-3 • Aisle Widths by Parking Position

Parking Position	Minimum One-Way Aisle Width	Minimum Two-Way Aisle Width
Parallel	12	18
30°	12	18
45°	13	18
60°	15	20
90°	20	24

- 2) All parking areas shall be landscaped in accordance with the municipal zoning ordinance and [Section 817.C](#) of this Ordinance.
 - 3) When angle parking is adjacent to pedestrian spaces, the parking shall have a setback of five (5) feet or space limited by bumper stops shall be provided to prevent vehicle overhang from restricting pedestrian movement.
 - 4) All on-street parking shall be paved in accordance with PennDOT’s Form 408, Specifications. Conventional parking lots for cars shall be paved with a minimum of three (3) inches of asphalt on a six (6)-inch stone base course or equivalent pavement section approved by the municipality. For parking lots with truck traffic and industrial uses, a paving design shall be prepared and submitted by the applicant for review and approval by the municipality.
 - 5) All parking areas shall be illuminated in accordance with the municipal zoning ordinance.
 - 6) All dead-end parking areas shall be designed to provide sufficient back-up area for the end stalls of the parking area.
 - 7) No less than a five (5)-foot radius of curvature should be permitted for all curb lines in parking areas.
 - 8) All parking spaces shall be marked so as to provide for orderly and safe parking.
 - 9) The minimum standard for off-street parking spaces in multi-family developments shall be two (2) spaces per unit and an additional one quarter (1/4) space per dwelling unit for visitor parking or as dictated by the municipal zoning ordinance.
- D. Parking areas with permeable spaces, are encouraged as best management practices as part of the stormwater management design in order to reduce stormwater runoff. Additional methods, such as vegetated swales, can also be provided.

- E. Bicycle parking shall be provided near doorways in the form of inverted “U” or ribbon rack facilities that secure bicycles by their frame, rather than their wheels.

Section 807 Sidewalks, Pathways, Crosswalks and Bicycle Lanes

A circulation system for pedestrians, bicyclists and other non-motorized traffic shall be constructed along all streets, as shown in Table 8-4.

Table 8-4 • Non-Motorized Circulation Improvements by Street Classification

Street Classification	Sidewalk or Pathway	Bicycle Lane / Paved Shoulder
Arterial	Required Both Sides	Required Both Sides
Collector	Required Both Sides	Required Both Sides
Local	Required Both Sides	Optional
Access Road	Required One Side	Optional

- 1) Sidewalks and pathways.
 - a. Shall be located to avoid pedestrian-vehicular conflict and to promote safe pedestrian movement. The municipality shall approve the location of required sidewalks or pedestrian pathways.
 - b. Shall have walking surfaces improved to municipal specifications. Applicants must contact the municipality for the current design standards.
 - c. Shall have a minimum width of four (4) feet, with five (5) to (7) feet recommended where space is available. Additional width may be required as directed by the municipality.
 - d. Shall be located within a public right-of-way, a public easement, or a common area. Unless otherwise required by the municipality, the maintenance of sidewalks and pathways within such areas shall be the responsibility of the property owner.
 - e. Shall have curb cuts, in accordance with the Americans with Disabilities Act, for handicapped access at street crossings, driveway crossings, and in other locations as required by the municipality.
 - f. Shall be pitched laterally, at a slope of not greater than 2 percent, to provide for adequate surface drainage.
 - g. Shall not exceed the allowable street grade.

- h. Shall be set back a minimum of three (3) feet to prevent vehicle overhang from restricting pedestrian movement within the sidewalk or pathway when adjacent to angle parking areas. Additional width may be required as directed by the municipality.
 - i. Shall have a tapered transition when the proposed sidewalk or pathway adjoins an existing sidewalk or pathway that is wider than five (5) feet.
 - j. Where feasible, shall have a planting strip at least six (6) feet in width to accommodate trees or two (2) feet in width between the curb and the pedestrian space. The planting strip shall be adequately graded and landscaped to provide for proper stormwater runoff.
 - k. Sidewalks should be constructed to connect developments with surrounding destinations, such as shopping centers, schools, parks, public transit, and other destinations, so as to reduce the distance pedestrians have to walk to reach those destinations.
- A. Crosswalks.
- 1) Crosswalks shall be provided, as directed by the municipality.
 - 2) When required, a line-striped, continental crosswalk shall be painted across any street at intersections.
 - 3) Crosswalks shall be a minimum of five (5) feet in width.
- B. Bicycle lanes.
- 1) Bicycle lanes shall be provided, if directed by the municipality.
 - 2) When required, bicycle lanes shall be designed to the prevailing industry standards.
 - 3) Paved shoulders shall be provided on arterials and collectors to serve as safe bicycling spaces; a minimum of four feet without curbs and a minimum of five (5) feet with curbs.

Section 808 Lots

- A. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines and cul-de-sac turnarounds.
- B. Where feasible, lot lines shall follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.

- C. No lots below the minimum lot area, as required in the municipal zoning ordinance, shall be permitted for any use including any community on-lot sewage disposal system.
- D. Every lot shall have access to a street.
- E. In general, the depth of lots should not be less than one (1) or more than three (3) times their width.
- F. Odd-shaped lots.
 - 1) Odd-shaped lots shall be avoided if possible. The preliminary determination of when a lot is odd-shaped shall be made by the municipality and shall be based in part on whether or not there is any other practical way to design the lot.
 - 2) When presented with a lot design that appears to be odd shaped, the municipality will communicate any recommended revisions to the applicant.
- G. Lot lines shall not cross any surface water body, such as a lake or pond. To the extent possible, lot lines shall run parallel to or in the center of watercourses.

Section 809 Blocks

- A. Residential.
 - 1) The longer side of a residential block shall ordinarily be no less than five hundred (500) feet and no more than eight hundred (800) feet in length.
 - 2) Where practicable, blocks along arterial and collector streets should be no less than one thousand (1,000) feet in length.
 - 3) In blocks with lengths greater than one thousand (1,000) feet, an easement through the middle of the block to accommodate utilities, drainage facilities, and/or pedestrian spaces is required.
- B. Nonresidential.
 - 1) The block layout shall conform to the best possible layout to permit good traffic circulation, to allow for the parking of vehicles, to make delivery and pickup efficient, and to reinforce the best design of the buildings in the area.
 - 2) Typically the various uses will dictate the length and depth of each block. However, blocks should be no less than five hundred (500) feet long.
 - 3) In blocks greater than five hundred (500) feet, the municipality may recommend an easement through the block to segregate truck from automobile traffic.

Section 810 Sanitary Sewers

A. General.

- 1) The applicant shall provide the most effective type of sanitary sewage disposal consistent with the municipal sewage facilities plan (Act 537 Plan), natural features location, and proposed development of the tract.
- 2) Sanitary sewage disposal systems should be designed to avoid, where possible, areas of high archaeological potential as determined by the *Delaware County Archaeological Resource Inventory and Management Plan* or other official federal, state, County, or local surveys.

B. Public sewage system.

- 1) In accordance with the municipal sewage facilities plan, and PA PADEP requirements, dwellings and/or lots within a subdivision and/or land development shall be connected to a public sanitary sewer system where accessible and available. Where such sewer system is not yet accessible and available but is planned for extension to the tract, the applicant shall install sewer lines and other facilities, including lateral connections, force mains, pumping stations, and all other appurtenances to provide adequate service to each lot when connection with said sewer system is made. Sewer lines shall be suitably capped at the limits of the subdivision and/or land development, and the laterals shall be capped at the street right-of-way. The design of the capped system shall be in accordance with the standards of PADEP and subject to the approval of the municipality and the local Sewage Enforcement Officer. If the proposed streets are private, then the municipality may alternately recommend that an easement be provided across this private property for later construction and maintenance of sewers. Any deed of conveyance given to a property in a case where an easement for future construction of sanitary sewers is provided on the "record plan" shall contain a legal description of the easement and a provision that the owner is liable for the cost of the sewer when constructed.
- 2) When capped sewers are required, on-lot sewage disposal facilities shall also be installed, provided that they are so located as to permit the easiest and least expensive connection to the public sanitary sewer system when such connection becomes available.
- 3) Prior to the approval of any subdivision and/or land development involving a public sanitary sewer (either live or capped), sewage pumping stations, sewage treatment plants, and community sewage disposal systems, a properly detailed construction plan shall be submitted to the municipality and sewer authority for review and approval. The detail of the plan shall be determined by the municipality.

- 4) A public sewer shall be considered to be planned for extension to a given area any time after preliminary engineering and related studies have been initiated preparatory to the construction of facilities adequate to serve the area containing a subdivision and/or land development or when the area is shown to be in a proposed sewer service area in the municipal sewage facilities plan.
- 5) All sanitary sewer lines, lateral connections, manholes, and other facilities shall be constructed and installed and shall provide service to each lot in conformity with standards of the sewer authority at the cost and expense of the applicant.
- 6) When public sanitary sewage facilities are installed in accordance with this section, the municipality shall inspect the same during such construction at the cost and expense of the applicant, in accordance with the standards and procedures established for inspection in [Article XII](#) of this Ordinance.
- 7) When public sanitary sewage facilities are not to be constructed or otherwise installed, individual on-lot or community on-lot sewage disposal systems shall be constructed in accordance with statutes and regulations of PADEP and the municipality, as approved by the Sewage Enforcement Officer. The ownership and maintenance of such system shall be subject to the approval of the municipality. When on-lot sewage disposal systems are to be utilized, the applicant shall furnish evidence of the feasibility and satisfactory operation of the system to be utilized in the subdivision and/or land development as required in [Articles V](#) and [VI](#) of this Ordinance.

C. Individual on-lot sewage system.

- 1) Must be sited and constructed in accordance with Pennsylvania Department of Environmental Protection requirements.
- 2) Where individual on-lot sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile absorption fields at a safe distance from and at a lower elevation than the proposed well and building(s) to facilitate gravity flow in accordance with municipal and state regulations and shall be so plotted.
- 3) Replacement areas suitable for individual on-lot sanitary sewage facilities shall also be plotted should the primary facility fail.
- 4) If individual on-lot sanitary sewage disposal facilities are to be utilized, the municipality may require that the developer submit a feasibility report. Such report shall compare the cost of providing individual on-lot facilities with a sewage treatment plant. Based on the analysis of this report, the municipality may require the installation of a public sanitary sewer system or capped sewer.

- 5) Whenever an applicant proposes that individual on-lot sanitary sewage disposal systems shall be utilized within the subdivision, the applicant shall either install such a facility approved by the Sewage Enforcement Officer or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities can be installed by the purchaser of such lot or parcel. The on-lot system shall be located on the lot it is intended to serve.

D. Community on-lot sewage system.

- 1) Must be sited and constructed in accordance with Pennsylvania Department of Environmental Protection requirements.
- 2) Where a public sanitary sewage system cannot be provided to the proposed subdivision and/or land development and is not planned for extension to this tract or where individual on-lot sewage is prohibited by the municipal zoning ordinance or clearly unfeasible in engineering or environmental terms, the applicant may provide a community on-lot sewage system.
- 3) The applicant shall consult the municipality regarding the type of community sewage system to be used.
- 4) A community sewage system shall meet all of the regulations and specifications of both PADEP and the municipality.
- 5) Where community on-lot sewage systems are proposed, feasibility reports are to be conducted. This report must be prepared by a licensed Pennsylvania engineer and submitted to the municipality, DCPD, and PADEP.
- 6) Community on-lot sewage disposal systems shall be no closer than two hundred (200) feet to any adjacent property lines.
- 7) A community on-lot sewage disposal system shall be located on the same property as that being subdivided and/or developed.
- 8) A community on-lot sewage disposal system shall be on its own lot, the area of which meets the minimum size requirements of the zoning district.
- 9) Where such a system requires a building or structure to be located above ground, the building or structure shall be completely screened from the view of any adjacent properties or as the municipal zoning ordinance dictates.
- 10) Ownership of the community on-lot sewage system shall be conveyed to the municipality, upon its completion.

E. Soil percolation test requirement.

- 1) Prior to final subdivision and/or land development plan approval, soil percolation tests shall be performed for all lots within developments of fewer than ten (10) lots wherein buildings, at the time of construction, will not be connected to a public or community sanitary sewage disposal system in operation. In lieu of soil percolation tests for individual lots in subdivisions and/or land developments greater than ten (10) lots, soil percolation tests shall be performed on a cross-section of soil types to determine their suitability for on-lot sewage disposal. Deep-hole test pits are recommended as a further means of guaranteeing suitability of a tract.
- 2) Soil percolation tests shall be made in accordance with the procedure required by PADEP by either a registered professional engineer or a registered sanitarian and/or the Pennsylvania Sewage Facilities Act Sewage Enforcement Officer.
- 3) Soil percolation tests shall be performed on each lot within the tract of the proposed on-lot sanitary sewage disposal facilities.
- 4) The results of the soil percolation tests shall be analyzed in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided. The final subdivision and/or land development plan lot layout shall be based on this analysis.
- 5) Where applicable, the final subdivision and/or land development plan should note that "lot # has failed to obtain acceptable percolation." The lot shall not be developed without a sewage disposal system approved by the municipality and its Sewage Enforcement Officer and a sewage disposal permit issued. A building permit shall not be applied for or acted upon until proof of the sewage disposal permit is provided to the Building Inspector.

F. Sewage facilities in flood-prone areas.

- 1) Any sewage facility located wholly or partly in a floodplain must meet all of the standards established within the municipal floodplain protection ordinance.

Section 811 Water Supply

A. General.

- 1) Adequate and potable water supply system(s) shall be installed consistent with the design principles and requirements contained in this section, all other applicable state municipal standards, and the Environmental Protection Agency Safe Drinking Water Act.
- 2) No subdivision and/or land development application proposing a public water supply system shall be granted preliminary or final plan approval unless the

applicant demonstrates, by a fair preponderance of the credible evidence, full compliance with the provisions of this section.

B. Public or community water system.

- 1) All subdivisions that create ten (10) or more lots shall be provided with a complete public or community water distribution system.
- 2) Land developments shall be subject to the same standard unless a water distribution system is not readily available.
- 3) The design and installation of a public or community water distribution system shall be subject to the approval of the municipality, the design and installation of such community distribution system shall be subject to the approval of PADEP, and such system shall be further subject to satisfactory provision for the maintenance thereof. Where a permit is required by PADEP, it shall be presented as evidence of such review and approval in the case of private or public systems before construction commences.
- 4) Wherever a public or community water system is provided, the applicant shall present evidence to the municipality that the subdivision and/or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or a municipal authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission, an application for such a certificate, or a cooperative agreement or a commitment of agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- 5) In all subdivisions and/or land developments served by public water, the following water pressure and gallonage requirements shall apply:
 - a. Residential use.
 - i. A minimum domestic pressure of thirty (30) pounds per square inch shall be provided at each house to be connected to the water main. The system to which the residential unit is connected shall have sufficient capacity to supply a minimum of four hundred (400) gallons of water per residential unit per day within the subdivision and/or land development.
 - ii. For purposes of fire protection in residential districts and in accordance with the municipal fire marshal requirements, the system shall be demonstrably capable of providing fire flow-water requirements for a minimum duration of two (2) hours of not less than five (500) gallons per minute at a residual pressure of twenty (20) pounds per square inch.
 - b. Commercial or industrial use.

- i. A minimum pressure of thirty (30) pounds per square inch shall be provided at each commercial or industrial building connected to the water supply main. When a builder wishes to connect to a public water system, a study will be made to determine if there is adequate water to supply the building and use.
 - ii. For purposes of fire protection in commercial and industrial districts, one thousand (1,000) gallons per minute at twenty (20) pounds per square inch residual pressure is required.
- 6) Wherever a public or community water system is provided, fire hydrants or acceptable alternatives shall be installed for fire protection, as approved by the local fire company and municipality.
 - a. Fire hydrants shall be provided as an integral part of any public water system. They shall be located no farther than six hundred (600) feet apart, as measured along streets.
 - b. Each hydrant shall be connected to the main with a minimum looped six (6)-inch ductile iron branch controlled by a minimum independent six (6)-inch gate valve.
 - c. Where a dead-end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall have an eight (8)-inch minimum diameter.
 - d. For additional fire protection, a dry hydrant may be required and incorporated into existing or proposed ponds or reservoirs and an access easement provided for emergency use.
 - e. Hydrants shall be located in a manner to provide complete accessibility and so that the possibility of damage from vehicles or injury to pedestrians will be minimized. When placed behind the curb, the hydrant barrel shall be set so that no portion of the pumper or nozzle cap will be less than twenty-four (24) inches from the gutter face of the curb. No portion of the hydrant or nozzle cap shall be within six (6) inches of the pedestrian area.
 - f. All hydrant connections shall be reviewed by the fire company or municipal fire marshal having jurisdiction with a favorable recommendation by the Chief of said fire company being required.
- 7) Construction standards.
 - a. Water mains shall be constructed of cement-lined, ductile iron, minimum Class 52 pipe, or as approved by the municipality or in accordance with water

authority standards and specifications. No extension of water mains shall be permitted for a pipe having a diameter of less than six (6) inches.

- b. All pipes shall have a minimum cover of three (3) feet six (6) inches from grade to the crown of pipe.
- c. Generally, water mains shall be so designed as to form a loop system to enhance the continual supply of fresh water. When dead ends occur on new mains, they shall all be closed with cast iron plugs and caps, a blowoff valve, a concrete anchor, or a fire hydrant.
- d. Mains shall be drained through drainage branches or blowoffs to dry wells from which the water can be pumped. Drainage branches, blowoffs, air vents, and appurtenances shall be provided with valves.
- e. Blowoffs shall not be connected to any sewer or submerged in any manner that will permit back siphonage in the distribution system. All blowoffs should be located out of paved areas.
- f. Valves in water mains shall, where possible, be located on the street property lines. A cast iron valve box or a masonry pit shall be provided for every valve which has no gearing or operating mechanism or for which the gearing or operating mechanism is fully protected with a cast iron grease case. A masonry valve pit shall be provided for every valve that has exposed gearing or operating mechanisms.
- g. Manholes shall be constructed of brick or concrete, with cast iron frames and covers or as approved by the municipality.
- h. It is recommended that two (2) sources of groundwater be provided for each community water system due to the usual density and demand served by such systems. Each should be capable of supplying the average daily demand of the proposed dwelling units. Although a two (2)-well system is ideal, there are alternatives, as follow, which would ensure an adequate water supply:
 - i. A single well capable of providing twice the daily average demand, as demonstrated by a pumping test of at least forty-eight (48) hours, producing a stabilized drawdown of unchanging water level for at least five (5) hours.
 - ii. A single well capable of supplying the average daily demand with an additional reliable surface water source.
 - iii. A single well capable of supplying the average daily demand, plus a dependable connection to another satisfactory public water supply system.

- iv. A second well is recommended for use as a monitor of the aquifer and as a standby in the event of an emergency.

C. On-lot water system.

- 1) Where the applicant proposes that individual on-lot water supply systems shall be utilized within the subdivision, the applicant shall either install such facilities or shall guarantee (by deed restriction or otherwise) as a condition of the sale of each lot or parcel within the subdivision that the facilities can be installed by the purchaser of such lot or parcel.

D. Water facilities in flood-prone areas.

- 1) Any water facility located wholly or partly in a floodplain must meet all of the standards established within the municipal floodplain protection ordinance.

Section 812 Relation of Sewer to Water Systems

- A. There shall be no physical connection between a public or private potable water supply system and a sewer that will permit the passage of any sewage or polluted water into the potable water supply.
- B. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines unless shelving is used, per PADEP's standards. If shelving is used, the water lines shall be at the higher elevation of the trench. At points where sewers cross water mains at a vertical distance of less than two (2) feet, a concrete encasement or special treatment of the sewer pipes in accordance with PADEP and the municipality's regulations shall be required to preclude contamination of potable water.
- C. On-lot sewage disposal systems shall be kept removed a minimum of one hundred (100) feet from water supply wells or other water supply sources. A lot to accommodate both on-lot sewage disposal and on-lot water supply shall be no smaller than one (1) acre.

Section 813 Stormwater Management

- A. All stormwater management practices shall be in accordance with the applicable sections of the municipality's stormwater management ordinance, any applicable Act 167 plan, the Pennsylvania Stormwater Best Management Practices Manual (latest revision), and any other applicable codes and ordinances.

Section 814 Soil Erosion and Sedimentation Control

- A. All soil erosion and sedimentation control practices shall be in accordance with the applicable sections of the municipality's Stormwater Management Ordinance and compliant with Chapter 102 of the Pennsylvania Code.

Section 815 Grading

- A. All grading shall be in accordance with the applicable sections of the municipality's Stormwater Management Ordinance any applicable Act 167 plan, and any other applicable codes and ordinances.

Section 816 Natural Features Protection

- A. Tract alterations, regrading, filling, or clearing of vegetation prior to the approval of a final subdivision and/or land development plan are prohibited. In addition to the standards set forth in [Sections 817](#) and [1105.B](#) of this Ordinance, the following shall apply:
 - 1) Consideration shall be shown for all natural features, such as notable trees, watercourses, wetlands, rock outcroppings, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision and/or land development.
 - 2) Tree masses and notable trees shall be preserved to the maximum extent possible. All structures should be located within the building area in such a manner as to minimize damage to vegetation. Existing open areas should be developed instead of wooded areas. Areas in which trees are retained should remain undisturbed out to the canopy drip line and at the original grade level to the maximum extent possible.
 - 3) Not more than 50% of the total area of mature woodlands and not more than 75% of the total area of woodlands on a development site shall be removed in conjunction with a subdivision or land development.
 - 4) Notable trees should not be removed unless they are located within the proposed cartway or pedestrian space of a street right-of-way, within fifteen (15) feet of the foundation area of a new building, within a utility easement, within a proposed parking area, or within an area where regrading necessary to achieve land development may endanger the trees.
 - 5) The municipality may require the applicant to adhere to the following tree replacement regulations. For each tree to be removed with a caliper greater than twelve inches when measured at a height of thirty-six (36) inches from the ground, required replacement trees shall be calculated in accordance with the following schedule identified in Table 8-5:

Table 8-5 • Tree Replacement Schedule

For each tree to be removed, at the following calipers:	Minimum number & Caliper of replacement trees
One, 12" to 18" caliper	One 3½" caliper
One, greater than 18", to 24" caliper	Two 3½" caliper
One, greater than 24", to 36" caliper	Three 3½" caliper
One, greater than 36" caliper	Four 3½" caliper

- 6) Where a proposed subdivision and/or land development necessitates the clearing of notable trees or portions of tree masses, the applicant shall be guided by the following criteria in selecting trees for clearing:
 - a. The existence of disease, rot, dieback, or other damage to the tree.
 - b. Susceptibility of the tree to insect and disease attack.
 - c. Species longevity.
 - d. Wind-throw potential and characteristic of the soil to hold trees.
 - e. Protection of buildings.

- 7) Applicants shall exercise care to protect trees from damage during construction in accordance with [Section 817.E](#) of this Ordinance. Tree removal shall be limited to the actual construction tract necessary to build and move construction equipment.

- 8) Streams, watercourses, wetlands, and ponds.
 - a. Such areas shall not be altered, regraded, developed, filled, piped, diverted, or built upon except:
 - i. Except in strict compliance with all federal and state requirements and after obtaining required permits.
 - ii. Streets may cross streams, watercourses, and wetlands where design approval is obtained from the municipality, PADEP, and/or other applicable agency and where no other reasonable access is available.
 - iii. Existing ponds may be utilized as stormwater management facilities and as fire ponds in accordance with this Ordinance and the municipal zoning ordinance, when approved by the municipality.

- b. When constructing or improving streets, stormwater management facilities, and fire ponds, no more than twenty (20) percent of the wetlands margin shall be altered, regraded, filled, or built upon.
- c. Whenever constructing or improving streets, stormwater management facilities, and fire ponds would entail the regrading or placement of fill in wetlands, the applicant shall provide the municipality with proof that PADEP (Bureau of Dams and Waterway Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations for areas identified as wetlands on the National Wetland Inventory Maps, U.S. Fish and Wildlife Service.
- d. In the event that a wetlands delineation validated by the U.S. Army Corps of Engineers is shown to vary from the wetlands boundary derived from the definition in [Article II](#) of this Ordinance, the Corps' delineation will govern. The wetlands margin will then be measured from the Corps' delineated boundary.
- e. If a perennial or intermittent stream exists on the subject tract, the Applicant shall create a riparian buffer along the stream extending a minimum of fifty (50) feet to either side of the top-of-bank of the channel. If the rear or side yard setback is less than fifty (50) feet, the buffer width may be reduced to twenty-five (25) percent of the setback and/or to a minimum of ten (10) feet. If an existing buffer is legally prescribed (i.e., deed, covenant, easement, etc.) and it exceeds the requirements of this Ordinance, the existing buffer shall be maintained.
- f. Land subject to flooding.
 - i. Land subject to flooding hazards to life, health, or property and land deemed to be topographically unsuitable shall not be platted for use on the subdivision and/or land development plan until adequate safeguards against such hazards are provided by the subdivision and/or land development plans.
 - ii. Such land within the subdivision and/or land development shall be set aside on the subdivision and/or land development plan for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
 - iii. Where flooding is known to have occurred within an area shown on the plat, such area shall be clearly marked "subject to periodic flooding" and shall not be platted in streets and lots unless approved otherwise in accordance with the municipal zoning ordinance.

- iv. Floodplain elevations shall be as established in accordance with the municipal zoning ordinance.

9) Steep and very steep slopes.

- a. In any application for subdivision and/or land development where the lot includes areas of steep and very steep slopes, the applicant shall, using two (2)-foot contours, delineate steep and very steep slopes. Further, the applicant shall use an actual field topographic survey or aerial survey as the source of contour information and the basis for depicting such slope categories.
- b. This section shall apply only to those steep or very steep slopes that exist for three (3) consecutive two (2)-foot contour intervals [six (6) cumulative vertical feet of slope]. All steep and very steep slope areas shall be shown for the purpose of municipal review and verification, but only those occurring over three (3) consecutive two (2)-foot contour intervals will invoke the standards of this section.
- c. Once delineated, the mapping provided by the applicant will be reviewed by the municipality. The applicant will be required to follow all regulations of this section for those areas which reflect steep and very steep slope conditions as determined in accordance with this section through the municipality's review.
- d. Before a permit is issued for any construction or land disturbance activity on land within or affecting steep and very steep slope areas, the following material shall be submitted to the municipality for review:
 - i. Plans drawn to a scale of at least one (1) inch equals fifty (50) feet, sealed by a registered professional engineer, depicting the following:
 - a. The location, dimensions, and elevation of the property.
 - b. Existing and proposed uses and development.
 - c. An earthmoving plan of the property that indicates existing grades with contour lines at two (2)-foot intervals and proposed grades within the area of any proposed activity, disturbance, or construction. All areas of steep and/or very steep slope shall be graphically distinguished.
 - d. A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall locate and identify existing vegetation, including woodlands, open areas, and their ground cover type within areas of steep and very steep slopes, as well as proposed landscaping material to be installed.

- e. Typical cross-sections and elevations of the property and proposed structures at intervals prescribed by the municipality, as well as architectural plans, elevations, and sections.
 - f. Photographs showing existing uses, vegetation, and topography within the steep and very steep slope areas.
 - g. A statement, signed and sealed by a registered architect or professional engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by steep slope conditions, preserving the natural drainage, preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets, and the type of sewage disposal and water supply.
 - h. Plan, profile, and typical cross-sections of any proposed street, emergency access, or driveway within areas of steep and very steep slopes, with the seal of a registered professional engineer thereon.
 - i. A statement, signed by the owner or future occupant at the time of subdivision, land development, or building permit application, that there is a full understanding of any difficulties associated with access stemming from such steep slopes.
- e. In evaluating any application for subdivision, land development, or a building permit within steep and very steep slope areas, the municipality shall determine consistency of the proposal with the municipal steep slope ordinance should one exist and the following:
- i. Disturbance to particularly sensitive features of the tract shall be minimized with special emphasis in planning for the tract given to the protection of:
 - a. The steepest areas of steep slopes (i.e., those in the twenty percent (20%) to twenty-five percent (25%) range).
 - b. Soils on the edge of steep and very steep slopes with seasonal high water table.
 - c. Underlying geology that comprises or contributes to a major groundwater resource, including the flow of existing springs.
 - ii. Disturbances shall be minimized where the length or area of steep and very steep slope is extensive both on the tract and on adjacent lands within two hundred (200) feet of the tract. The area that is regraded and/or stripped of vegetation shall not exceed thirty (30) percent of each steep and very steep slope area on the lot.

- iii. Rate of runoff and/or related environmental problems off the tract shall be minimized.
- iv. Removal of or disturbance to existing vegetation in steep and very steep slope areas shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, conveyance and recharge of stormwater, aesthetic characteristics of the landscape, and existing drainage patterns. Further, it shall be demonstrated that any and all reasonable mitigation techniques and procedures will be utilized or have been considered in the preparation of the subdivision and/or land development plan, such as revegetation measures, control of soil erosion and sedimentation, stormwater management, and the like.
- v. Street construction shall follow the natural topography, with cuts and grading minimized.
- vi. Innovative, imaginative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.
- vii. The stability of the slope, as characterized by the existing interrelationships among the soil, vegetation, and rock, shall be disturbed as little as possible.
- viii. Proposed buildings and structures are of sound engineering design, footings are designed in response to the tract's slope, soil, and bedrock characteristics, and footings shall extend to stable soil and/or bedrock.

Section 817 Landscape Plan

- A. Landscaping shall be in accordance with the standards set forth in the municipal zoning ordinance and this section. In addition, all required landscaping shall be installed and maintained in accordance with a landscape plan approved by the municipality. The landscape plan shall depict all proposed plantings required to complement, screen, or accentuate buildings, roads, parking areas, pedestrian spaces, sitting areas, service or maintenance structures, courtyards, and other tract features.
- B. Where possible, landscaping recommended in this section should be utilized to help satisfy federal, state, and local stormwater management requirements.
- C. Shade trees shall be provided along all streets where there are no existing street trees. When planted, these street trees shall be located at least five (5) feet within the right-of-way line, unless they conflict with pedestrian spaces, in which case they shall be installed to minimize conflicts. No less than one (1) three (3)-inch caliper deciduous

tree shall be planted for each thirty (30) feet of street length. Such street trees shall be planted in alternating rows, whereby trees on one side of the street are placed at intervals of sixty (60) feet, and shall be subject to the following:

- 1) The approved street trees are listed in Table 8-6. Trees to be used that are not listed in Table 8-6 must be approved by the municipality. *Compatible Tree Factsheets for Electric Lines and Restricted Spaces including Evergreens for Screens*, Second Edition, Pennsylvania State University, 2001 identifies additional trees to be considered.
- 2) If the municipality has a Shade Tree Ordinance with an approved list of appropriate trees, that list supersedes the following when specifically listing trees for use along streets.

Table 8-6 • Approved List of Street Trees

Botanical Name	Common Name	Acceptable Varieties
LARGE TREES: >45 FT. (Not for under overhead wires or tree lawns under 6' wide)		
Acer rubrum	Red Maple	Red Sunset/October Glory
Fraxinus pennsylvanica	Green Ash	
Celtis occidentalis	Hackberry	
Ginkgo biloba	Ginkgo (males only)	Fastigiata / Princeton Sentry
Gleditsia triacanthos	Thornless Honeylocust	Inermis
Metasequoia glyptostroboides	Dawn Redwood*	
Nyssa Sylvatica	Black Gum	
Platanus x acerifolia	London Plane-tree*	
Pyrus Calleryana Bradford	Bradford Callery Pear	Red Spire Callery Pear
Quercus bicolor	Swamp White Oak	
Quercus coccinea	Scarlet Oak	
Quercus macrocarpa	Bur Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus prinus	Chestnut Oak	
Quercus rubra	Red Oak	
Quercus velutina	Black Oak	

Sophora japonica	Scholar Tree*	
Tilia tomentosa	Silver Linden	
SMALL TREES: UP TO 30 FT. (Appropriate near overhead wires)		
Acer buergerianum	Trident Maple*	
Acer ginnala	Amur Maple*	Beethoven, Mozart, and others
Cercis Canadensis	Eastern Redbud	
Cornus kousa	Kousa Dogwood*	
Cornus mas	Cornelian Cherry Dogwood*	
Carpinus caroliniana	American Hornbeam	
Crataegus crusgalli	Thornless Cockspur Hawthorn	Inermis
Crataegus viridis	Green Hawthorn*	Winter King
Magnolia virginiana	Sweetbay Magnolia*	
Malus spp.	Crabapple species	
Prunus serrulata	Oriental Cherry*	

* Non-native, but a popular ornamental non-invasive species

Sources: Morris Arboretum's Recommended Trees for Philadelphia Metropolitan Habitats (2000)

Compatible Tree Factsheets, 2nd Ed., Gerhold, Henry D., et.al., Ed. Penn State College of Agricultural Sciences (2001)

- 3) Naturalistic tree groupings may be proposed in lieu of regularly spaced street trees, subject to the approval of the municipality. Size and quantity requirements shall be at a minimum those illustrated in this section.
- 4) Where existing trees are retained along street rights-of-way, street trees do not need to be planted other than to replace diseased or undesirable varieties.
- 5) At intersections, such trees shall be located no closer than fifty (50) feet to the intersection of the street rights-of-way.

D. Landscaping of parking and loading areas.

- 1) The landscape plan for parking lots shall be prepared as part of the landscape plan for the overall development.
- 2) Parking lots are to be landscaped to ensure a good appearance of vehicular parking areas and to protect and preserve the appearance, character, and value of

surrounding neighborhoods, thereby promoting the general welfare by providing for the installation and maintenance of landscaping for screening and aesthetic qualities.

3) Parking lot landscaping requirements.

a. Off-street parking areas and parking lots shall be landscaped to:

- i. Reduce wind and air turbulence, heat, noise, and the glare of automobile lights.
- ii. Reduce the level of carbon dioxide.
- iii. Provide shade.
- iv. Ameliorate stormwater drainage problems.
- v. Replenish the groundwater table.
- vi. Provide for a more attractive setting.

b. The outer perimeter of all parking areas shall be screened through the use of plant materials, fencing or walls, and/or mounding through the use of earthen berms.

- i. A landscape screen at least five (5) feet wide and (6) feet high must be planted to buffer all residential uses from parking areas with more than five (5) spaces and all service areas. This landscape screen must be set back a minimum of two and a half (2½) feet from the parking and/or service areas curbing or wheelstops. The landscape screen should consist of evergreen shrubs planted on four (4)-foot centers or evergreen trees planted on ten (10)-foot centers. Where proposed plantings are less than six (6) feet in height, berms, walls, or fencing may be used to provide the required height.
- ii. A landscape screen at least five (5) feet wide and six (6) feet high shall separate parking lots from any property that is in a different zoning district. Passageways for vehicles from one (1) lot to the other may be kept free from planting. The landscape screen should consist of evergreen trees or shrubs planted on eight (8)-foot centers or deciduous shrubs placed on five (5)-foot centers.

c. Each parking lot shall have one (1) three (3)-inch minimum caliper shade tree for every five (5) parking spaces. The size and location of existing trees to be preserved within fifteen (15) feet or proposed shade trees within ten (10) feet of

the edge of any proposed parking lot shall be considered in satisfying this requirement.

- d. Shrubs, ground covers, and other plant materials are encouraged to be used to complement the required shade trees but shall not be the sole contribution to the landscaping.
 - e. The type of plant materials to be used shall be subject to review and approval by the municipality and shall be of a quality as specified in this section.
 - f. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are twenty (20) or more parking spaces, in which case the following shall apply:
 - i. Landscaped islands shall be provided at the end of each parking bay of no more than twenty (20) contiguous spaces accessed from a single aisle. Such islands shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. Such islands shall be provided to enhance the appearance of the parking area and to control access and movement within the parking area.
 - ii. All planting islands and planting beds within a parking lot shall be surfaced with ground covers and/or dwarf shrubs and shall not be grassed. Stone or mulch may be used in conjunction with ground covers and shrubs.
 - iii. Where appropriate, these landscaped islands shall be designed for the purpose of stormwater infiltration.
- 4) Loading areas shall be screened a minimum of eight (8) feet in height and shall be a complete and effective visual barrier at the time of installation. Screening may be provided by plantings, fencing, walls, berms, or combinations thereof. Where loading areas abut residential uses, additional screening and buffering measures, including nighttime and weekend restrictions, may be imposed by the municipality to mitigate negative impacts to residential properties.
- E. All buildings for which landscaping is required shall be landscaped in accordance with the following criteria:
- 1) A combination of evergreen and deciduous trees and shrubs shall be used as foundation plantings, (i.e., plantings to be installed in reasonably close proximity to the facades).
 - 2) One (1) three (3)-inch to three and a half (3½)-inch caliper specimen deciduous tree shall be planted for every one hundred (100)-foot length of building perimeter, measured from end to end, without regard to indentations and the like in the buildings and excluding any enclosed walkway connectors and elevator cores. In

addition, two (2) eight (8)- to ten (10)-foot high flowering trees or evergreen trees must be provided for every one hundred (100)-foot length of building perimeter.

- 3) Three (3) evergreen and/or deciduous shrubs shall be planted for every twenty (20) feet of length of building perimeter.
 - 4) In calculating building perimeter for planting requirements, the length of the building perimeter occupied by loading bays may be deducted from the total building perimeter.
 - 5) Trees and shrubs shall be grouped in accordance with specific needs and objectives.
- F. The landowner or developer shall protect trees to be retained from damage during construction. The following procedures as well as all other applicable municipal codes and ordinances shall be used to protect such trees:
- 1) Removal and replacement.
 - a. Shade trees of twelve (12)-inch caliper or more when measured at a height of thirty-six (36) inches from the ground may not be removed unless authorization is granted by the municipality and in accordance with tables 8-5 and 8-6 of this chapter.
 - b. On large, densely wooded parcels, the municipality may allow a forest density survey to determine the extent of large tree loss in the course of proposed development. Tree replacement will be performed using the procedure set forth in Section 817.F.1.c below, in conjunction with the loss estimate as prepared by a qualified forester.
 - c. Prior to construction, the following shall occur relative to tree replacement plantings:
 - i. The applicant shall stake in the field the limits of construction including the location of the building foundation, driveway, proposed grading, and any utility easements to be constructed and cleared in the course of the said construction and more than ten (10) feet from the edges of same.
 - ii. Following the placement of stakes, the applicant shall conduct an inventory of trees of twelve (12) inches in caliper or greater, located within the limits of construction on the lot.
 - iii. The applicant shall depict the location of replacement plantings on the landscape plan.

- iv. Prior to construction, the applicant shall attend a preconstruction meeting with the municipality to review all procedures for tree removal and tree replacement.
 - v. Following construction, the applicant shall plant and warrant for a period of eighteen (18) months following installation, a tree of appropriate species as shown in the approved landscape plan. Any tree that dies within the eighteen (18)-month period shall be replaced immediately by the applicant.
 - vi. Prior to the issuance of a use and occupancy permit, the municipality shall inspect the lot to determine if all required plantings have been installed.
 - vii. The required plantings shall be shown on an as-built/as-installed landscape plan.
- 2) No more than three (3) inches of soil shall be placed around the trunks of trees that are to remain. For those trees which are to remain, where more than five (5) inches of soil are to be placed, tree wells shall be constructed to preserve such trees.
 - 3) No boards or other material shall be nailed to trees during construction, and no trees shall be sprayed with paint.
 - 4) Heavy equipment operators shall avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than twenty-five (25) feet to tree trunks.
 - 5) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being pruned flush, and if trunks are scarred, they shall be traced out for proper healing.
 - 6) Tree limbs damaged during construction shall be sawed flush to tree trunks and treated with tree paint as necessary.
 - 7) The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.
 - 8) Deciduous trees shall be given a heavy application of rooting fertilizer to aid in their recovery from possible damage caused by construction operations.
 - 9) Construction debris shall not be disposed of near or around the base of such trees.
- G. All screening and buffering as required in the municipal zoning ordinance shall apply.
- H. The required landscape plan shall be submitted at the time when all other required applications and/or plans are submitted. The landscape plan shall be based on and reflect the following:

- 1) The functional and aesthetic factors that relate to the tract and to the principal and accessory buildings and other structures.
 - 2) Concealing views to the tract.
 - 3) Enhancing views from and within the tract.
 - 4) Screening and complementing proposed buildings and other structures.
 - 5) Creating visual interest for the users and/or residents of the proposed project.
 - 6) Using plant materials that are hardy and acclimated to the conditions at the tract and within the municipality.
- I. A landscaping plan shall include notes, diagrams, sketches, or other depictions to present the consideration and analysis of the following:
- 1) An analysis of the tract in terms of the existing views to and from the areas that are proposed for development, existing topography and vegetation conditions, and other existing conditions that are relevant to the tract.
 - 2) An analysis of proposed planting and other landscaping needs as related to screening views of buildings, screening buildings and sections of buildings, screening parking areas and other areas where vehicles are parked, screening storage areas, screening tract utilities, and other appropriate types of screening.
 - 3) The consideration of locations where plantings and other landscaping are needed to provide visual interest, define outdoor spaces, complement the proposed architectural style, and achieve other functional and aesthetic requirements for buffer areas, buffer planting strips, and other landscaped areas.
- J. A preliminary or final landscape plan shall reflect the following detailed criteria:
- 1) Buffer planting strips shall be installed and maintained in the buffer areas at the width required by the municipal zoning ordinance to form a continuous visual buffer. In addition to ground covers and evergreen shrubs, the buffer planting strip shall be comprised of evergreen trees that are a minimum of eight (8) feet in height at the time of planting and that shall be spaced at ten (10)-foot centers. The combined evergreen shrub and tree plantings shall constitute a continuous visual screen at the time of occupancy of any buildings and/or at the time of initiation of any use.
 - 2) Street trees/shade trees as identified in Table 8-6.

- 3) The outer perimeter of all parking areas shall be screened through the use of plant materials, fencing or walls, and/or mounding through the use of earthen berms.
 - 4) Other landscaping, including trees, shrubs, and ground covers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the tract, and in other highly visible locations, especially on the outer side of any internal access road that is visible from a public street that may adjoin a tract, at the entrance to buildings, around structures used for service, storage, or maintenance purposes, and around dumpsters and trash storage areas.
 - 5) Requirements and standards for landscaping, in addition to those specified above, shall be as determined by the municipality. The municipality may require plantings to reduce glare, to abate other nuisances, to enhance the planting area in conjunction with streets, and to fulfill screening and other functional purposes.
 - 6) The location, type, size, height, and other characteristics of landscaping shall be subject to the review and approval of the municipality.
- K. The preliminary landscape plan shall be drawn at a scale of at least one (1) inch equals fifty (50) feet. It shall be totally coordinated with the overall subdivision and/or land development plan in terms of its relationship to proposed buildings, roads, parking areas, pedestrian spaces, fencing, benches, signs, lighting, and other like structures. It shall contain the following:
- 1) A delineation of existing and proposed plant materials, including scalloped tree lines to indicate existing woods or trees to remain.
 - 2) A plant list wherein the botanical and common name of proposed plants are tabulated, along with the quantity, caliper, height, spread, and other dimensions and characteristics.
 - 3) A delineation of other landscaping features, such as berms, planting beds to be used for herbaceous plants, areas to be devoted to lawns, and other elements of the proposed improvements such as fences, walls, berms, retaining walls, lighting, benches, signs, paving, stone, tree wells, and the like.
 - 4) One color rendering of the preliminary landscape plan shall be submitted for review by the municipality, in addition to the number of prints that are otherwise required. The color rendering shall reflect total coordination with the overall site plan in terms of its relationship to proposed buildings, roads, parking areas, walks, walls, fencing, benches, signs, lighting, and other like structures.
 - 5) A written narrative of the analysis and objectives for plantings, as required by [Section 817.I](#) of this Ordinance.

L. A final landscape plan shall be submitted after the municipality has reviewed the preliminary landscape plan and submitted comments on the plan to the applicant. The final landscape plan shall be drawn at a scale of at least one (1) inch equals fifty (50) feet. It shall be totally coordinated with the overall subdivision and/or land development plan and shall contain the following:

- 1) A final version of all of the plan requirements stated in [Section 817.I](#) of this Ordinance.
- 2) Details for the planting and staking of trees and the planting of shrubs and any other details which depict other related installation or protection, such as ground cover spacing, tree fencing, tree grates and guards, tree wells, and the like.
- 3) Information regarding the continued maintenance of all plantings and notes indicating that all plantings will be installed, maintained, and replaced, if dead or diseased, in locations as shown on the approved landscape plan.
- 4) Details, specifications, and maintenance instructions pertaining to specialized plantings, such as wildflower meadows, wetland plantings, stream bank stabilization plantings, or any other landscape plantings that may have unique and specific requirements.
- 5) All final landscape plans shall be accompanied by a cost estimate prepared by the applicant. The cost estimate shall be evaluated by the municipality and revised if necessary. The cost estimate shall serve as a basis for establishing an escrow account related to landscaping.

M. Additional Plantings.

- 1) Additional plantings shall be provided in accordance with the standards set forth in the municipal zoning ordinance and other applicable municipal codes.

Section 818 Buffer Areas

- A. All buffer areas shall be in accordance with the requirements for same, as set forth in the municipal zoning ordinance.
- B. All required buffer areas shall be depicted on plans for subdivision and/or land development and shall be in accordance with this Ordinance.

Section 819 Recreational Areas

- A. If required by the municipality or desired by the applicant, community open space and recreational areas shall be located as close to all dwelling units as possible, with access leading to major recreational spaces and community facilities.

- B. All community open space and recreational areas shall be designated on the subdivision and/or land development plan using the following three categories:
- 1) Lawn – A grass area with or without trees that may be used by the residents for a variety of passive recreational purposes.
 - 2) Natural Area – An area of natural vegetation, floodplain, or steep slopes undisturbed during construction. Such area may contain pathways for passive recreation that link to adjacent greenways or trails.
 - 3) Recreational Area – An area designated for active recreational use including, but not limited to, tennis, swimming, playfield, or tot lot.
- C. Compact residential developments designed with fifty (50) or more dwelling units and where the gross residential density is five (5) units per acre or more shall provide community open space and recreational areas. If the developer provides developable land for recreational areas instead of land normally considered not developable, the municipality may recommend a reduction of the setbacks and yard requirements as required by the municipal zoning ordinance. However, the total number of dwelling units shall not exceed that which would be provided if the provision for recreation were not imposed.
- D. The amount of land to be devoted to community open space and recreational areas in each development shall be determined by applying the following formula as depicted in Table 8-7 to the total acreage of the development.
- E. Steep slopes, wooded areas, and floodplains could make up as much as fifty (50) percent of the required community open space and recreational area. A minimum of fifty (50) percent of the community open space and recreational area must be relatively flat, dry ground not exceeding the average percent of slope of the development and suitable to the intended purposes.
- F. Community sewage tile absorption fields or spray irrigation systems when permitted and community water supply systems, public and private utility systems, including electric, oil, gas, telephone, and cable television lines (rights-of-way) may be installed in the community open space and recreational areas.
- G. In the event that the municipality does not assume ownership of the community open space and recreational area, the owner or owners shall be responsible for maintaining all community open space and recreational areas.

Table 8-7 • Open Space and Recreational Acreage Requirements

Dwelling unit density per net residential acre*	Minimum required percent of the net residential acreage which must be dedicated
5 units per acre	3.0%
6 units per acre	3.4%
7 units per acre	3.9%
8 units per acre	4.6%
10 to 19 units per acre	5.8%
20 to 29 units per acre	9.3%
30 or more units per acre	12.6%

*Net residential acreage equals the total acreage minus areas for transportation easements, including parking areas.

Section 820 Utility Easements and Rights-of-way

- A. Utility easements shall be required to facilitate the maintenance and repair of utility lines, sewers, community on-lot sewage disposal systems, wells, and drainage structures.
- B. All utilities shall be located underground and within a street right-of-way or in the center of an easement.
- C. Utility easements shall be a minimum of twenty (20) feet wide, except for volatile and hazardous chemical transmission lines where the minimum easement shall be twenty-five (25) feet and for multipurpose easements where the minimum width shall be at least ten (10) feet outside any such structure or subeasement.
- D. There shall be a minimum distance of twenty-five (25) feet, measured at the shortest distance, between any proposed dwelling and any existing volatile and hazardous chemical transmission right-of-way.
- E. Where a subdivision and/or land development is traversed by a watercourse, drainageway, channel, or stream within a stabilized structure (such as concrete culverts, concrete gutters, gabions, pipes, and the like), there shall be a drainage easement conforming substantially with the line of the watercourse and of such width as will be adequate to preserve natural drainage, but not less than twenty (20) feet or as may be required or requested by the municipality. The applicant shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the municipality.

- F. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- G. Nothing shall be permitted to be placed or planted within the area of a utility easement. The area shall be maintained as lawn, meadow, or multi-use trail. Shrubbery may be planted when approved by the municipality. For trails located in utility easements, trail paving, benches, signage, and waste receptacles shall be permitted.
- H. Utility easements shall be described in a deed as shown on the approved subdivision and/or land development plan.

Section 821 Other Utilities

- A. All other utility lines including, but not limited to, electric, gas, streetlight supply, cable television, and telephone shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the municipality and public utility concerned. Renewable energy systems such as geothermal heating and cooling, solar energy generation, and wind power generation are also encouraged, and should be implemented in accordance with any applicable state, federal and local regulations.
- B. These lines should also be oriented to avoid, where possible, areas of high archaeological potential as determined by the *Delaware County Archaeological Resource Inventory and Management Plan* or other official federal, state, County, or local survey.
- C. In accordance with the provisions of the Act of December 10, 1974, P.L. 852, No. 287, as amended (73 P.S. § 176 et seq.), all developers, contractors, etc., will contact all applicable utilities and accurately determine the locations and depth of all underground utilities within the boundaries of the tract proposed for development prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review, and proof of contact shall be presented to the municipality prior to final subdivision and/or land development plan approval.

Section 822 Retaining Walls

- A. All retaining walls shall be designed by a structural engineer whose seal shall appear on the plans, when required by the municipal building code.
- B. Where retaining walls are required, the subdivision and/or land development plan shall include wall locations, type of materials, and top and bottom of wall elevations. Any required structural construction plans, details, and calculations shall be submitted at the time of application for a building permit.

Section 823 Considerations for Solar Access

- A. When maximal provision is to be made for the use of solar energy by structures, in general streets toward which buildings are to be oriented should run in an east-west direction.
- B. [Section 808A](#) indicates that side lot lines shall be at right angles to straight street lines and radial to curved street lines. The municipality may allow variation from this requirement where provision is to be made for maximal use of solar energy, in which case side lot lines generally may run from due north to due south or with slight variation east or west of this axis.
 - 1) When lot lines will not be provided, consideration should be given to orienting buildings to maximize solar access. Generally, buildings should be located with their long axes running east to west, though in some high-density or townhouse developments a north-south orientation for the long axes may be desirable.
 - 2) Consideration should be given to locating structures and open spaces such that buildings will not cast shadows on other buildings.
- C. Consideration should be given to reserving solar easements within lots for protection of solar access.

ARTICLE IX: MOBILE HOME PARKS

Section 900 Applicability

- A. Mobile home parks shall conform to the following standards as well as to other applicable standards in this Ordinance.

Section 901 Ownership and Control

- A. Mobile home parks shall be planned as a unit, and the tract shall be in single ownership or under unified control.

Section 902 Tract Layout

- A. Mobile home parks shall be laid out with due consideration to slopes and other natural features. Natural drainageways will in no way be impaired by development. Streets should run, where possible, with the contours of the land. Efforts should be made to lay out the mobile home park in other than grid patterns so that long sight distances may be avoided.
- B. Mobile homes, as defined in [Article II](#) of this Ordinance, placed on individual lots are encouraged to be placed off-center on the lots so as to provide a large usable yard space and outdoor living area in one section of the lot.
- C. Groups or clusters of units, so placed as to create interior spaces and courtyards, shall be incorporated whenever feasible.
- D. Mobile homes are encouraged to be arranged in a variety of orientations and are strongly encouraged to have many units with their long axes east-west, offering a southern exposure to their longest wall and roof areas, and to provide variety and interest. Tract layout shall be designed to ensure that mobile homes are offset to block long uninterrupted vistas between the dwellings.
- E. When topographic conditions make street orientation for good solar orientation of dwellings difficult or undesirable, lots should be laid out so that dwellings can be oriented to the south to the greatest extent possible.

Section 903 Mobile Home Stand

- A. The mobile home stand shall provide for practical placement on and removal from the lot of the mobile home, retention of the home on the lot in a stable condition, and in satisfactory relationship to its surroundings.
- B. The location of each mobile home stand shall be at such elevation, distance, and angle in relation to the access street and the mobile home accessway that placement and removal of the mobile home is practical.

- C. The mobile home stand shall react as a fixed support and shall as such remain intact without unsafe deformation and abnormal internal movement under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure.
- D. The mobile home stand shall include provisions for utility connections.

Section 904 Tiedowns

- A. Tiedowns must comply with the minimum standards of local, state, or federal regulations.

Section 905 Skirting

- A. The frame, axles, wheels, and utility connections of all mobile homes shall be concealed from view by skirting.
- B. Skirting shall be of durable all-weather construction as manufactured specially for the purpose of covering the undercarriage area. Skirting shall be fastened in accordance with manufacturer's instructions and provide for adequate ventilation as necessary.

Section 906 Refuse Collection Stations

- A. Outdoor collection stations shall be provided for removal of garbage, trash, and recyclable materials when individual collection is not made and indoor storage is not provided.
- B. Collection stations shall be located so as to be separated adequately from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be screened and landscaped.

Section 907 Monuments and Markers

- A. Monuments and markers shall be designed in accordance with [Section 802](#) of this Ordinance.

Section 908 Streets and Curbs

- A. The street system shall be designed in accordance with [Sections 803](#) and [804](#) of this Ordinance.

Section 909 Driveways

- A. Driveways shall be designed in accordance with [Section 805](#) of this Ordinance.

Section 910 Parking Areas and Parking Lots

- A. Motor vehicle parking facilities shall be provided in accordance with [Section 806](#) of this Ordinance.

Section 911 Nonvehicular Circulation System

- A. Pedestrian and bicycle facilities shall be provided in accordance with [Section 807](#) of this Ordinance.

Section 912 Lots and Blocks

- A. Lots and blocks shall be designed in accordance with [Sections 808](#) and [809](#) of this Ordinance, respectively.

Section 913 Sanitary Sewers

- A. Sanitary sewers shall be designed in accordance with [Sections 810](#) and [812](#) of this Ordinance.

Section 914 Water Supply

- A. Water supply systems shall be designed in accordance with [Sections 811](#) and [812](#) of this Ordinance.

Section 915 Stormwater Management

- A. Stormwater management facilities shall be designed in accordance with [Section 813](#) of this Ordinance.

Section 916 Soil Erosion and Sedimentation Control

- A. Soil erosion and sedimentation control facilities shall be designed in accordance with [Section 814](#) of this Ordinance.

Section 917 Grading

- A. Grading shall be in accordance with [Section 815](#) of this Ordinance.

Section 918 Natural Features Protection

- A. Natural features shall be protected in accordance with [Section 816](#) of this Ordinance.

Section 919 Landscape Plan

- A. The landscaping shall be designed in accordance with [Section 817](#) of this Ordinance.

Section 920 Buffer Areas

- A. The buffer area shall be designed in accordance with [Section 818](#) of this Ordinance.

Section 921 Recreational Areas

- A. The recreational areas shall be designed in accordance with [Section 819](#) of this Ordinance.

Section 922 Utility Systems

- A. Utility systems shall be provided in accordance with [Sections 820](#) and [821](#) of this Ordinance.

Section 923 Retaining Walls

- A. Retaining walls shall be provided in accordance with [Section 822](#) of this Ordinance.

ARTICLE X: IMPROVEMENTS

Section 1000 Completion of Improvements

- A. No subdivision and/or land development plan application shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition or improved as required by this Ordinance and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, and other improvements as required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for final subdivision and/or land development plan approval, including improvements or fees, the applicant shall deposit financial security with the municipality in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which are or may be required.¹⁹
- B. When requested by the applicant in order to facilitate financing, the municipality shall furnish the applicant with a signed copy of a resolution indicating approval of the final subdivision and/or land development plan, contingent upon the applicant obtaining satisfactory financial security. The final subdivision and/or land development plan or “record plan” shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) calendar days, unless the municipality grants a written extension. Such extension shall not be unreasonably withheld and shall be placed, in writing, at the request of the applicant.²⁰

Section 1001 Completion Guaranty

- A. In lieu of the completion of the streets and other improvements required as a condition for the final approval of the subdivision and/or land development plan, as set forth in [Sections 304](#) and [1000](#) of this Ordinance, the applicant may deposit financial security acceptable to the municipality in an amount sufficient to cover the costs of such improvements, estimated, calculated, and determined as set forth below.
- B. Without limitation as to other types of financial security which the municipality may approve, which approval shall not be unreasonably withheld, federal- or Commonwealth-chartered lending institution irrevocable letters of credit and restrictive

¹⁹ Pennsylvania Municipalities Planning Code, Act 247, Section 509(a).

²⁰ Pennsylvania Municipalities Planning Code, Act 247, Section 509(b).

or escrow accounts in such lending institutions shall be deemed acceptable financial security.²¹

- C. Such financial security shall be posted with a bonding company or federal- or Commonwealth-chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth.²²
- D. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.²³
- E. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) calendar days following the date scheduled for completion by the applicant. The municipality may adjust the amount of the financial security annually by comparing the actual cost of the improvements that have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality may require the applicant to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the applicant in accordance with this section.²⁴
- F. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by the applicant and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality may refuse to accept such estimate for good cause shown. If the applicant and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant. The estimate certified by the mutually chosen engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant.²⁵

²¹ Pennsylvania Municipalities Planning Code, Act 247, Section 509(c).

²² Pennsylvania Municipalities Planning Code, Act 247, Section 509(d).

²³ Pennsylvania Municipalities Planning Code, Act 247, Section 509(e).

²⁴ Pennsylvania Municipalities Planning Code, Act 247, Section 509(f).

²⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 509(g).

- G. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1)-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1)-year period by using the above bidding procedure.²⁶
- H. In the case where development is projected over a period of years, the municipality may authorize submission of final subdivision and/or land development plans by section or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.²⁷
- I. As the work of installing the required improvements proceeds, the party posting the financial security may request the municipality to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the municipality, who shall have forty-five (45) calendar days from receipt of such request within which to certify that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the municipality shall authorize release by the bonding company or lending institution of an amount fairly representing the value of the improvements completed, or if the municipality fails to act within said forty-five (45)-calendar day period, the municipality shall be deemed to have approved the release of funds as requested. The municipality may, prior to final release at the time of completion, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.²⁸
- J. Where the municipality accepts dedication of all or some of the required improvements following completion, the municipality may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements, in accordance with the design and specifications as depicted on the final subdivision and/or land development plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.²⁹

²⁶ Pennsylvania Municipalities Planning Code, Act 247, Section 509(h).

²⁷ Pennsylvania Municipalities Planning Code, Act 247, Section 509(i).

²⁸ Pennsylvania Municipalities Planning Code, Act 247, Section 509(j).

²⁹ Pennsylvania Municipalities Planning Code, Act 247, Section 509(k).

- K. If water mains or sanitary sewer lines or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.³⁰
- L. If financial security has been provided in lieu of the completion of improvements required as a condition for the final subdivision and/or land development plan approval, the municipality shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land upon actual completion of the improvements depicted upon the approved final subdivision and/or land development plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved final subdivision and/or land development plan, either upon the lot or lots or beyond the lot or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.³¹
- M. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to PennDOT in connection with the issuance of a highway occupancy permit, pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law."³²

Section 1002 Release from Improvement Bond

- A. When the applicant has completed all of the necessary and appropriate improvements, the applicant shall notify the municipality in writing by certified or registered mail of the completion of the aforesaid improvements. The municipality shall, within twenty-five (25) calendar days after receipt of such notice, inspect all of the aforesaid improvements and inform the applicant in writing by certified or registered mail of its action with relation thereto. The municipality shall prepare a written report and promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion

³⁰ Pennsylvania Municipalities Planning Code, Act 247, Section 509(l).

³¹ Pennsylvania Municipalities Planning Code, Act 247, Section 509(m).

³² Pennsylvania Municipalities Planning Code, Act 247, Section 509(a).

thereof shall not be approved, said report shall contain a statement of reasons for such nonapproval or rejection.³³

- B. The municipality shall notify the applicant, within fifteen (15) calendar days of receipt of the engineer's report in writing by certified or registered mail of the action of said municipality with relation thereto.³⁴
- C. If the municipality fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.³⁵
- D. If any portion of the said improvements shall not be approved or shall be rejected by the municipality, then applicant shall proceed to complete the same and, upon completion, the same procedure of notification as outlined herein shall be followed.³⁶

Section 1003 As-built Plans

- A. Within thirty (30) calendar days after completion of improvements and approval of the same by the municipality and before acceptance of such improvements, the applicant shall submit to the municipality a corrected set of as-built plans and profiles in accordance with [Section 308](#) of this Ordinance. In the event that the as-built plan is not submitted in complete and accurate form, all funds being withheld by means of a completion guaranty shall not be released until such as-built plan has been satisfactorily completed.
- B. The as-built plan shall be reproducible and drawn to the same scale as the final subdivision and/or land development plan, conservation plan, and improvements construction plan and shall be certified by an engineer or surveyor and approved by the municipality.

Section 1004 Remedies to Effect Completion of Improvements

- A. In the event that any improvements that may be required have not been installed as provided in this Ordinance or in accord with the approved final subdivision or land development plan, the municipality is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all of the improvements covered by said security, the municipality may, at its option, install part of such improvements in all or part of the subdivision and/or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the

³³ Pennsylvania Municipalities Planning Code, Act 247, Section 510(a).

³⁴ Pennsylvania Municipalities Planning Code, Act 247, Section 510(b).

³⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 510(c).

³⁶ Pennsylvania Municipalities Planning Code, Act 247, Section 510(d).

improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.³⁷

Section 1005 Dedication and Acceptance of Improvements

A. Upon completion of the construction of improvements in accordance with the approved subdivision and/or land development plan, the following conditions shall apply to the offer of dedication of the same and the acceptance thereof:

1) The municipality shall have no obligation to take over and make public any street or other improvement in or abutting a subdivision and/or land development. If the municipality elects to accept an offer of dedication, such acceptance shall not occur unless and until:

e. The required improvements and monuments, as shown on the approved subdivision and/or land development plan, conservation plan, and improvements construction plan, shall have been certified by the municipality as having been constructed and installed in accordance with the provisions of this Ordinance and other municipal ordinances, codes, regulations, plans, and maps and accurately delineated on an as-built plan.

f. A maintenance guaranty is provided through the posting of financial security, such as that deemed to be acceptable to the municipality as set forth in [Section 1001](#) of this Ordinance. Such guaranty shall assure the structural integrity of required improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the approved final subdivision and/or land development plans for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be in an amount equivalent to fifteen (15) percent of the actual cost of installation of the required improvements.

g. A deed or deeds of dedication for all such improvements, prepared and executed by the applicant in accordance with forms prescribed by the municipality, shall have been presented to the municipality, together with a certificate from the contractor or contractors evidencing the payment of all labor and material costs and a policy of title insurance ensuring the fee title to said improvements as free and clear of all liens and encumbrances and other objections to the title.

³⁷ Pennsylvania Municipalities Planning Code, Act 247, Section 511.

- h. At least fifty (50) percent of all lots having access to the street have been encompassed by completed dwellings, and the municipality shall determine that the public interest requires that such improvements be accepted.
- i. Any offer of a deed of dedication must be accompanied by a maintenance bond and the as-built plan(s) at least ninety (90) calendar days prior to the anticipated date for the acceptance of the deed of dedication.
- j. The municipality shall have no responsibility with respect to any improvements, notwithstanding any public use thereof, unless and until such improvements are accepted for dedication by duly enacting or adopting an ordinance or resolution therefore.

ARTICLE XI: ADDITIONAL PROVISIONS

Section 1100 Coordination with Contiguous Areas

- A. All proposed subdivisions and/or land developments shall be coordinated and planned so as to be compatible with adjoining neighborhoods or approved subdivisions and/or land developments.
- B. Such coordination shall also pertain to subdivisions and/or land developments located adjacent to neighboring municipalities.
- C. The municipality may appear and comment before the various municipal boards and commissions of the contiguous municipality considering a proposed subdivision, change of land use, or land development.³⁸
- D. Should the need arise, DCPC shall offer a mediation option to any municipality that believes that its citizens will experience harm as the result of an applicant's proposed subdivision or land development in a contiguous municipality, if the municipalities agree. In exercising such an option, the municipalities shall comply with the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code. The municipalities shall share the cost of the mediation equally unless otherwise agreed. The applicant shall have the right to participate in the mediation.³⁹

Section 1101 Inspection

- A. All work and materials shall be subject to inspection for conformity with the terms of this Ordinance by the municipality.
 - 1) When any work or materials are determined by the municipality not to be in compliance with the terms of this Ordinance or any other municipal ordinance, code, regulation, plan, or map or to be at variance with any permit issued therefore, the municipality may, by notice in writing or verbal order followed by notice in writing, direct that all work upon improvements in the subdivision and/or land development forthwith stop until such noncompliance or variance is corrected, except as the municipality may deem necessary to prevent injury or damage to persons or property. No work shall thereafter be performed upon the same except in accordance with the order of the municipality.
 - 2) No underground pipes, works, lines, structures, subgrades, or base courses shall be covered until the same shall be inspected and approved by the municipality, and if the same have been covered contrary to the provisions hereof, upon the

³⁸ Pennsylvania Municipalities Planning Code, Act 247, Section 502(b).

³⁹ Pennsylvania Municipalities Planning Code, Act 247, Section 502(a).

order of the municipality, the applicant shall cause the same to be forthwith uncovered, at his expense, so as to permit the inspection thereof.

- 3) When an inspection of any improvements shall be required or desired by the applicant, the applicant shall give the municipality forty-eight (48) hours notice in advance.

Section 1102 Lot Purchasers and Mortgagees

- A. When a subdivision and/or land development plan has been approved and recorded in accordance with the provisions of this Ordinance and the improvements thereon completed and approved by the municipality or, in lieu thereof, an improvement bond or other security has been furnished to the municipality, the purchasers and mortgagees of lots in the subdivision and/or land development shall be relieved of any and all liability for any deficiency in, lack of, or failure to complete said improvements by the applicant, and any failure to complete or properly complete said improvements shall not encumber any lot or lots in said subdivision and/or land development.

Section 1103 Public Hearing

- A. Before acting upon any subdivision and/or land development plan, the municipality may hold a public hearing thereon after and pursuant to public notice.⁴⁰

Section 1104 Notice to Contractors

- A. The applicant shall notify, in writing, all builders and/or contractors that they shall perform all work in accordance with the regulations and requirements of this Ordinance and such other municipal ordinances, codes, regulations, plans, and maps as shall be applicable thereto. Such notification shall be submitted to the municipality prior to construction and placed on file.

Section 1105 Modification of Site Plan Requirements

- A. DCPC and/or the municipality may recommend that the site plan requirements of this Ordinance for a subdivision and/or land development be modified or altered in order to encourage or promote economy and ingenuity in the layout and design of subdivisions and/or land developments, to more effectively protect unique and/or sensitive natural and historic areas, or to more effectively conform to the purposes of this Ordinance as follows:
 - 1) With respect to encouraging or promoting economy and ingenuity in the layout and design of subdivisions and/or land developments, DCPC and/or the municipality may recommend modifications to site requirements for, but not limited to, the following types of proposals:

⁴⁰ Pennsylvania Municipalities Planning Code, Act 247, Section 508(5).

- a. Those that may involve earth-sheltered housing design.
 - b. Those that may involve special forms of solar energy conservation.
 - c. Those that may involve the conversion, reuse, and/or adaptation of an existing structure or building.
 - d. Utilization and layout of open space.
- B. With respect to more effectively protecting various sensitive areas, DCPC and/or the municipality may recommend modifications to site requirements for, but not limited to, the following types of proposals:
- 1) Those that would more effectively protect existing tree growth, especially notable trees and tree masses with indigenous vegetation.
 - 2) Those that would minimize extensive grading and the displacement of soil.
 - 3) Those that would enhance groundwater recharge.
 - 4) Those that would minimize surface water runoff and improve the management of stormwater.
 - 5) Those that would preserve historic sites or structures.
 - 6) Those that would minimize visibility of development and protect the visual quality of ridges and other exposed areas.
- C. In granting modifications to the applicant, the municipality may impose such conditions that in its judgment are necessary to substantially secure the objectives of the standards or requirements so varied or modified.
- D. In addition to the foregoing, one or more provisions of this Ordinance may be modified by the municipality if the literal enforcement of the provisions will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.⁴¹
- 1) All requests for a modification shall be in writing and shall accompany and be a part of the preliminary or final plan application packet for subdivision and/or land development. The request shall state in full the grounds and facts of

⁴¹ Pennsylvania Municipalities Planning Code, Act 247, Section 512.1(a).

unreasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved, and the minimum modification necessary.⁴²

- 2) The municipality shall keep a written record of all action on all requests for modifications.⁴³
- 3) The municipality may authorize a waiver of these regulations. In granting any modification, the municipality shall prescribe any conditions that it deems necessary or desirable for the public interest. In making its findings, the municipality shall take into account the nature of the proposed use of land, the existing use of land in the vicinity, and the probable effect of the proposed subdivision and/or land development upon traffic conditions, fire, police protection, and other utilities and services in the vicinity. No modification shall be granted unless the municipality finds:
 - a. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of this land.
 - b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

⁴² Pennsylvania Municipalities Planning Code, Act 247, Section 512.1(b).

⁴³ Pennsylvania Municipalities Planning Code, Act 247, Section 512.1(d).

ARTICLE XII: ADMINISTRATION

Section 1200 Records

- A. DCPD shall assign an application number to all application packets for sketch, preliminary, and final plan review. All matters pertaining to such application packets shall be filed in accordance with the subdivision and/or land development application number. In addition, the municipality shall keep a record of findings, decisions, and recommendations relative to all subdivision and/or land development plans filed with the application packet for review. All such records shall be public records.

Section 1201 Delaware County Application Fees

- A. Upon the filing of an application packet for preliminary and final approval of a subdivision and/or land development plan, the applicant shall pay to the Treasurer of Delaware County to the use of Delaware County, such fees as established by DCPD. The County fee shall not be combined with any municipal fee.
- B. The applicant shall contact DCPD for the applicable County Act 247 review fee schedule.
- C. Whenever an application packet includes proposed developments with mixed uses, the uses will be separated for calculation purposes and the appropriate County fee applied to each use.
- D. For nonresidential land developments where a substantial percentage of the tract is not proposed for development or consists of existing development, the County fee for these developments shall be calculated in the regular fashion unless the developer delineates on the plan a “project area” where development is proposed to be located. The County fee would then apply to the “project area” only. The acreage of the “project area” shall be shown on the County Application for Act 247 Review Form. The “project area” shall be that portion of the tract where development or improvements of any kind are proposed, including areas devoted to parking, driveways, drainage facilities, grading, and landscaping.
- E. Once the subdivision and/or land development application packet is deemed an “officially submitted plan,” the municipality will forward an application packet containing the appropriate County fee, a fully completed County Application for Act 247 Review Form signed by the appropriate municipal official, a completed checklist, and three (3) sets of plans to DCPD.
- F. No application packet will be accepted by DCPD for DCPC’s review and report unless accompanied by the required County fee.
- G. Each resubmission of a different project on the same tract of land will be charged an additional County fee. However, no additional County fee will be charged for

refinements, provided that the revised subdivision and/or land development plan is submitted to DCPD within one hundred eighty (180) calendar days from the date reviewed by DCPC and the subdivision and/or land development plan has not been substantially altered or modified as determined by DCPD.

- H. County fees will be waived only for an application packet filed under the name of a governmental sub-unit of the United States or the Commonwealth of Pennsylvania, including school districts and authorities. This exemption does not apply to any private, nonprofit organization.
- I. The County fee schedule shall not apply to sketch plans.

Section 1202 Municipal Plan Review Fees

- A. The applicant shall pay to the municipality upon invoice rendered by the municipality the actual cost of all fees incurred by the municipality in the review and evaluation of all subdivision and/or land development plans.
 - 1) In the event that the applicant disputes the amount of any such review fees, the applicant shall, within fourteen (14) calendar days of the applicant's receipt of the bill, notify the municipality that such fees are disputed, in which case the municipality shall not delay or disapprove a subdivision and/or land development application packet due to the applicant's request over disputed fees.⁴⁴
 - 2) In the event that the municipality and the applicant cannot agree on the amount of review fees that are reasonable and necessary, then the applicant and municipality shall follow the procedure for dispute resolution set forth in Section 1203.A.1 of this Ordinance, provided that the professionals resolving such dispute shall be of the same profession or discipline as the fees that are being disputed.⁴⁵

Section 1203 Municipal Inspection Fees

- A. The applicant shall pay to the municipality upon invoice rendered by the municipality such charges as shall be made by the municipality for the field inspection of improvements in the subdivision or land development; but in the event that, owing to special or unusual conditions, specialized or expert inspections, analyses, or tests of improvements shall be required, such inspections, analyses, or tests shall be performed by persons or firms selected by the municipality, and the fees and costs of such inspections, analyses, or tests shall be paid by the applicant to the municipality.
 - 1) Reimbursement by the applicant to the municipality shall be based upon a schedule established by ordinance or resolution. Such expense shall be

⁴⁴ Pennsylvania Municipalities Planning Code, Act 247, Section 503(1)(i).

⁴⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 503(1)(ii).

reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer for work performed for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipality when fees are not reimbursed or otherwise imposed on applicants.⁴⁶

- a. In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) calendar days of the billing date, notify the municipality that such expenses are disputed as unreasonable or unnecessary, in which case the municipality shall not delay or disapprove a subdivision and/or land development application packet or any approval or permit related to development due to the applicant's request over disputed engineer expenses.⁴⁷
- b. If, within twenty (20) calendar days from the billing date, the municipality and the applicant cannot agree on the amount of the expenses which are reasonable and necessary, then the applicant and municipality shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review said expenses and make a determination as to the amount thereof which is reasonable and necessary.⁴⁸
- c. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and shall render a decision within fifty (50) calendar days of the billing date. The applicant shall be required to immediately pay the entire amount determined in the decision.⁴⁹
- d. In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within twenty (20) calendar days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by or performed service for the municipality or the applicant within the preceding five (5) years.⁵⁰
- e. The applicant shall pay the fee of the appointed professional engineer for determining the reasonable and necessary expenses, if the amount of payment

⁴⁶ Pennsylvania Municipalities Planning Code, Act 247, Section 510(g).

⁴⁷ Pennsylvania Municipalities Planning Code, Act 247, Section 510(g)(1).

⁴⁸ Pennsylvania Municipalities Planning Code, Act 247, Section 510(g)(2).

⁴⁹ Pennsylvania Municipalities Planning Code, Act 247, Section 510(g)(3).

⁵⁰ Pennsylvania Municipalities Planning Code, Act 247, Section 510(g)(4).

required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand (1,000) dollars or more, the municipality shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay half (½) of the fee of the appointed professional engineer.⁵¹

- B. All invoices shall be due upon presentation.
- C. Any applicant who is delinquent in the payment of invoices shall be denied issuance of any further approvals or permits by the municipality, whether such approvals or permits pertain to the subdivision and/or land development for which said invoice was rendered or to any other subdivision and/or land development within the municipality.
- D. The municipality shall revoke all permits issued to applicants who are delinquent in the payment of any invoice.

Section 1204 Municipal Material Tests

- A. The applicant shall pay to the municipality upon invoice rendered by the municipality the cost of performing all material tests determined by the municipality to be necessary or desirable in connection with the inspection or approval of all subdivision and/or land development plans or improvements.

Section 1205 Other Municipal Fees

- A. The applicant shall pay to the municipality upon invoice rendered by the municipality all fees incurred by the municipality in the preparation of the subdivision and land development agreements, improvement and maintenance bonds, escrow agreements, and other instruments deemed necessary or desirable by the municipality in connection with subdivisions and/or land developments.

Section 1206 Preventive Remedies

- A. In addition to other remedies, the municipality 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.⁵²
- B. The municipality 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 of this Ordinance's

⁵¹ Pennsylvania Municipalities Planning Code, Act 247, Section 510(g)(5).

⁵² Pennsylvania Municipalities Planning Code, Act 247, Section 515.1(a).

provisions. This authority to deny such a permit or approval shall apply to any of the following applicants:⁵³

- 1) The owner of record at the time of such violation.⁵⁴
 - 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.⁵⁵
 - 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.⁵⁶
 - 4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.⁵⁷
- C. 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 municipality 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.⁵⁸

Section 1207 Jurisdiction

- A. District justices shall have initial jurisdiction in proceedings brought under [Section 1208](#) of this Ordinance.⁵⁹

Section 1208 Enforcement Remedies

- A. Any person, partnership, or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under the Pennsylvania Municipalities Planning Code 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 five hundred (500) dollars 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

⁵³ Pennsylvania Municipalities Planning Code, Act 247, Section 515.1(b).

⁵⁴ Pennsylvania Municipalities Planning Code, Act 247, Section 515.1(b)(1).

⁵⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 515.1(b)(2).

⁵⁶ Pennsylvania Municipalities Planning Code, Act 247, Section 515.1(b)(3).

⁵⁷ Pennsylvania Municipalities Planning Code, Act 247, Section 515.1(b)(4).

⁵⁸ Pennsylvania Municipalities Planning Code, Act 247, Section 515.1(b)(4).

⁵⁹ Pennsylvania Municipalities Planning Code, Act 247, Section 515.2.

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.⁶⁰

- 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.⁶¹
- 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.⁶²

Section 1209 Collection of Fines

- A. All fines collected for violations of this Ordinance, as provided in [Section 1208](#) of this Ordinance, shall be paid over to the municipality.

Section 1210 Ordinance Amendments

- A. Amendments to this Ordinance shall be adopted by the municipality and shall become effective only after a public hearing held pursuant to public notice in the manner prescribed below. The public notice of proposed enactment shall include the time and place of the meeting at which passage will be considered and a reference to a place where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The municipality shall publish the proposed amendment once in one newspaper of general circulation in the municipality not more than sixty (60) calendar days nor less than seven (7) calendar days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the municipal Solicitor and setting forth all of the provisions in reasonable detail. If the full text is not included:⁶³
 - 1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.⁶⁴
 - 2) An attested copy of the proposed amendment shall be filed in the Delaware County Law Library or another County office designated by County Council, who may

⁶⁰ Pennsylvania Municipalities Planning Code, Act 247, Section 515.3(a).

⁶¹ Pennsylvania Municipalities Planning Code, Act 247, Section 515.3(b).

⁶² Pennsylvania Municipalities Planning Code, Act 247, Section 515.3(c).

⁶³ Pennsylvania Municipalities Planning Code, Act 247, Section 506(a).

⁶⁴ Pennsylvania Municipalities Planning Code, Act 247, Section 506(a)(1).

impose a fee no greater than that necessary to cover the actual costs of storing said amendments.⁶⁵

- B. In the event that substantial amendments are made in the proposed amendment, before voting upon enactment, the municipality shall, at least ten (10) calendar days prior to enactment, readvertise in one newspaper of general circulation in the municipality, a brief summary setting forth all of the provisions in reasonable detail together with a summary of the amendments.⁶⁶
- C. Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.⁶⁷
- D. In addition, in case of an amendment other than that prepared by the municipal Planning Commission, the municipality shall submit each such amendment to the municipal Planning Commission for recommendations at least thirty (30) calendar days prior to the date fixed for the public hearing on the proposed amendment.⁶⁸

⁶⁵ Pennsylvania Municipalities Planning Code, Act 247, Section 506(a)(2).

⁶⁶ Pennsylvania Municipalities Planning Code, Act 247, Section 506(b).

⁶⁷ Pennsylvania Municipalities Planning Code, Act 247, Section 506(c).

⁶⁸ Pennsylvania Municipalities Planning Code, Act 247, Section 505(a).

APPENDIX A: SUBDIVISION AND/OR LAND DEVELOPMENT AGREEMENT

This agreement is made, by and between the **municipality** Delaware County, Pennsylvania (hereinafter “**municipality**”), and **developer name**, a Pennsylvania corporation, (hereinafter “**developer**”).

Background

The developer represents that it is the legal owner of **development name** situated in the **municipality**. The **development name** is shown on a final subdivision and/or land development plan, prepared by **plan preparer name**, which plan, dated **date**, last revised **date**, was granted final subdivision and/or land development approval by the **municipality** on **date**. The final subdivision and/or land development plan indicates that the **development name** is located on **street name**, **development distance in miles** of **street name**. The **development name** contains approximately **development acres**, all within the **zoning district**.

The developer intends to develop the **development name** with **number and type of use**. This plan (hereinafter “**development plan**”) shows the planting of street trees and the installation of street signs, along with other improvements.

The developer has applied to the **municipality**, under the subdivision and land development ordinance, for final approval of the development plan. The **municipal governing body**, by official action on **date**, granted final approval for the development plan, subject to conditions accepted by the developer. The conditions on final approval of the development plan are stated in the **municipality** final subdivision and/or land development plan approval or in a written list of conditions signed by the developer. As a condition of final subdivision and/or land development plan approval, the developer agreed to enter into a development agreement, whereby it will be legally bound to complete all improvements shown on the development plan, as conditionally approved by the **municipality**, to reimburse the **municipality** for the **municipality** cost for preparing the development agreement and for inspecting the construction and implementation of the development plan, and to comply with all applicable **municipality**, state, and federal codes and ordinances.

The **municipality** requires the developer to deposit with the **municipality** adequate financial security to guarantee performance of the developer’s promises and obligation under the development agreement, said obligations which include the completion of improvements and common amenities pursuant to the development plan, as finally approved, and to guarantee the structural integrity and proper functioning of any public improvements in accordance with the design and specifications required by the approved final subdivision and/or land development plan for eighteen (18) months after the **municipality** accepts dedication of or maintenance responsibility for the improvement. This financial security shall be in a form that complies with Article X of the subdivision and land development ordinance.

Terms

Now therefore, in consideration of the mutual promises stated herein and intending to be legally bound, the **municipality** and the developer covenant and agree as follows:

- I. Improvements to be constructed by the developer.

- A. The term “improvements,” as used in this agreement, shall mean those items depicted on the development plan and listed on the **municipality** estimate, dated **date**, and attached hereto as Exhibit a, and the stormwater and erosion and sedimentation management facilities as finally shown upon an approved subdivision and/or land development plan.
- B. The development plan and the **municipality** approval of **date**, are incorporated herein by reference.
- C. The developer will construct or cause to be constructed, at its own cost and expense, without any expense or cost whatsoever to the **municipality**, all of the improvements.
- D. The developer will construct or cause to be constructed all improvements in strict conformity with the development plan, as finally approved (i.e., with all conditions of approval), and in compliance with all other applicable **municipality** ordinances, resolutions, regulations, and specifications.
- E. The parties understand and agree that the developer will comply strictly with the **municipality** subdivision and land development ordinance, as the requirements of this ordinance may have been modified or varied by the express condition of final subdivision and/or land development plan approval.
- F. The gas, water, sewage, stormwater drainage, electric, telephone, cable television, and fire protection facilities or any part thereof, including all service connections thereto, hereafter “public utility systems,” that are to be located under new streets shall be installed before the paving of such streets.
- G. All public utility systems, including cable television, to be installed in or under streets constructed or improved pursuant to the development plan shall be completed and, where required by this agreement, inspected and approved by the **municipality** before paving of the cartway.
- H. All sections of existing streets and/or pedestrian areas that undergo significant deterioration as a result of implementation of the development plan shall be repaired and repaved to their full width by the developer at the developer’s cost and expense.
- I. Before connecting any new storm sewers to existing sewer or drainage systems, the developer shall obtain all necessary approvals and permits from the **municipality**, PADEP, and PennDOT, and the developer shall provide proof of any state approvals and permits to the **municipality**.
- J. There shall be no revision or change of the development plan as approved or any construction detail or specification therein or required by any **municipality** ordinance, unless the **municipality** approves such change. The **municipality** may authorize the developer to change construction details which do not alter a standard required by **municipality** ordinance or regulation, a condition on final subdivision and/or land development plan approval, or make a substantial change in the final subdivision and/or land development plan as approved. The developer shall submit any proposed changes in the approved final subdivision and/or land development plan or any other specification to the **municipality** with such drawings, plans, and written explanations as shall be required by the **municipality** for adequate review of the proposed change. All such proposed changes shall be reviewed by and bear the stamp of the

developer's engineer. The **municipality** shall review any change proposed by the developer and, with respect to any change that is more than a construction detail, shall provide the **municipality** with an analysis of the change and make a recommendation for action. The developer shall not cause any work to be done pursuant to a change in the plans or any specification that is more than a change in a construction detail until the **municipality** has approved the change. If the **municipality** approves a change in the plans or specifications, the developer agrees to enter into any additional formal agreements with the **municipality** necessary to bring such changes within the scope of this agreement. No construction or other work shall be done pursuant to any change in plans or specification until such changes are incorporated into this agreement and the developer provides adequate financial security, which complies with Article X of the subdivision and land development ordinance and is acceptable to the **municipality** to guarantee any additional construction costs for additional improvements.

- K. The developer shall cause all improvements to be constructed in a workmanlike manner and to be completed in first class condition to the satisfaction of the **municipality**.
 - L. In constructing the improvements, the developer agrees to use materials that meet all requirements, specifications, and standards required by the final subdivision and/or land development plan approval, **municipality** ordinances, regulations, and resolutions.
 - M. Within five (5) days after each improvement is completed, the developer, by written notice, shall request that the **municipality** conduct a final inspection of the improvement. The **municipality** will determine if improvements are defective as to materials and/or workmanship and if they fail to comply with an applicable standard or plan and will immediately notify the developer of any such determination.
 - N. The developer agrees that if any materials used in the construction of improvements shall be rejected or disapproved as defective or unsuitable by the **municipality** or done without prior inspection when prior inspection is necessary to determine compliance with the plans or this agreement, then said materials and work shall be removed and replaced with other approved materials.
 - O. The developer agrees to acquire such easements or rights-of-way for drainage and utility purposes as may be required to comply with the development plan and specifications and applicable statutes and regulations; said easements or rights-of-way shall include all rights and privileges necessary to construct, maintain, operate, repair, replace, reconstruct, and alter utilities and drainage facilities as required by said plans, specifications, statutes, and regulations. It is understood and agreed by the parties that the cost and expense of acquiring all easements and rights-of-way shall be borne by and paid for by the developer.
- II. Conditions to be met prior to commencing construction of improvements.
- A. No building permits shall be issued, and no improvements shall be commenced until:
 - 1. The development plan, as finally approved, is recorded according to law
 - 2. This agreement is duly signed and delivered;

3. The developer pays \$amount to the **municipality** to be held in escrow by the **municipality** (pursuant to this section and Article IV hereof) and to be drawn on by the **municipality** to pay for the **municipality's** costs, including costs of reviewing specifications, inspecting construction of the improvements and the condition and maintenance of the street trees and landscaping, and to be held as security for snow and/or waste material removal (under Article III, Section I, hereof), as well as for any legal expense incurred by the **municipality** in connection with implementation or enforcement of the development plan and/or this agreement;
4. All fees required by any ordinance, resolution, or regulation of the **municipality** are paid, including the payment of costs, legal and engineering expenses incurred by the **municipality** for the review of plans, preparation of this agreement, resolutions, and other papers reviewed or prepared pursuant to this agreement;
5. The developer complies with local codes and ordinances requiring the money and/or the transfer of land to the **municipality**;
6. The developer secures any permits(s) required by municipal codes and ordinances regarding stormwater runoff, erosion, and sedimentation;
7. The developer has provided the **municipality** with financial security for the improvements, which security shall meet the requirements of Article X of the subdivision and land development ordinance; and
8. All requirements of the **municipal** ordinances, resolutions, and regulations have been met.

- B. Before commencing any work on the improvements, the developer shall submit the specifications for all materials to be used and all design specifications to the **municipality**. The developer shall not proceed with any work without first giving notice to the **municipality** and, when the **municipality** inspection is required under this agreement, arranging with the **municipality** for such inspection.

III. Obligations of developer during construction.

- A. All culverts, storm sewers and underdrains, manholes, paving, curbing, setting of monuments, facilities for stormwater, erosion and sedimentation management, and other improvements are subject to inspection by the **municipality**. Five (5) days prior to the commencement of street or other improvements, the developer shall notify the **municipality** to inspect the prepared subgrade and associated work. The **municipality** shall be notified at least two (2) days prior to the date when the developer or its contractor or any subcontractor lays the stone base course for any driveway, street, or section thereof which is an improvement under this agreement. The developer shall also notify the **municipality** two (2) days prior to commencing each separate paving operation, and the **municipality** shall inspect the materials and workmanship used on each such operation.
- B. It shall be the obligation of the developer to arrange, in advance, with the **municipality** for inspection of work as the work progresses.

- C. The developer agrees that the **municipality** is authorized to require the removal of any work that is not completed in accordance with this agreement and all **municipality** ordinances, resolutions, regulations, and specifications. The **municipality** is also hereby authorized to require removal and/or relocation of any storm sewer and underdrains that do not function as required by all applicable statutes, regulations, and specifications.
- D. The developer shall bear the cost of all inspections by the **municipality**.
- E. The developer shall bear the costs and expenses for any relocation or reconstruction of improvements.
- F. The developer will be responsible for proper removal and disposal of all waste materials, such as paper, cartons, and the like, whether discarded by it or others employed by it or by others engaged in the delivery of materials and any other activity pursuant to the development plan. The developer agrees to prevent such waste materials from being buried or burned on the tract or deposited, by being thrown or blown, upon any property adjacent to or within the vicinity of the **development name**.
- G. If the developer fails to remove any waste materials, including rubbish, cartons, and discarded materials, generated by or because of the developer's activities from the premises or from surrounding areas within seventy-two (72) hours after the developer receives written notice from the **municipality** to do so, the **municipality** shall have the right to remove said waste materials and to draw from the escrow account created under Article II, Section A.3 hereof, the sums necessary to pay for or to reimburse the **municipality** for the costs of cleaning up the premises and surrounding areas.
- H. The developer agrees to maintain all driveways, streets, and roads constructed within the **development name** in a clean and safe condition.
- I. During the construction of improvements, the developer agrees to maintain such barricades, warning lights, and safety devices as are necessary to protect the safety of the public.
- J. The developer agrees to obtain use and occupancy permits for all residential units prior to conveying title to said units and prior to allowing any purchaser to assume possession of any such unit. If the developer fails to comply with all **municipality** ordinances and regulations and the provisions of this agreement, including requirements relative to the inspection of any building during the period of construction and to obtaining use and occupancy permits, the developer agrees that the **municipality** may suspend all building permits issued for the **development name** and refuse to issue any additional permits, and the developer will cease all construction within the **development name** until the **municipality** is satisfied that all permit and regulatory requirements and the provisions of this agreement have been met.
- K. The developer agrees to indemnify the **municipality** from any liability due to the developer's activities in implementing the development plan. The developer agrees to furnish to the **municipality** a certificate showing that the developer has adequate liability insurance in an amount not less than one million dollars (\$1,000,000).

- L. The developer shall, at all times, hold the **municipality** harmless as to any claims or suits which any adjoining property owner may bring against the developer or any of its officers and employees for any conditions occurring on adjacent property caused or alleged to be caused by conditions arising from the **development name**, such conditions including but not limited to storm drainage, mud, trash, dirt, dust, noise, or any nuisance, public or private. The developer agrees that it will reimburse the **municipality** for any expenses to which the **municipality** has been put, including legal fees, engineering fees, expert witness fees, and any judgment rendered against the **municipality** as a result of claims filed or suits brought against the **municipality**, its officers, or employees by adjacent property owners, alleging conditions arising because of the developer's construction activities on or related to the **development name**.
 - M. If the developer ceases work upon the improvements for a continuous period of ninety (90) days or more and the improvements are incomplete, then, barring strikes, shortages of material, unfavorable weather, or other conditions beyond the developer's control, such a cessation of work shall, at the **municipality's** option, be deemed a breach of this agreement. In such event, the **municipality** may pursue any remedies available to it as a result of such breach.
 - N. Barring strikes, shortage of material, unfavorable weather, or other condition beyond the developer's control, all work on improvements shall be completed by the developer not later than the sale of the last residential unit; provided, however, that, by mutual written agreement of the **municipality** and the developer, said time of performance and completion may be extended.
 - O. When any street is incomplete so that its surfaced area extends to a dead end, and said dead end is not to be extended for a period of sixty (60) days or more, the developer shall provide an all-weather turnaround facility, suitable for use by emergency vehicles, at the end of the surfaced area.
 - P. If any street is incomplete so that its surfaced area extends to a dead end, and the developer will not further extend said street for a period of one (1) year or more, the developer shall construct a cul-de-sac at the end of the street, which cul-de-sac shall meet all **municipality** specifications and PennDOT standards for qualification for liquid fuel tax purposes. The security guaranteeing construction of improvements, which covers the street to be constructed, will guarantee the construction of the cul-de-sac.
 - Q. The developer agrees that the landscaping and street tree planting associated with the development plan shall be installed and inspected by the **municipality** not later than the sale of the last residential unit; provided, however, that by mutual written agreement of the **municipality** and the developer, said time of installation and inspection may be extended.
- IV. Escrow funds for payment of fees.
- A. The developer shall reimburse the **municipality** for any and all costs incurred by the **municipality** in connection with or on account of this agreement or the development plan or the stormwater, erosion and sedimentation management plan, and all costs of enforcing the **municipality's** ordinances, resolutions, regulations, specifications, and other requirements of final subdivision and/or land development plan approvals and all **municipality** fees.

- B. The developer agrees to deposit with the **municipality** the sum of \$**amount** as security for the payment of **municipality** costs and expenses, charges, and fees which may be incurred by the **municipality** under this agreement or in connection with the development plan. The developer agrees that the **municipality** may use this escrow to reimburse itself for any costs incurred in removing waste material pursuant to Article III, Section G, hereof and for inspection of the landscaping through the next April, two (2) years after all improvements are completed. It is understood and agreed by the parties that the **municipality** shall not commence processing any permit applications or sign any final subdivision and/or land development plan for recording until said security deposit has been received by the **municipality**. A minimum of \$**amount** shall be on deposit with the **municipality** at all times in order to cover the aforesaid expenses and costs. The developer shall deposit with the **municipality** additional money for said security so that the minimum balance is maintained.
 - C. The developer agrees that should it violate any provision of this agreement, including, without limitation, commencing construction without having secured required permits and/or permitting buildings to be occupied without having secured required certificates of occupancy, the **municipality** shall be entitled to receive from the developer a penalty sum of \$**amount** for each such violation, which sum, upon notice to the developer from the **municipality**, shall be reimbursed to the **municipality** from this escrow.
 - D. When all **municipality** costs, expenses, and fees for which the developer is hereby responsible have been paid, the **municipality** shall refund the balance in said fund to the developer.
- V. Security for construction improvements.
- A. The **municipality** has prepared an itemized estimate of the cost of the improvements, which estimate is accepted by the developer, which is attached hereto, labeled "exhibit a," and incorporated herein.
 - B. The developer shall deliver to the **municipality** fully executed and effective security for the completion of the improvements (hereinafter "security-completion"), in the amount of \$**amount** (which is one hundred ten (110) percent of the total cost of all improvements). The purpose of the security-completion is to guarantee that all improvements will be completed and that funds will be available for the construction of said improvements if the developer fails to construct or properly construct them.
 - C. The terms of the security-completion shall be reviewed by the **municipality**.
 - D. If the developer fails in the performance of any of the provisions contained in this agreement, the **municipality** may give the developer written notice of such default. If the developer does not commence to correct such default within five (5) days of such notice and thereafter diligently correct such default, the **municipality** shall have the right, but not the obligation, to contract in the open market at then-current prices with any party or parties for the completion of the construction, installation, and/or supplying of the improvements. In such event, the developer shall, upon demand, pay the **municipality** the amounts expended by the **municipality** to complete the improvements. The **municipality** shall also have the right to draw from the security-completion the sums necessary to reimburse the **municipality** for its costs and expenditures in completing the improvements.

- E. If the improvements are not completed properly and within the time required by this agreement, any undrawn and unreleased funds available to the **municipality** under the security-completion shall, upon the **municipality's** request, be paid to the **municipality** and used by the **municipality** to complete the required improvements and to reimburse itself for such other amounts owed by the developer to the **municipality** under this agreement.
- F. If the **municipality** engages workmen, mechanics, and equipment to complete the improvements, the **municipality** shall have the right to take possession of all materials, tools, appliances, and equipment which are the property of the developer and located on the premises and intended for use in the performance of this agreement for the purpose of including them or using them to complete the improvements, and in such event, the developer hereby assigns to the **municipality** all of its rights, title, and interest in and to such materials, tools, appliances, and equipment for such purposes.
- G. As construction of the improvements progresses, the **municipality** shall from time to time at the request of the developer issue work progress certificates which authorize a reduction of the funds available for draw by the **municipality** under the security-completion. The amount of reduction in funds available under the security-completion shall be based upon the **municipality's** determination of the percentage of which items listed in exhibit a are satisfactorily completed as applied to ninety (90) percent of the estimated cost of construction of such items as shown on exhibit a.
- H. Ten (10) percent of the estimated cost of construction for each and all improvements shall be available under the security-completion until the **municipality** issues a certificate of total completion pursuant to this agreement.
- I. In support of a request for a work progress certificate, the developer shall submit to the **municipality** invoices for labor, materials, and other improvement work performed or supplied by the developer or its contractors, subcontractors, or suppliers.
- J. The developer may not make requests for work progress certificates more frequently than one (1) each month.
- K. Work progress certificates shall be signed by the developer, the developer's engineer, and the **municipality**.
- L. Upon completion of all improvements and their inspection and approval by the **municipality**, the **municipality** shall authorize the release of any funds remaining subject to the security-completion, provided that ten (10) percent of the total landscaping security shall remain available under the security-completion until the end of **month**, two (2) years after completion of all improvements (see Article V, Section R); provided, also, that when as-built plans are required for any improvement, the remaining security balance will not be released before the as-built plans, satisfactory to the **municipality**, have been filed with the **municipality** by the developer, and when improvements are to be dedicated to the **municipality** or the sewer authority, said balance shall not be paid over to the developer until the deeds for the improvements are accepted by the **municipality** or the authority.
- M. The improvements shall not be deemed to be completed until the developer's engineer certifies that the work has been completed satisfactorily and all required improvements have been constructed, completed, and installed in accordance with

the requirements of this agreement. This certification shall be signed and stamped by the developer's engineer and submitted to the **municipality**.

- N. The certificate of total completion shall be signed by the developer and the developer's engineer.
 - O. Under no circumstances is the security-completion to be construed as a limitation of the developer's obligations for proper construction of the improvements. The amount available under the security-completion is only an estimate of the cost of completion. The developer is liable for the actual cost of properly completing all improvements.
 - P. The **municipality** shall, on each anniversary date of this agreement, review the progress of construction of the improvements, the remaining amount available under the security-completion, and evaluate current construction costs to determine if the remaining available security is adequate to ensure completion of the improvements. If the **municipality** determines that the security is not adequate, then the **municipality** shall estimate the sum necessary, under then-existing prices, to complete the improvements and shall notify the developer in writing that the developer is required to increase the value of the security available under the security-completion by the additional amount identified by the **municipality** to ensure the completion of the improvements. If the developer fails to provide said additional security within thirty (30) days, the **municipality** may declare the developer to be in default of this agreement.
 - Q. If, pursuant to the annual review of construction costs, the **municipality** determines that the costs shown on exhibit a are low and the developer increases the security accordingly, the **municipality** shall revise exhibit a to show such existing costs and, after the developer has posted the required additional security, shall base the amount of security reduction authorized under subsequent work progress certificates upon the revised cost estimates.
 - R. Until the end of **month**, two (2) years from the date that the certificate of total completion is issued, ten (10) percent of the total landscaping security shall be available through the security-completion to pay for replacing and relandscaping any areas which are diseased, die, or have not been maintained.
- VI. Responsibility for improvements and easements.
- A. It is understood and agreed that the **municipality** does not hereby or under the development plan accept or agree to accept any responsibility for the maintenance or ownership of any streets, roads, or their improvements; that the **municipality** does not hereby accept any streets or roads as part of the public street system of the **municipality**; that the **municipality** in no manner assumes any liability in connection with said improvements and does not render itself liable for any of the costs for work completed or to be completed in connection with the development plan or inspection thereof and shall exercise no control of any kind over said proposed streets or roads. The developer assumes full responsibility for the improvements including, but not limited to, all financial liability of any kind whatsoever for all improvements. The **municipality's** sole interest in said improvements is the enforcement of the terms of this agreement and of the laws, ordinances, resolutions, rules, and regulations under authority of which this agreement is executed.

- B. The developer shall install all street signs and traffic control devices required by the development plan.
- C. The developer is responsible for acquiring all necessary easements for emergency access and stormwater retention and drainage systems as shown on the development plan and/or any approved plan for stormwater, erosion, and sedimentation management.

VII. Security for maintenance of improvements.

- A. Before the **municipality** issues a certificate of total completion or accepts any deed of dedication, the developer shall submit to the **municipality** a maintenance agreement and security in the amount of fifteen (15) percent of the actual costs of the installation and construction of the improvements which are dedicated to the **municipality** or to the sewer authority ("authority"). Under this maintenance security, the developer shall guarantee the prompt maintenance and repair of the improvements, in accordance with the design and specifications, required under this agreement for a period of eighteen (18) months following the **municipality's** issuance of the certification of total completion and the **municipality's** or authority's acceptance of a deed of dedication for the improvement.
- B. The maintenance agreement and security shall be subject to the approval of the **municipality** or authority.
- C. During the eighteen (18) month period that the developer is responsible for maintenance, the developer agrees to commence any necessary repairs within five (5) days from the time the **municipality** or authority notifies the developer of the need for repairs, provided that legal holidays and Sundays shall not be included within the five (5)-day period and, further, provided that emergency repair will be begun as soon as reasonably possible. If the developer fails to make timely repairs, the **municipality** or authority may make the necessary repairs and do anything necessary to maintain or repair the improvements and the **municipality** or authority shall recover the expense and cost of such repairs or maintenance from the security posted by the developer. Any costs incurred by the **municipality** or authority in repairing or maintaining the improvements which exceed the security posted by the developer shall be paid by the developer.

VIII. General provisions.

- A. No occupancy permit shall be granted for any building or buildings until the streets providing access to and from existing public roads to such building or buildings are improved to a mud-free and otherwise passable condition which ensures all-weather access by emergency vehicles and until all other improvements, as shown on the approved final subdivision and/or land development plans, including those located off the tract which are necessary for the reasonable use of or occupancy of the building or buildings, are completed.
- B. The developer hereby consents to the exclusive jurisdiction of the court of common pleas of Delaware County, Pennsylvania, with respect to any dispute arising in connection with this agreement or the enforcement thereof.

- C. This agreement shall be construed according to the laws of the Commonwealth of Pennsylvania.
- D. It is understood and agreed that nothing contained herein shall be construed to waive, affect, or alter any requirements of the zoning ordinance or other **municipality** ordinances, and no provision hereof empowers any other **municipality** officer or employee to waive any requirement of the zoning ordinance, building code, or any **municipality** ordinance, regulation, or resolution.
- E. The developer agrees to comply with the provisions of this agreement, the provisions of all applicable **municipality** ordinances, the Pennsylvania Uniform Construction Code, PennDOT street specifications, and all federal and state statutes and regulations.
- F. This agreement does not change the developer's rights under the Pennsylvania Municipalities Planning Code, Section 508(4).
- G. The developer covenants to execute, acknowledge, and deliver any documents necessary or appropriate, in the opinion of the **municipality** solicitor, to carry out the terms of this agreement and to record any covenants, easements, or rights-of-way which are intended to run with the land and which were agreed to as conditions of final subdivision and/or land development plan approval.
- H. The developer shall record, with the appropriate offices and in the appropriate manner, all documents, plans, deeds, and declarations required by law to be recorded and shall provide the **municipality** with certified copies of such filings.
- I. The developer's present address is **address**. The developer promises to notify the **municipality** in writing by certified mail of any change in this address. The developer agrees that notice of any kind or nature relating to this agreement or **municipality** ordinances applicable to the **development name** mailed to the developer at the above address or any new address that the developer has given the **municipality** notice of pursuant to this section shall be valid and effective for all purposes, if sent to the above address and marked "attention president."
- J. If the developer shall breach this agreement in any way, the **municipality** may immediately declare the developer to be in default and may exercise any remedies that it has against the developer.
- K. All work on the improvements shall be subject to inspection by the **municipality** at such times as the **municipality** shall determine.
- L. The developer shall release, indemnify, protect, and save harmless the **municipality**, its officers, agents, and employees from all costs and expenses, including attorneys' fees, resulting from any and all loss of life or property or injury or damage to the person or property of any person, associations, or corporations, including the parties hereto and their officers, agents, and employees, and from and against any and all claims, demands, or actions for such loss, injury, or damage in any manner arising out of, resulting from, or connected with the conduct and progress of the work, construction, and installation of the improvements under this agreement. The developer also agrees to indemnify the **municipality**, its officers, agents, and employees against all claims, demands, costs, liability, and expenses, including attorneys' fees, which may be

asserted against the **municipality** or any **municipality** officer, agent or employee by reason of the **municipality's** execution and performance of this agreement.

- M. The developer agrees that if suit is brought by **municipality** against the developer to enforce this agreement, the **municipality** shall be entitled to collect from the developer, provided that the **municipality** shall prevail in its suit, all reasonable costs and expenses of the suit including, but not limited to, reasonable attorneys' fees.
- N. The remedies given to the **municipality** under this agreement are cumulative, and the **municipality** shall have, in addition thereto, all other remedies allowed at law, in equity, or under any statute or ordinance.
- O. All rights and obligations given herein to be imposed upon the parties shall extend to and bind their respective successors and assigns.

In witness whereof, the parties hereto, intending to be legally bound, have executed this agreement the day and year first above written.

Municipality

Attest: _____ by _____
Secretary

Attest: _____ (seal) by: _____
President

State of Pennsylvania:

County of Delaware:

On _____, 20____, before me, the undersigned officer, _____, president _____, personally appeared before me and acknowledged that he executed the attached agreement, on behalf of _____.

In witness whereof, I have hereunto set my hand and official seal.

Notary public

(seal)

My commission expires:

APPENDIX B: SKETCH PLAN CHECKLIST

SEE CHECKLIST NEXT PAGE FOR PRINTING

SKETCH SUBDIVISION AND/OR LAND DEVELOPMENT PLAN CHECKLIST

Subdivision and/or Land Development Name:	Checklist Completed By:		
Applicant Name:	Date Completed:		
Sketch Plan Requirements	Concurrence		
	Yes	No	N/A
1) Plan sheet sizes between 11 inches by 17 inches and 30 inches by 42 inches.			
2) Location map with the tract outlined.			
3) Plan scale not more than 1 inch equals 100 feet.			
4) Name of the subdivision and/or land development.			
5) Name and address of the landowner.			
6) Name and address of the applicant.			
7) Name and address of the person who prepared the plan.			
8) The degree to which the plan conforms to zoning requirements.			
9) The degree to which plan conforms to municipal comprehensive plan.			
10) Proposed intensity of use.			
11) North arrow and date.			
12) Written and graphic scale.			
13) Tract boundaries.			
14) Tract acreage, including gross and net lot area for each lot.			
15) Existing man-made features depicted.			
16) Significant natural features within the tract.			
17) Significant historic structures within the tract, including changes to them.			
18) Boundaries of all contiguous properties with owner names.			
19) Proposed lot layout with building setback lines and buildable areas.			
20) Proposed open space and/or recreational areas, including improvements.			
21) Proposed method of water supply.			
22) Proposed method of sanitary sewage disposal and anticipated flows.			
23) Proposed method of stormwater drainage.			
24) Proposed streets with consideration to the existing street network.			
25) 1% annual chance flood and floodway.			
26) Proposed number, type, and location of all structures.			
27) Proposed location of parking areas and parking lots.			
28) Map at an appropriate scale showing the successive plan phases.			
For Municipal Use Only	Reviewed by:		
Application #	Review Date:		

APPENDIX C: PRELIMINARY PLAN CHECKLIST

SEE CHECKLIST NEXT PAGE FOR PRINTING

PRELIMINARY SUBDIVISION AND/OR LAND DEVELOPMENT PLAN CHECKLIST

Preliminary Plan Requirements	Concurrence		
	Yes	No	N/A
In the case of a land development, the following shall apply:			
1) Plan scale of no less than 1 inch equals 50 feet or more than 1 inch equals 100 feet.			
2) Plan sheet size of 24 inches by 36 inches or 30 inches by 42 inches.			
3) Key map on each sheet and an overall index of sheets.			
4) Location map with the tract outlined.			
5) Dates of the original and revised plans.			
6) Name and address of the person who prepared the plan and related documents.			
7) Tract boundaries with dimensions, bearings, and distances, with sources.			
8) Dimensions, metes, and bounds of the balance of the tract.			
9) Contiguous property boundaries with owners, addresses, and tax parcel numbers.			
10) Zoning on and adjacent to the tract with compliance notes.			
11) Floodway, flood-fringe, and the 1% annual chance flood using benchmarks.			
12) Proposed intensity of use and use identified in the municipal comprehensive plan.			
13) Existing contours identifying steep slopes and very steep slopes with a legend.			
14) Datum to which contours refer with references to known benchmarks and elevations.			
15) Existing surface water resources and other natural drainage features.			
16) Tree masses, hedgerows, and freestanding 12-inch caliper trees to be removed or retained.			
17) Existing vegetation noted in terms of species, type, and sizes.			
18) Natural resources as identified in the PNDI and County Natural Areas Inventory.			
19) Soil types as identified in the Soil Survey of Chester and Delaware Counties and soil characteristics shown in a table.			
20) Existing man-made features.			
21) Existing on- and off-tract streets by type, state route, rights-of-way, and cartways.			
22) Existing property lines, easements, and rights-of-way.			
23) Proposed lot layout with numbers, building setback lines, and buildable areas.			
24) Proposed location of water supply on each lot.			
25) Proposed location of sanitary sewage disposal on each lot and anticipated flows.			
26) Black-line or blue-line paper prints.			
27) Name of the subdivision and/or land development.			
For Municipal Use Only	Reviewer:	Date:	
Application #	Sheet:		1 of 3

28) Name and address of the landowner.			
29) Name and address of the applicant.			
30) North arrow and date.			
31) Written and graphic scale.			
32) Tract acreage, including gross and net lot area for each lot.			
33) Significant historic structures within the tract, including changes to them.			
34) Proposed open space and/or recreational areas, including improvements.			
35) Proposed streets with consideration of the existing street network.			
36) Proposed number, type, and location of all structures.			
37) Proposed location of parking areas and parking lots.			
38) Map at an appropriate scale showing the successive plan phases.			
39) Copy of the deed for the subject tract along with any existing and/or proposed covenants and/or restrictions.			
40) Statement on the types of buildings, other structures, and/or dwelling units proposed, accompanied by elevation drawings.			
41) Preliminary traffic impact study.			
42) Preliminary phasing schedule.			
43) Planning module for land development as required by Act 537 of 1967.			
44) Statement indicating the method of water supply.			
45) On-lot water supply feasibility report.			
46) Evidence that public water will be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility.			
47) Statement indicating the method of sanitary sewage disposal.			
48) On-lot sanitary sewage disposal feasibility report.			
49) Assurance letter from the public sanitary sewage disposal authority indicating its ability and willingness to make service available.			
50) Preliminary stormwater management site plan.			
51) Preliminary improvements construction plan.			
52) Letter from a pipeline and/or transmission line company indicating the minimum setback requirements or a copy of an easement or grant of record.			
53) Conceptual plan that shows the prospective future street system and other improvements of the unused portion of the tract.			
54) Federal, state, and County permits, agreements, approvals, and clearances.			
55) Other draft plans, documents and submissions required by the municipality for final subdivision and/or land development plan approval.			
56) Notarized statement signed by the landowner, indicating that the applicant has the approval of the owner for submitting the preliminary plan.			
For Municipal Use Only	Reviewer:	Date:	
Application #		Sheet:	2 of 3

57) Certification as to the accuracy of the preliminary subdivision and/or land development plan and details of such plans in accordance with Act 367 of 1945.				
58) Note indicating that a PennDOT highway occupancy permit is required.				
59) Municipal Act 247 review fee.				
60) Delaware County Application for Act 247 Review Form.				
61) Delaware County Act 247 review fee.				
62) Location, alignment, and width of all proposed streets, driveways, rights-of-way, and easements and the identification of street names and their purpose.				
63) Location, alignment, and width of the proposed pedestrian circulation system.				
64) Building locations and parking areas with an indication of size, preliminary provisions for traffic control, loading areas and docks, signage, curbing, and other proposed structures.				
65) Preliminary landscaping plan.				
66) Preliminary lighting plan.				
67) Schematic diagram of the proposed method for stormwater management.				
68) Proposed method of on-lot water supply and a schematic layout of water lines.				
69) Proposed method of on-lot sanitary sewage disposal and a schematic layout of sewer lines.				
70) Location and description of all adjacent off-tract improvements.				
For Municipal Use Only	Reviewer:	Date:		
Application #		Sheet:	3 of 3	

APPENDIX D: FINAL PLAN CHECKLIST

SEE CHECKLIST NEXT PAGE FOR PRINTING

FINAL SUBDIVISION AND/OR LAND DEVELOPMENT PLAN CHECKLIST

Subdivision and/or Land Development Name:		Checklist Completed By:		
Applicant Name:		Date Completed:		
Final Plan Requirements		Concurrence		
		Yes	No	N/A
1) Plan scale of no less than 1 inch equals 50 feet or more than 1 inch equals 100 feet.				
2) Plan sheet size of 24 inches by 36 inches or 30 inches by 42 inches.				
3) Key map on each sheet and an overall index of sheets.				
4) Location map with the tract outlined.				
5) Dates of the original and revised plans.				
6) Name and address of the person who prepared the plan and related documents.				
7) Tract boundaries and individual lot boundaries with dimensions, bearings, and distances, closing with an error of not more than 1 foot in 10,000 feet.				
8) Dimensions noted in feet and one-hundredths of a foot and bearings to 15 seconds.				
9) Dimensions, metes, and bounds of the balance of the tract.				
10) Contiguous property boundaries with owners, addresses, and tax parcel numbers.				
11) Zoning on and adjacent to the tract with compliance notes.				
12) Floodway, flood- fringe, and the 1% annual chance flood using benchmarks.				
13) Intensity of use and use proposed in the municipal comprehensive plan.				
14) Existing contours identifying steep slopes and very steep slopes with a legend.				
15) Datum to which contours refer with references to known benchmarks and elevations.				
16) Existing surface water resources and other natural drainage features.				
17) Tree masses, hedgerows, and freestanding 12-inch caliper trees to be removed or retained.				
18) Existing vegetation noted in terms of species, type, and sizes.				
19) Natural resources as identified in the PNDI and County Natural Areas Inventory.				
20) Soil types as identified in the Soil Survey of Chester and Delaware Counties and soil characteristics shown in a table.				
21) Existing man-made features.				
22) Existing on and off-tract streets by type, state route, rights-of-way, and cartways.				
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23) Existing property lines, easements, and rights-of-way.			
24) Lot layout with numbers including street addresses, building setback lines, and buildable areas.			
25) Location of water supply on each lot.			
26) Location of percolation test pits and on-lot sanitary sewage disposal systems with anticipated flows.			
27) Black-line or blue-line paper prints.			
28) Signature blocks.			
29) Name of the subdivision and/or land development.			
30) Name and address of the landowner.			
31) Name and address of the applicant.			
32) North arrow and date.			
33) Written and graphic scale.			
34) Tract gross and net acreages and the net acreages of lots to the hundredths of a foot; and the number of lots, dwelling units, buildings, and other structures.			
35) Significant historic structures within the tract, including changes to them.			
36) Open space and/or recreational areas, including improvements.			
37) Streets with consideration of the existing street network.			
38) Number, type, and location of all structures.			
39) Location of parking areas and parking lots.			
40) Map at an appropriate scale showing the successive plan phases.			
41) Location of monuments and markers and a note indicating the materials and size used.			
42) Pedestrian circulation system and other improvements for general public use.			
43) Exact location of test pits where stormwater is to be disposed and a listing of absorption rates.			
44) Seal of the licensed engineer responsible for preparing the plans forming a part of the final subdivision and/or land development plan.			
45) Statement offering the dedication of the streets and other improvements.			
46) Statement indicating who is responsible for maintaining the tract improvements.			
47) Copy of the deed for the subject tract along with any existing covenants and/or restrictions.			
48) Final documents for any proposed covenants and/or restrictions upon the property and the final legal descriptions for all lots.			
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49) Statement on the types of buildings, other structures, and/or dwelling units, accompanied by elevation drawings.			
50) Final traffic impact study.			
51) Final phasing schedule.			
52) Planning module for land development as required by Act 537 of 1967.			
53) Statement indicating the method of water supply.			
54) Licensed engineer's report evidencing the ability to create a successful system for on-lot water supply.			
55) Evidence that public water will be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility.			
56) Statement indicating the method of sanitary sewage disposal.			
57) Licensed engineer's and/or sewage enforcement officer's report describing percolation test results and the ability to create a successful system for on-lot or community sewage disposal.			
58) Assurance letter from the public sanitary sewage disposal authority indicating its ability and willingness to make service available.			
59) Final drainage plan.			
60) Final improvements construction plan and a final profile(s) plan.			
61) Letter from the pipeline and/or transmission line company indicating the minimum setback requirements or a copy of an easement or grant of record.			
62) Conceptual plan that shows the prospective future street system and other improvements of the unused portion of the tract.			
63) Federal, state, County, etc. permits, agreements, approvals, and clearances.			
64) Other plans, documents, and submissions required by the municipality for final subdivision and/or land development plan approval.			
65) Notarized statement signed by the landowner indicating that the applicant has the approval of the owner for submitting the final subdivision and/or land development plan.			
66) Certification as to the accuracy of the final subdivision and/or land development plan and details of such plans shall be prepared in accordance with Act 367 of 1945.			
67) Note indicating that a PennDOT highway occupancy permit is required.			
68) Municipal Act 247 review fee.			
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69) Delaware County Application for Act 247 Review Form.				
70) Location, alignment, and width of all streets, driveways, rights-of-way, and easements and the identification of street names and their purpose.				
71) Location, alignment, and width of the pedestrian circulation system.				
72) Locations and heights of all structures and distances between buildings and between buildings and streets or property lines.				
73) Number of dwelling units, by type, number of bedrooms, and the location and square footage of floor space to be devoted to nonresidential use, together with use specifications.				
74) Location, square footage, and number of vehicular parking spaces in all parking areas, and specifications of type and size of other parking facilities.				
75) Location, alignment, and width of all loading areas and docks, signage, and curbing.				
76) Locations and widths of all private driveways and any controls at their intersections with streets carrying vehicular traffic.				
77) Final landscaping plan indicating precise types, quantities, and sizes of trees, shrubs, ground covers, and other landscaping elements.				
78) Final lighting plan indicating the precise location and height of light standards, their cut-off angle, and illumination value in accordance with all applicable municipal codes and ordinances.				
79) Locations and sizes of all public or common open space areas, recreational areas and facilities, and the ownership and maintenance, offers of dedication, or covenants governing their use.				
80) Schematic diagram of the stormwater management system.				
81) On-lot water supply system and a schematic layout of water lines.				
82) On-lot sanitary sewer disposal system and a schematic layout of sewer lines.				
83) Location and description of all adjacent off-tract improvements.				
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APPENDIX E: MINOR SUBDIVISION AND/OR LAND DEVELOPMENT CHECKLIST

SEE CHECKLIST NEXT PAGE FOR PRINTING

MINOR SUBDIVISION AND/OR LAND DEVELOPMENT PLAN CHECKLIST

Subdivision and/or Land Development Name:		Checklist Completed By:		
Applicant Name:		Date Completed:		
Minor Plan Requirements		Concurrence		
		Yes	No	N/A
1) Black-line or blue-line prints.				
2) Key map on each sheet and an overall index of sheets.				
3) Plan sheet size of 24 inches by 36 inches or 30 inches by 42 inches.				
4) Location map with the tract outlined.				
5) Plan scale of not more than 1 inch equals 50 feet.				
6) Metes and bounds in degrees, minutes, and seconds and in feet and decimal parts thereof.				
7) Tract boundary line of the subdivision shown as a heavy line.				
8) Tract and lot boundaries with dimensions, metes, and bounds closing with an error of not more than 1 foot in 10,000 feet.				
9) Name of the subdivision and/or land development.				
10) Name and address of the landowner.				
11) Name and address of the applicant.				
12) Name, complete address, and seal of the surveyor who prepared the plan.				
13) Applicable zoning district, including overlay districts, lot area and yard requirements, and the percentage of the lot(s) allowed to be covered by impervious surfaces and buildings.				
14) The use(s) proposed in the municipal comprehensive plan that pertains to the tract.				
15) North arrow and date of the plan or drawing, including revision dates.				
16) Gross and net acreage of lots.				
17) North arrow and date.				
18) Written and graphic scale.				
19) Contiguous property boundaries with owners, addresses, and tax parcel numbers.				
20) Existing streets on or adjacent to the tract with existing and future rights-of-way, names, and cartway widths.				
21) Buildings (and their uses), driveways, wells, sewer lines, water mains, fire hydrants, utility poles, septic tanks, storm drains, culverts, bridges, utility easements, and other significant man-made features.				
22) Significant natural features within the tract indicating which are to be removed and which are to remain.				
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MINOR SUBDIVISION AND/OR LAND DEVELOPMENT PLAN CHECKLIST

Subdivision and/or Land Development Name:	Checklist Completed By:		
Applicant Name:	Date Completed:		
Minor Plan Requirements	Concurrence		
	Yes	No	N/A
23) Existing contours including the date and source.			
24) Significant historic structures within the tract, including changes to them.			
25) Building setback lines.			
26) Driveway location(s).			
27) Floodway, flood-fringe, and the 1% annual chance flood.			
28) Grading plan indicating proposed contour and final grades.			
29) Drainage plan.			
30) Location of permanent reference monuments and markers.			
31) Locations of percolation test pits and the proposed on-lot sewage disposal system.			
32) Planning module for land development as required by Act 537 of 1967.			
33) Locations of proposed wells for on-site water supply.			
34) Graphic depiction and a list of all easements and the book and page numbers.			
35) Existing and proposed deed restrictions, including building setback lines, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.			
36) Note stating that there are no deed restrictions.			
37) Copies of the proposed legal description for each lot, based on net acreage.			
38) Note indicating that a PennDOT highway occupancy permit is required.			
39) Federal, state, County, etc. permits, agreements, approvals, and clearances.			
40) Certification as to the accuracy of the final subdivision and/or land development plan and details of such plans shall be prepared in accordance with Act 367 of 1945.			
41) Municipal Act 247 review fee.			
42) Delaware County Application for Act 247 Review Form.			
43) Delaware County Act 247 review fee.			
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