

## Chapter 430

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SUBDIVISION AND LAND DEVELOPMENT

ARTICLE IX  
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**[HISTORY: Adopted by the Borough Council of the Borough of Summit Hill 12-10-2001 by Ord. No. 9-2001. Amendments noted where applicable.]**

ARTICLE I  
**General Provisions**

**§ 430-1. Title.**

This chapter shall be known and cited as the "Summit Hill Borough Subdivision and Land Development Ordinance."

**§ 430-2. Authority.**

Summit Hill Borough is empowered to regulate subdivisions and land developments within its municipal limits as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended.<sup>1</sup> The Summit Hill Borough Council shall retain and exercise the authority for the approval or disapproval of all subdivisions and land developments as set forth in this chapter. The Summit Hill Borough Planning Commission shall act in an official advisory capacity to the Borough Council for the review and recommendation of the approval or disapproval of all subdivisions and land developments set forth in this chapter.

**§ 430-3. Objectives.**

Through the adoption, administration and enforcement of this chapter, Summit Hill Borough proposes to create conditions favorable to promote the health, safety, and general welfare of the Borough with regulations aimed at achieving the following objectives:

- A. To guide the future growth and development of the Borough in accordance with the Comprehensive Plan.
- B. To provide a standard set of minimum regulations to guide applicants in the design and development of subdivisions and land developments.
- C. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect and conserve the value of land throughout the Borough and the value of buildings and improvements upon the land, and to minimize the conflicts about the uses of land and buildings.
- E. To ensure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision or land development.
- F. To establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumentation of proposed subdivisions and land developments.
- G. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- H. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Borough, with particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

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1. Editor's Note: See 53 P.S. § 10101 et seq.

- I. To provide for open spaces through the most efficient design and layout of the land and preserving the density of land as established in Chapter 475, Zoning.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Borough in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.
- K. To protect and regulate land in critical areas which may be unsuitable for development.

**§ 430-4. Applicability.**

- A. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, water main, 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 subdivision and land development regulations adopted herein.
- B. No lot in a proposed subdivision or land development may be sold, and no zoning permit to erect any building upon land in a subdivision or land development may be used unless and until the following conditions are met:
  - (1) The plans and application have been granted final approval by the Borough Council.
  - (2) All required improvements as set forth in the grant of approval have been constructed or until the applicant posts a form of financial security, acceptable to the Borough Council, which guarantees that all required improvements shall be subsequently constructed within a defined period of time.
  - (3) The final plan, as approved, is filed with the Carbon County Recorder of Deeds.

**§ 430-5. Status of pending submission and land development applications.**

From the time an application for approval of a subdivision or land development, whether preliminary or final, is duly filed in accordance with the provisions of this chapter and while such application is pending approval or disapproval, an amendment to this chapter, Chapter 475, Zoning, or any other applicable ordinance shall not affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of all applicable ordinances as they stood at the time the application was duly filed. When an application is, however, properly and finally denied, any subsequent application shall be subject to any amendments to this chapter, Chapter 475, Zoning, and any other applicable ordinance and/or regulations.

**§ 430-6. Status of approved subdivision or land development applications.**

- A. When an application for approval of a subdivision or land development, whether preliminary or final, has been approved, no subsequent amendment to this chapter, Chapter 475, Zoning, or any other applicable ordinance shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the term of such approval within five years from such approval. If final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was

duly filed.

- B. Where the applicant has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Borough Council, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.

**§ 430-7. Phased development exceeding five years.**

- A. In the case of a preliminary plan for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval until final plan approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.
- B. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan unless a lesser percentage is approved by the Borough Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plans for the various sections, then the protections afforded by substantially completing the improvements depicted upon the final plan within five years, as contained in § 430-6, shall apply; and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid protections shall apply for an additional term or terms of three years from the date of final plan approval for each section.
- C. Failure of the landowner to adhere to the aforesaid schedule of final plans for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

**§ 430-8. Resubdivision of land.**

A revision or resubdivision of a plan of record and/or lot of record shall be considered as a new subdivision and shall come under the jurisdiction of this chapter.

**§ 430-9. Interpretation.**

- A. In the interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety and general welfare. When provisions, standards and specifications of this chapter differ from those of any ordinance, statute or regulation, the more restrictive or higher standards shall apply.
- B. The provisions of this chapter are not intended to abrogate any private easement, covenant or any other restriction of record, provided that where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other restriction, the applicable provisions of this chapter shall govern.

**§ 430-10. Modification of required standards.**

- A. The Borough Council may grant a modification of requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.
- B. Any request for a modification shall be submitted in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provisions or requirements of this chapter in question, and the minimum modification or modifications necessary.
- C. All proposals for modification of provisions or requirements of this chapter shall require approval by the Borough Council, subject by an initial review and recommendation by the Planning Commission.
- D. Upon rendering a final decision for any proposed modification the Borough Council shall provide a record of their action with the minutes of their meeting.

**§ 430-11. Fees.**

- A. Municipal fees. The Summit Hill Borough Council shall establish by resolution, a fee schedule for subdivision and land development applications.
- B. County fees. The applicant shall also be required to submit all required fees for review and comment by the Carbon County Planning Commission.
- C. Filing date and payment of fees. A completed application and plan for any proposed subdivision or land development shall not be considered as filed until all fees are paid and all applications are properly signed.

**§ 430-12. Violations and penalties.**

- A. Preventative remedies.
  - (1) In addition to other remedies, the Borough may institute and maintain appropriate actions by law or 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 to the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
  - (2) The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. The authority to deny such a permit or approval shall apply to any of the following applicants:
    - (a) The owner of record at the time of such violation.
    - (b) The vender or lessee of the owner of record at the time of such violation without regard as to whether such vendor or lessee had actual or constructive knowledge of the violation.
    - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether the current owner had actual or constructive knowledge of

the violation.

- (d) The vendor or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendor or lessee had actual or constructive knowledge of the violation.
  - (3) As an additional condition for the issuance of a permit or granting of an approval to any such owner, current owner, vendor or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
- B. Jurisdiction. Magisterial District Judges shall have jurisdiction in proceedings brought under Subsection C of this section.
- C. Enforcement.
- (1) Any person, partner or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor under civil enforcement proceedings commenced by the municipality, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the municipality as a result of such proceedings. No judgment shall be commenced or be opposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable codes of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation.
  - (2) Under such circumstances, 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 Magisterial District Judge, and thereafter, each day that a violation continues shall constitute a separate violation.
  - (3) 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.
  - (4) Nothing contained within this section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence action for enforcement pursuant to this section.

### **§ 430-13. Amendment procedure.**

The regulations set forth in this chapter may; from time to time be amended by the Summit Hill Borough Council. The following requirements shall be observed prior to enacting any amendments to this chapter:

- A. A public hearing on the proposed amendment shall be held by the Borough Council pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit such amendment to the Planning Commission not less than 30 days prior to the public hearing.
- C. The proposed amendment shall be submitted to the Carbon County Planning Commission not less 30 days prior to the public hearing.

- D. The proposed amendment shall not be enacted unless public notice is given, which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.
- E. Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the municipal solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy of the amendment shall be placed on file in Carbon County.
- F. Within 30 days following the adoption of an amendment to this chapter, the Borough Council shall forward a certified copy of the amendment to the Carbon County Planning Commission.

**§ 430-14. Appeals to court.**

Decisions rendered by the Borough Council may be appealed to a court of proper jurisdiction in accordance with the procedures, provisions and time limitations as contained in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.<sup>2</sup>

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2. Editor's Note: See 53 P.S. § 11001-A et seq.

ARTICLE II  
**Terminology**

**§ 430-15. Definitions and word usage.**

- A. Words used in the present tense include the future. Words in the masculine gender include the feminine and the neuter. The singular includes the plural and the plural the singular. The word "may" is permissive.
- B. When used in this chapter, the following words, text and phrases shall have the following meaning unless expressly stated otherwise or unless the context clearly indicates otherwise:

**100-YEAR FLOOD** — A flood that, on the average, is likely to occur once every 100 years and has a 1% chance of occurring each year.

**100-YEAR FLOODPLAIN** — The areas within the Borough that have a 1% chance of being flooded in any given year based upon the most recent data and maps as provided by the Federal Insurance Administration.

**ABUT** — Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way."

**ACRE** — 43,560 square feet.

**ADJACENT** — A state of being side by side, next to, adjoining, contiguous, or abutting one to another, and includes the words "directly across from streets, natural features and rights-of-way."

**ADMINISTRATOR** — The person designated by the Borough Council who is authorized to accept and receive subdivision and land development plan and applications for and on behalf of the Borough Council.

**ALLEY** — A public or private right-of-way affording secondary means of access to abutting property.

**APPLICANT** — A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

**BASE FLOOD ELEVATION** — The highest elevation, expressed in feet above mean sea level of the floodwaters of a 100-year floodplain, as projected and delineated upon the most recent official Flood Insurance Rate Map, published by the Federal Insurance Administration.

**BLOCK** — A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

**BOROUGH COUNCIL** — The Summit Hill Borough Council, Carbon County, Pennsylvania.

**BUILDING** — Any structure built for the support, shelter, or enclosure of persons, or property of any kind.

**BUILDING SETBACK LINE** — The minimum distance as required in Chapter 475, Zoning, between any building or structure, to the front rear, or side property.

**CARTWAY** — The paved portion of a street or alley designated intended or capable of being used for vehicular travel.

**CATCH BASIN** — An inlet designated to intercept and redirect surface stormwater.

**CLEAR SIGHT TRIANGLE** — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**COMPREHENSIVE PLAN** — The most recent Comprehensive Plan, and amendments thereto, as adopted by the Borough Council.

**CONDOMINIUM** — A building or group of buildings in which the units are owned individually, while the structure, common areas and facilities are owned by all owners on a proportional and individual basis.

**CONSTRUCTION PLANS** — The maps or drawings accompanying a subdivision or land development plan and showing the improvements to be installed in accordance with the requirements of this chapter and in accordance with any terms or conditions as set forth by the Borough Council.

**COUNTY** — Carbon County, Pennsylvania.

**COUNTY PLANNING COMMISSION** — The Carbon County Planning Commission.

**COVENANT** — A restriction on the use of land usually set forth in the deed. A covenant usually runs with the land, and the restrictions thereunder are binding upon subsequent owners.

**CRITICAL AREA** — An area with one or more of the following characteristics: slopes in excess of 20%; floodplain and/or wetlands; soils classified as having a high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements.

**CULVERT** — A drain, ditch or conduit not incorporated in a closed system that carries storm drainage water under a driveway, roadway, or railroad.

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

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, grading, paving, excavation, or drilling operations.

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

**DISTRICT or ZONING DISTRICT** — A portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

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

**DRAINAGE EASEMENT** — An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**DRIVEWAY** — A privately owned and constructed vehicular access from an approved or public road into a lot or parcel having a frontage on the road.

**DWELLING** — One or more rooms designed, occupied or intended for occupancy as separated living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

(1) **DWELLING, SINGLE-FAMILY** — A detached building arranged or used for occupancy by

one family.

- (2) DWELLING, TWO-FAMILY — A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.
- (3) DWELLING, MULTIPLE — A building containing three or more dwelling units entirely separated by vertical walls or horizontal floors unpierced except by access to the outside or to a common cellar.

EASEMENT — A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ENGINEER — A registered professional engineer licensed and registered as such by standards established by the Commonwealth of Pennsylvania.

FINAL APPROVAL — Last official action of the Borough Council granting approval of a subdivision or land development which has been granted preapproval after all conditions and requirements have been met, including, as applicable, the installation of all required improvements or the posting of an improvement bond to guarantee the installation of such.

FLOOD — A temporary condition of partial or complete inundation of normally dry land areas occurring from the overflow of inland waters and/or the unusual and rapid accumulation of runoff and surface water from any source.

FLOOD FRINGE — The portion of a 100-year floodplain outside of the floodway, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration.

FLOOD HAZARD BOUNDARY MAPS — The most recent map, as published by the Federal Insurance Administration, which delineates the boundaries of the floodway and flood fringe of a 100-year floodplain.

FLOOD INSURANCE RATE MAPS — The most recent map, as published by the Federal Insurance Administration, which delineates areas of special flood hazards, base flood elevations and applicable risk premium zones of a 100-year floodplain.

FLOODPLAIN (100-YEAR FLOODPLAIN) — Areas of land which are subject to inundation by waters of a 100-year flood. The source of delineating the boundaries of a 100-year floodplain shall be based upon the most maps of the Flood Insurance Administration.

FLOODPROOFING — A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

FLOODWAY — The portion of a 100-year floodplain as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration, which is designated to carry and discharge water and flow of a 100-year flood without increasing the water surface elevation by more than one foot at any given point.

GOVERNING BODY — The Summit Hill Borough Council.

GRADE — The slope of a road, street or other public or private way, specified in percentage terms.

GRADING — Any stripping, gutting, filing, stockpiling of earth or land, including the land in its cut or filled condition.

HIGHWAY OCCUPANCY PERMIT — A permit issued by the Pennsylvania Department of

Transportation which authorizes access from a parcel of land onto a street or highway which is under the jurisdiction of the Pennsylvania Department of Transportation.

HOMEOWNERS' ASSOCIATION — A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

IMPACT ANALYSIS — A study which may be required by the Borough Council prior to preliminary or conditional approval of a subdivision or land development to determine the potential impact of a proposed development on activities, utilities, traffic generation and circulation surrounding land uses, community facilities, environmental features, critical areas, the health, safety and welfare of residents and other factors directly, indirectly or potentially affected. The landowner and/or applicant shall be responsible for all costs related to the study and any and all reports and/or studies required by the Borough Council under or in the context of the term "impact analysis." The landowner and/or applicant shall also be responsible to fully reimburse the Borough for any engineering and/or other consulting fees which are incurred for the review of any studies or reports.

IMPROVEMENT BOND — Financial security which may be accepted by the Borough in lieu of a requirement that certain improvements be completed by a developer before a plan is approved, including a letter of irrevocable credit, a cash deposit, an escrow agreement or other collateral or surety agreements as approved by the Borough Council upon the advice of its Solicitor.

IMPROVEMENTS — Man-made physical additions, alterations and/or changes which become part of, placed upon, or are affixed to real estate.

LAND DEVELOPMENT —

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively.
  - (b) A single nonresidential building on a lot or lots with two or more occupants regardless of their tenure.
  - (c) A single nonresidential building designed or intended for a single occupant with a minimum gross floor area of not less than 4,000 square feet, excluding agricultural buildings and/or structures.
  - (d) Any nonresidential use of land, with or without structures, which encompasses five or more acres of land, including grading and/or the backfilling of land, earthmoving activities, and/or removal of vegetative cover. Agricultural uses of land and/or related agricultural activities shall be specifically excluded.
  - (e) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  - (f) The conversion of a single-family detached dwelling or single-family semidetached dwellings into more than three residential units. Any conversion described above which results in not more than three residential units shall be deemed as a land development if the units are intended to be a condominium.
  - (g) The development of a mobile home park or a campground or the expansion of an existing

mobile home park or a campground.

- (2) The development of any accessory building, including farm buildings, on a lot or lots which are subordinate to an existing principal building shall not be classified as a "land development."

LAND DEVELOPMENT, MAJOR — A land development which does not qualify or as a minor land development.

LAND DEVELOPMENT, MINOR — A development of a parcel of land which contains not more than three detached single-family residential structures, whether developed initially or cumulatively.

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

LAND SURVEYOR — A person who is licensed and registered by the Commonwealth of Pennsylvania, which qualifies said person to perform accurate field measurements, including the field measurements, including the description and definition of land boundaries.

LOT — A designated parcel tract or area of land established by plan, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT AREA — The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER — A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than 135°.

LOT COVERAGE — That portion of the lot that is covered by buildings and structures.

LOT DEPTH — The distance measured from the front lot line to the rear lot line.

LOT, FRONT — The lot line separating a lot from a street right-of-way.

LOT FRONTAGE — The length of the front lot line measured at the street right-of-way line.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT, MINIMUM AREA OF — The smallest lot area established by Chapter 475, Zoning, on which a use or structure may be located in a particular district.

LOT, REAR — The lot line opposite and most distant from the front lot line or, in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot.

LOT, SIDE — Any lot line other than a front or rear lot line.

LOT, THROUGH — A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH — The horizontal distance between the sidelines of a lot measured at right angles to its depth along a line parallel to the front lot line at the minimum required building setback.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, and contained in one unit or two units designated to be joined into one integral unit, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation when

connected to required utilities.

**MOBILE HOME LOT** — A parcel of land in a mobile home park, improved with the necessary utility connection and other appurtenances necessary for the erection thereon of a single mobile home, which is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** — A site with required improvements and utilities for the long-term placement of mobile homes, which may include services and facilities for the residents.

**MULTIPHASE DEVELOPMENT** — A development project that is to be constructed in stages, each stage being capable of existing independently of the others.

**MUNICIPALITY** — Summit Hill Borough, Carbon County, Pennsylvania.

**NATURAL DRAINAGE FLOW** — The pattern of surface water and stormwater drainage from a particular site before the construction or installation of improvements or prior to any regrading.

**NONCONFORMING LOT** — A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of Chapter 475, Zoning, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING STRUCTURE OR BUILDING** — A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to Chapter 475, Zoning, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE** — A use or act which was lawful prior to the adoption or amendment of Chapter 475, Zoning, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**OFFICIAL MAP** — The municipal map adopted by ordinance, conclusively showing the location of the lines of existing and proposed public streets, watercourses and public grounds, including the widening, narrowing, extension, diminution, opening or closing of the same, for the entire Borough.

**OFFICIAL SOIL MAP** — Soil survey maps of Carbon County as provided by the Carbon County Conservation District.

**OFFICIAL SOILS INTERPRETATION** — The written description of soil types and their characteristics and accompanying maps based upon soil maps of Carbon County as provided by the Carbon County Conservation District.

**OPEN SPACE, COMMON** — Land within or related to a development not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include complementary structures and improvements which are deemed appropriate to the development.

**ORDINANCE** — The Summit Hill Borough Subdivision and Land Development Ordinance, and any amendments thereto.

**PERSON** — An individual, partnership, organization, association, trust or corporation. When used in a provision, "person" shall include the members of such partnership, the trustees of such trust and the officers of such organization, association or corporation.

**PLANNING COMMISSION** — The Planning Commission of Summit Hill Borough.

**PLAN or PLAT** — The map or plan of a subdivision or land development:

(1) **PRELIMINARY PLAN** — The preliminary drawings and any accompanying data, which

accurately shows the proposed layout of lots, streets and other information as required by this chapter, with all such material being properly indicated in title as "Preliminary Plan."

- (2) FINAL PLAN — A complete and exact plan prepared for official recording with the Carbon County Recorder of deeds as required by this chapter with said plan being properly indicated in title as "Final Plan."

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Borough Council, intended to inform and obtain public comment prior to taking action on a particular subject.

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

RESUBDIVISION — A change in a map of an approved or unapproved subdivision plat if such change affects any street layout on such map or area reserved therein for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETAINING WALL — A structure constructed to hold back or support an earthen bank.

RIGHT-OF-WAY — A defined and designated area for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley, and including both cartway and shoulders.

SANITARY SEWER — Pipes that carry only domestic or commercial sewage and into which stormwater, surface water and groundwater are not intentionally admitted.

SEDIMENTATION — The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SEPTIC SYSTEM — An underground system with a septic tank used for the decomposition of domestic wastes, in which bacteria in the wastes decompose the organic matter and the sludge settles to the bottom. The effluent flows through drains into the ground. Sludge is pumped out at in regular intervals.

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.

SEWAGE DISPOSAL SYSTEM, CENTRAL — A means of collecting sanitary sewage from individual lots by a system of pipes which transports the sewage to a central treatment and disposal system, with all aspects of the system being constructed and operated in compliance with all governing federal, state and Borough regulations.

SEWAGE DISPOSAL SYSTEM, ON-LOT — A structure designed to biochemically treat sewage within the boundaries of an individual lot.

SITE — A plot or parcel of land or combination of contiguous lots or parcels of land.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN — A plan that indicates necessary land treatment measures, as approved by the Carbon County Conservation District, designated to effectively minimize soil erosion and sedimentation.

STORM SEWER — A pipe that collects and transports rainwater, surface water and other liquid waste, exclusive of sewage.

**STREET** — A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, drive, lane, boulevard, highway, road and alley.

- (1) **ARTERIAL** — Arterials are designed to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with restricted vehicular access to abutting properties.
- (2) **COLLECTOR STREET** — Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.
- (3) **LOCAL STREET** — Local streets provide direct access to abutting properties and provide routes to collector streets.
- (4) **CUL-DE-SAC** — A minor or local street with a single common ingress and egress and with a turnaround located at its end.
- (5) **DEAD-END STREET** — A street with a single common ingress and egress.
- (6) **LIMITED ACCESS** — A street designed to carry a high volume of traffic such as an expressway, freeway, highway or boulevard. Owners or occupants of abutting property normally have no expressed or legal right to access to or from the same.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION** — The division or redividing of a lot tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

- (1) **SUBDIVISION, MAJOR** — Any subdivision which does not qualify or classify as a minor subdivision.
- (2) **SUBDIVISION MINOR** — A subdivision of a parcel of land into not more than six lots which has access, direct or indirect, to an existing public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements, does not adversely affect the remainder of the parcel or adjoining property and does not conflict with the Comprehensive Plan. Any proposed subdivision of a lot of record which resulted from a minor subdivision shall be classified as a major subdivision when the cumulative number of lots, from the original lot of record and/or any resulting lot, exceeds six lots within five years from the date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all deeds for lots created under a minor subdivision.

**SUBSTANTIALLY COMPLETED** — The point at which, in the judgment of the municipal Engineer, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used occupied or operated for its intended use.

**WATERCOURSE** — A permanent or intermittent stream, river, brook, creek, or channel or ditch for

collection and conveyance of water, whether natural or man-made.

**WATER TABLE** — The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

**WETLANDS** — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetlands areas listed in the State Water Plan, The United States Forest Service Inventory of Pennsylvania, the Pennsylvania Coastal Management Plan and any wetland area designated by a river basin commission.

**YARD** — An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.

- (1) **FRONT YARD** — A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.
- (2) **REAR YARD** — A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.
- (3) **SIDE YARD** — A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

**ZONING OFFICER** — An administrative officer authorized to administer the literal terms and provisions of Chapter 475, Zoning.

**ZONING ORDINANCE** — The Zoning Ordinance of Summit Hill Borough of August 7th, 1995, as amended.<sup>3</sup>

**ZONING PERMIT** — A permit issued indicating that a proposed use, building or structure is in accordance with Chapter 475, Zoning, which authorizes an applicant to proceed with said use, building, or structure.

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3. **Editor's Note: See Ch. 475, Zoning.**

ARTICLE III  
**Procedural Requirements**

**§ 430-16. Review and approval process.**

- A. The submission and review process for subdivision and land development applications shall be in accordance with the following:
- (1) Major subdivision shall require the submission and approval of a preliminary plan and a final plan. The submission of a sketch plan prior to the formal submission of preliminary plan shall be optional.
  - (2) Minor subdivision shall require the submission and approval of only a final plan in accordance with the provisions as set forth in Article VI of this chapter.
  - (3) Major land development shall require the submission of and approval of a preliminary plan and a final plan. The submission of a sketch plan prior to the formal submission of a preliminary plan shall be optional.
  - (4) Minor land development shall require the submission and approval of only a final plan in accordance with the provisions as set forth in Article VI of this chapter.
- B. The owner of record and the applicant must attend the Borough Council meeting for the purpose of presenting the plans and to respond to questions.

**§ 430-17. Sketch plan review.**

- A. Prior to submitting a major subdivision application or a land development application, the applicant is advised but not required to submit a sketch plan to the Planning Commission and the Borough Council. The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. The Planning Commission and the Borough Council shall provide advice and comment on the necessary requirements to achieve conformity to the standards and provisions of this chapter and other related regulations.
- B. The applicant submit an application and 10 copies of a sketch plan to the Administrator not less than 14 days prior to the next scheduled meeting of the Borough Council, unless waived by the discretion of the Borough Council.
- C. The sketch plan shall be drawn to a scale of not greater than one inch equals 50 feet and shall address:
- (1) All land which the applicant proposes to subdivide and/or develop.
  - (2) All land within 200 feet of the site's boundaries and the names of the subject property owners based upon the records of the Carbon County Assessor's office.
  - (3) All existing and proposed streets; proposed lot sizes; natural features, including topographic contours; sewage disposal; drainage; water supply and related utilities.
- D. Upon reviewing a sketch plan, the Planning Commission and/or the Borough Council shall advise the applicant of any initial changes and/or additions, if any, which should be addressed relative to the proposed design, layout, character of the site.

**§ 430-18. Submission of plans and applications.**

The applicant shall provide the following information to the Administrator not less than 14 days prior to the next regularly scheduled meeting of the Planning Commission:

- A. Twenty prefolded copies of the plan (preliminary or final);
- B. Twenty prefolded copies of construction plans (if applicable);
- C. A completed subdivision or land development application with signatures and 19 copies of the same.
- D. A completed planning module, if applicable, as required by the Pennsylvania Department of Environmental Protection and five copies of the same.

**§ 430-19. Distribution of plans.**

- A. The Administrator shall provide each member of the Planning Commission and the Borough Council with a copy of the complete set of plans (preliminary or final), a copy of the subdivision application and a copy of the DEP planning module. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. The Administrator, or his/her designee, shall provide, as applicable, a copy of the complete set of plans (preliminary or final), a copy of the application and a copy of the DEP module to the following agencies and officials for review, comment and approval as applicable:
  - (1) The Carbon County Planning Commission (nine).
  - (2) The Borough Zoning Officer (one).
  - (3) The Borough Engineer and/or Planning Consultant (one).
  - (4) The Solicitor to the Borough Council (one).
  - (5) The Borough Planning Commission Solicitor (one).
  - (6) The municipal sanitary authority (if applicable).
  - (7) The Summit Hill Borough Council.
- C. The applicant shall be responsible to ensure that copies of the plan and supporting materials are provided to all applicable utility companies intended to service the site.
- D. The applicant shall pay any applicable fees related to the review and inspection by other agencies and parties provided under Subsection B of this section.

**§ 430-20. Carbon County review.**

The Summit Hill Borough Council shall not approve any subdivision or land development plan or application until a report containing the comments and recommendation of the Carbon County Planning Commission is received or until the expiration of 30 days from the date said plans and application were forwarded to the Carbon County Planning Commission. The applicant shall pay all review fees required by the Carbon County Planning Commission.

**§ 430-21. Public hearing.**

The Borough Council, at its discretion, may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

**§ 430-22. Installation or guarantee of required improvements.**

Prior to approving the final plan of a major subdivision or a major land development in which the approval was conditioned upon specific improvements, the Borough Council shall require the following of the applicant:

- A. The installation of all required improvements in accordance with the design standards and specifications of this chapter and all applicable terms and conditions in granting approval.
- B. Provision of a form of financial security, acceptable by the Borough Council, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this chapter and all applicable terms and conditions in granting approval.

**§ 430-23. Procedural methods in rendering decisions.**

- A. The Borough Council shall approve or reject a submitted plan (preliminary or final) within 90 days following the date of the Planning Commissions regular meeting at which said plan is first reviewed. Should the regular meeting date occur more than 30 days following the date of submission of said plan, the ninety-day period shall be measured from the 30th day following the date on which the plan was properly submitted to the Borough.
- B. The Borough Council shall communicate its decision to the applicant, in writing, either by delivery in person or by mail to applicant's last known address not later than 15 days following the decision.
- C. When an application and plan (preliminary or final) is not approved as submitted, the Borough Council decision shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- D. In granting approval to a plan (preliminary or final) which is subject to specific conditions, the Borough Council shall include in its notification that the applicant may notify the Borough Council of his refusal to accept all said conditions, in writing. In such cases, the Borough Council conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event the applicant fails to notify the Borough Council of his refusal to accept all said conditions within the thirty-day time period, all conditions shall stand granted and deemed accepted by the applicant.
- E. As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended,<sup>4</sup> failure of the Borough Council to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of communication of the decision.

**§ 430-24. Withdrawal and/or revisions to submitted plans.**

- A. Until a submission is approved or rejected by the Borough Council, the applicant may withdraw the submission and submit a revised plan following the submission and review procedures which apply

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4. Editor's Note: See 53 P.S. § 10101 et seq.

to the plan. If a revised plan is submitted within 120 days from the date of withdrawing said plan, no additional submission fee shall be charged by the Borough for the first or second revision. Failure to resubmit a revised plan within said period of time, or a third revision and any subsequent revision, shall be treated as a new revision for which a new submission fee shall be required. No additional fee shall be charged for plan revisions which are directed by the Borough Council. Should an applicant wish to withdraw a plan under review and consideration by the Borough Council, notice of withdrawal shall be in writing and shall include a statement that the ninety-day time limitation for the Borough Council to render a decision shall not include the period of time which the plan is withdrawn.

- B. All revised plans shall be accompanied by an itemized listing of revisions to the plans and the basis for such revisions. Such information shall be prepared and certified by a professional engineer.
- C. Any revised plan may be resubmitted to the Carbon County Planning Commission or to any other party noted within § 430-19B of this chapter if the Borough Council renders a determination that the scope of the revisions are substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the applicable required fees.

#### **§ 430-25. Recording of final plan.**

- A. The applicant shall record the final plan as approved by the Borough Council in the office of the Recorder of Deeds of Carbon County within 90 days of such final approval. Failure by the applicant to record the final plan within the 90 days will result in the Borough Council's approval becoming null and void. The final plan for recording shall comprise of all plans submitted for final approval. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. A final plan shall not be submitted for recording within the Recorder Of Deeds office unless it bears the signature of the Borough Council' Chairman and Secretary and bears the appropriate signature and/or seal that it has been reviewed by the Carbon County Planning Commission.
- C. Within 14 days from the date on which the final plan is recorded, the applicant shall furnish to the Administrator a copy of a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds office.

#### **§ 430-26. Phasing major subdivision plans.**

Prior to granting final approval of a major subdivision plan, the Borough Council may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. The Borough Council may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file, in writing, irrevocable offers to dedicated streets and public improvements in the sections offered to be filed. Such sections, subject to any conditions imposed by the Borough Council, shall be granted concurrently with final approval of the plan.

ARTICLE IV  
**Preliminary Plan**

**§ 430-27. Initial review.**

The Borough Council shall review the preliminary plan to determine its completeness with regard to the standards, provisions, and requirements of this chapter. Any submission which is found to be incomplete shall be deemed to be invalid. The Borough Council shall notify the applicant, in writing, as to the nature and type of additional information which the applicant must submit.

**§ 430-28. Review by Carbon County Planning Commission.**

The Borough Council shall not approve a preliminary plan until a report is received from the Carbon County Planning Commission or until the expiration of 30 days from the date it was forwarded to the Carbon County Planning Commission.

**§ 430-29. Review and approval/disapproval of plan.**

The Borough Council shall consider all official reports, comments and recommendations as provided in § 430-19B of this chapter. The Borough Council shall render a decision in conformance with § 430-23 of this chapter. The following constitute the type of action the Borough Council may take:

- A. The Borough Council may disapprove the preliminary plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this chapter relied upon.
- B. The Borough Council may conditionally approve the preliminary plan, in which case it shall specify all additional information and/or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of this chapter which were relied upon and/or the basis for additional information and/or changes. The additional information or changes shall be required prior to further consideration of the preliminary plan or the submission of the final plan. In granting preliminary approval, the Borough Council shall include in its notification that the applicant, within 30 days from the date of conditional approval, may notify the Borough Council of his refusal to accept all said conditions, in writing. In such cases the Borough Council's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Borough Council of his refusal to accept all said conditions within 30 days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.
- C. The Borough Council may approve the preliminary plan. Such approval shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the applicant to proceed with the installation of the required improvements and/or to arrange for a form of financial security to cover installation of improvements and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots, property or the recording of the preliminary plan. The Borough Council shall render a decision in conformance with § 430-23 of this chapter.

**§ 430-30. Preliminary plan drafting standards.**

- A. The preliminary plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than:
  - (1) One inch equals 50 feet for a property in excess of two acres.

- (2) One inch equals 20 feet for a property equal to or less than two acres.
- B. The original drawing, and all submitted prints thereof shall be made on a sheet size of 24 inches by 36 inches.
- C. All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- D. If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet and appropriately labeled with match lines.
- E. Preliminary plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

**§ 430-31. Preliminary plan, existing conditions.**

The preliminary plan shall contain the following information:

- A. The name and address of record owner, with source of title by deed, book and page number and certification of ownership which carries a notary seal.
- B. Name and address of applicant if different from owner.
- C. Name of proposed subdivision or land development labeled as the preliminary plan.
- D. Name and address of registered engineer or registered land surveyor responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan and its conformance to the provisions of this chapter.
- E. North point, graphic scale, and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- F. Total tract boundaries of the property being subdivided, showing bearings and distances, with not less than the nearest 10 seconds and distances to the nearest 0.01 of a foot. The total size of the property shall be listed in both acreage and square feet.
- G. The names of all adjoining landowners, including block and lot numbers, from the Carbon County Assessors Office.
- H. All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.
- I. All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements, or utility rights-of-way, culverts, storm drains, bridges, railroad rights-of-way and other significant man-made features within the proposed subdivision or land development.
- J. All existing buildings or structures within the boundaries of the proposed subdivision or land development.
- K. The zoning district or districts delineated upon the plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the required setback lines on both streets shall be shown.
- L. Existing contour lines at vertical intervals of not greater than five feet when existing slopes are 5% or greater. Existing contour lines at vertical intervals of not greater than 10 feet when existing slopes are

less than 5%.

- M. Existing watercourses, streams, ponds, wetlands, floodplain and/or flood-prone areas, wooded areas, tree masses and rock outcrops within the proposed subdivision or land development.
- N. With regard to wetlands, all plans must specifically address the subject of whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plan.
- O. A location map at a scale of not greater than one inch equals 2,000 feet, indicating the relation of the site to its geographic proximity within the municipality.

### **§ 430-32. Preliminary plans, proposed development.**

The preliminary plans shall contain and include the following information:

- A. Lot layout and related features which shall indicate and provide:
  - (1) The total number of lots proposed for the site, with identification numbers.
  - (2) The dimensions and area of all lots, expressed in either square feet or acres.
  - (3) The building setbacks for all lots along each street or, in the case of a land development, the proposed placement of each building along each street, and the proposed use of each building.
  - (4) Proposed open space, parks, playgrounds, or recreations facilities, with any governing conditions thereof.
  - (5) Copies of proposed deed restrictions, easements, and protective covenants on the plan.
  - (6) Proposed contour lines at vertical intervals of five feet of the entire site.
  - (7) Location, width and purpose of proposed easements and utility right-of-way.
  - (8) In the case of wetlands, total acreage of any such area proposed to be disturbed.
- B. Street and right-of-way layout which shall indicate and/or provide:
  - (1) The location of all proposed streets and existing streets (public and private) within the site and abutting or adjoining the site.
  - (2) The locations, rights-of-way, and cartways of all proposed streets, with a statement of any condition governing their use and the rights-of-way and cartways of any existing streets (public or private) to which the proposed street will intersect.
  - (3) Suggested street names, in accordance with § 430-72 of this chapter, the location of street signs in accordance with § 430-73 of this chapter and the location of traffic control signs in accordance with § 430-74 of this chapter.
  - (4) The beginning and end points of proposed street construction.

- (5) Location, width, and purpose of proposed easements and utility right-of-way.
- (6) The location of sidewalks.

C. Sanitary sewers.

- (1) A subdivision and/or land development, when being serviced by sanitary sewers, shall be connected to public sewers. The developer shall provide a letter of commitment from the municipal Sanitary Authority providing notice that said Authority can adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service. If applicable, written approval from any adjoining municipality regarding the conveyance of sewage into its system to access intended conveyance of sewage to facilities of the municipal Sanitary Authority shall also be required. The following information shall be provided upon the plan:
  - (a) The layout size and material of sanitary sewers upon the site;
  - (b) Location of manholes with invert elevation of flow line and grade at the top of each manhole;
  - (c) Location of laterals;
- (2) A subdivision and/or land development to be serviced by on-lot sewage disposal shall provide the following information:
  - (a) Location of soil percolation test sites;
  - (b) Location and extent of various soil types within the site with DEP definitions for each;
  - (c) Proposed or typical location of building and/or structure with proposed location of walls, if applicable;
  - (d) Copy of the applicable report and findings of the Borough's Sewage Enforcement Officer.

D. Water systems.

- (1) A subdivision and/or land development, when being serviced by a centralized water system, shall indicate and/or provide the following:
  - (a) If to be served by an existing water company or authority, a letter from the same indicate said company or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service;
  - (b) Location and size of all water lines;
  - (c) Location of fire hydrants.
- (2) A subdivision on and/or land and development when individual lots are serviced by individual wells shall indicate the location of the subject wells on the plans.

E. Storm drainage shall indicate and/or provide:

- (1) The location, size and material of all storm drainage facilities;
- (2) Watershed areas for each drainage facility or swale.

- F. A letter from the applicable public utility company which provides electric service and/or gas service to the Borough, indicating said company can and shall adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

**§ 430-33. Additional materials submitted with preliminary plan.**

The following materials and information shall be submitted with the preliminary plan:

- A. Proof of ownership, including a copy of the existing deed.
- B. Preliminary plan application and required fee.
- C. The required fee for Carbon County Planning Commission review.
- D. A copy of the application for a highway occupancy permit, if applicable, as required by Summit Hill Borough, the Pennsylvania Department of Transportation and/or the Carbon County Road and Bridge Department.
- E. Construction plans which include, where applicable, preliminary design, preliminary profiles, typical cross sections and specifications for the construction or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts.
- (1) Cross sections for proposed streets and sidewalks shall be provided at intervals of 50 feet and at intersections and the limits of work.
  - (2) Engineering design of proposed bridges or culverts shall be prepared in conformance with the latest Pennsylvania Department of Transportation design manuals.
  - (3) Engineering design of a proposed central sewage system and/or central water supply and distribution system shall be accompanied by all permit applications for all respective utilities.
- F. Any offers of dedication of proposed improvements, signed by the owner of the property and property notarized.
- G. A sewage planning module and all accompanying data as required by the Pennsylvania Department of Environmental Protection.
- H. A copy of the soil erosion and sedimentation control plan, application and related information as required by the Carbon County Conservation District.
- I. Stormwater management plans, including drawings of present and proposed contours, stormwater runoff data and facilities for stormwater drainage.
- J. In the case of delineation of wetlands, the wetland boundaries, as provided by the developer, must be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, based upon a jurisdictional determination of said agencies.
- K. Estimated costs by item for required improvements in accordance with § 430-50 of this chapter.
- L. Any other information deemed necessary by the Planning Commission, including but not limited to any impact analysis, as defined in Article II of this chapter.
- M. An executed written agreement under which the applicant agrees to fully reimburse the Borough for any and all consulting fees incurred resulting from the review of plans, applications and supporting information, data and/or reports or studies. In providing for such an agreement, the Borough Council,

at its discretion, may require the applicant to establish an escrow account in a manner arranged for the Borough's withdrawal of funds for the payment of consulting fees incurred by the Borough.

## ARTICLE V

**Final Plan****§ 430-34. Submission and review procedure.**

- A. The Borough Council shall review the final plan to determine its completeness, including, but not limited to, conformance with the standards and data as set forth in Article IV and any changes or modifications required by the Borough Council as a condition of granting approval of the preliminary plan.
- B. The applicant shall submit the final plan within one year of the date of the approval of the preliminary plan by the Borough Council, unless an extension, in writing, has been approved by the Borough Council. Failure to comply with the one-year time requirement shall render the preliminary plan and any accompanying approval as null and void, thus requiring a new submission of the preliminary plan.

**§ 430-35. Review and approval/disapproval of plan.**

The Borough Council shall consider the reports, comments and recommendations as provided in § 430-19B of this chapter. The Borough Council shall render a decision in conformance with § 430-23 of this chapter. The following constitutes the type of action the Borough Council may take:

- A. The Borough Council may disapprove the final plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall in each case, cite the provisions of this chapter relied upon.
- B. The Borough Council may conditionally approve the final plan, in which case it shall specify all additional information and/or changes needed, describing the requirements and/or conditions of approval the preliminary plan that have not been met, citing, in each case, the provisions of this chapter which were relied upon and/or the basis for additional information and/or changes. The additional information or changes shall be required prior to further consideration of the final plan. In granting conditional approval of the final plan, the Borough Council shall include in its notification that the applicant, within 30 days of the date of conditional approval, may notify the Borough Council of his refusal to accept all said conditions, in writing. In such cases, the Borough Council conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Borough Council of his refusal to accept all said conditions within 30 days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.
- C. The Borough Council may approve the final plan as submitted. Such by the Borough Council shall allow the applicant to file said final plan with the Carbon County Recorder of Deeds office.

**§ 430-36. Final plan drafting standards.**

- A. The final plan of a proposed subdivision or land development shall be at a scale not greater than:
  - (1) One inch equals 50 feet for a property in excess of two acres.
  - (2) One inch equals 20 feet for a property equal to or less than two acres.
- B. The original drawing and all submitted prints thereof shall be made on a sheet size of 24 inches by 36 inches.

**§ 430-37. Final plan requirements.**

The final plan shall include all additional information and any changes required by the Borough Council in granting approval of the preliminary plan. It shall not be necessary to resubmit all supporting data required under the preliminary plan, provided there have been no changes. In the event of any changes, the procedures and requirements outlined in § 430-23 of this chapter shall apply. The following additional information shall be included on the final plan:

- A. Drawings and/or plans shall be titled "Final Plan."
- B. An accurate field boundary survey of the entire site, which shall be balanced and close with an error of closure not to exceed one foot in 5,000 feet.
- C. The location and material of all permanent monuments and lot markers.
- D. Written certification by the responsible land surveyor which attests to the accuracy of the survey and compliance with the applicable provisions of this chapter.
- E. A three-inch by five-inch blocked space shall be provided on the final plan for the signatures of the Chairman and Secretary of the Borough Council, indicating the Borough Council's approval of the final plan and date of the same. A separate three-inch by five-inch blocked space shall also be provided on the final plan for the appropriate signature and/or seal which indicates compliance with required review procedure by the Carbon County Planning Commission.
- F. The latest source of title to the property as shown by deed, page number and book of the Carbon County Recorder of Deeds office.
- G. The exact dimensions of all streets, including rights-of-way and cartways, lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use.
- H. All lot lines shall be completely dimensioned in feet if straight and, if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes and seconds). All internal angles within the lots shall be designated to the closest second.
- I. The zoning district or districts delineated upon the plan, along with the required building setback line and/or the proposed placement of each building, shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
- J. If applicable, the number of the approved highway occupancy permits (Borough, state or county) and date of issuance or the notation that deed restrictions prohibit development or improvements to the site or parcels to be created thereunder until the appropriate highway occupancy permit is secured.
- K. A space shall be provided on the lower edge of the final plan for acknowledgment of receipt and recording of the plan by the Carbon County Recorder of Deeds office.

**§ 430-38. Additional material to be submitted with final plan.**

The following material and information shall be submitted with the final plan:

- A. Certification of ownership, certification of the plan's compliance with all applicable terms and conditions required by this chapter and/or the Borough Council and any offer of dedication, if applicable, signed by the owner of the property and notarized.
- B. Final application and required fee.

- C. If applicable, a copy of the highway occupancy permit as required by Summit Hill Borough, the Pennsylvania Department of Transportation and/or the Carbon County Road and Bridge Department, or the deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate highway occupancy permit is secured.
- D. Copies of final deed restrictions, those existing and those to be included upon recording, if any.
- E. All final covenants running with the land, governing the reservation and maintenance of dedicated or undedicated land or open space.
- F. Written certification from the Pennsylvania Department of Environmental Protection, approving the required planning module and any supporting data.
- G. Written certification from the Carbon County Conservation District, approving the soil erosion and sedimentation control plan.
- H. Final construction plans and subsequent as-built drawings of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts and final profiles, cross sections and specifications for proposed streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems, with written certification from the applicant's engineer which notes that the above plans and/or drawings are in compliance with the applicable governing design standards and/or have been installed in compliance with said plans or drawings. The submission of the above-referenced as-built drawings shall precede the release of any remaining funds placed as a financial security by the developer.
- I. If any streets are not offered for dedication to public use, the applicant shall submit and record with the plan a copy of the agreement made and executed on behalf of the applicant, including his heirs or assigns, subject to review by the Borough's Solicitor and approval by the Borough Council, establishing the conditions under which the streets may be later offered for dedication. Said conditions shall include, although not be limited to, that the subject streets shall conform to the Borough's design specifications at such time the offer of dedication is made or that the owners of the lots within the subject subdivision shall include with their offer of dedication sufficient funds, as estimated by the Borough Engineer, to provide the needed improvements required for conformance to the Borough's design specifications at the time of such dedication.
- J. An agreement for any streets not offered for dedication, stating who shall be responsible for the improvements and maintenance of such streets. If a homeowners' association is deemed to be responsible, such association must be legally organized prior to approval of the final plan.
- K. A financial security, in accordance with § 430-48, subject to the approval by the Borough Council, for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to final plan approval.
- L. A financial security for the maintenance of improvements, in accordance with § 430-56 of this chapter.
- M. If applicable, written certification from the municipal Sanitary Authority, granting final approval for the acceptance of the conveyance of sewage for treatment and disposal from the proposed subdivision and/or land development.
- N. Written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development.

- O. All required permits and/or approvals from either the U.S. Army Corps of Engineers of the Pennsylvania Department of Environmental Protection for site-development activities which affect delineated wetlands.
- P. The cost of all consulting fees and costs incurred by the Borough for the review of the application, plan and supporting information, data and/or reports or studies, including, but not limited to, any required impact analysis and site inspections to ensure compliance with the terms of approval and required improvements.

**§ 430-39. Recording of plan.**

The applicant shall record the final plan in accordance with the requirements as set forth in § 430-25 of this chapter.

## ARTICLE VI

**Minor Subdivision/Land Development****§ 430-40. Only final plan required.**

The classification of a proposed subdivision as a "minor subdivision" shall only require the submission, review and approval of only a final plan. A land development classified as a "minor land development" shall only require the submission, review and approval of only a final plan. The classification shall be based upon the definitions of terms "minor subdivision" and "minor land development" as provided for under Article II of this chapter.

**§ 430-41. Submission procedure.**

The submission procedure for a minor subdivision or minor land development shall be in accordance with § 430-18 of this chapter.

**§ 430-42. Distribution of plan.**

The distribution of a minor subdivision plan or minor land development plan shall be in accordance with § 430-19 of this chapter.

**§ 430-43. Drafting standards for minor plans.**

- A. The final plan for a proposed minor subdivision or minor land development shall be clearly and legibly drawn to a scale not greater than:
  - (1) One inch equals 50 feet for a property in excess of two acres.
  - (2) One inch equals 20 feet for a property equal to or less than two acres.
- B. The original drawing, and all submitted prints thereof, shall be made on a sheet size of 24 inches by 36 inches.

**§ 430-44. Requirements for minor plans.**

The final plan shall be noted as "Minor Subdivision final plan" or "Minor Land Development – Final Plan" and contain the following information:

- A. Name and address of record owner, including certification of ownership which carries a notarial seal.
- B. The name and address of the applicant, if different from owner.
- C. Name of proposed subdivision or land development.
- D. Name and address of registered engineer and/or registered land surveyor responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan for an error of closure not to exceed one foot in 5,000 feet and its conformance to the applicable provisions of this chapter.
- E. North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- F. Total tract boundaries of the property being subdivided and/or developed, showing bearings and

distances, and total size of the property expressed in acreage and square feet.

- G. The total number of proposed lots within a subdivision, with identification numbers for each or, for a land development, the location of buildings upon the lot, with identification numbers for each.
- H. The dimensions and area of all lots, expressed in both square feet and acres.
- I. The zoning district or districts delineated upon the plan, along with the required building setback line and/or the proposed placement of each building, shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
- J. The required yard setbacks, as provided in Chapter 475, Zoning, for all lots along each street or, in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.
- K. The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.
- L. The distance of all existing structures to lot lines, front, rear and side, which will result upon approval of the plan.
- M. The names of all adjoining property owners, including block and lot numbers from the Carbon County Assessor's office.
- N. All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names and right-of-way widths.
- O. All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements or rights-of-way, culverts, storm drains, bridges, railroad rights-of-way, and other significant man-made features located within the boundaries of the proposed subdivision or land development.
- P. Existing watercourses, streams, ponds, wetlands, floodplain and/or flood-prone areas, wooded areas, free masses and rock outcrops within the proposed subdivision or land development.
- Q. With regard to wetlands, all plans must specifically address the subject of as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans. The total acreage of any wetlands area proposed to be disturbed shall also be indicated upon the plans.
- R. Existing contour lines at vertical intervals of not greater than five feet, when existing slopes are 5% or greater. Existing contour lines at vertical intervals of not greater than 10 feet, when existing slopes are less than 5%.
- S. If the lots or development are to be serviced by individual on-lot sewage disposal:
  - (1) The location of soil percolation test sites.
  - (2) Location and extent of various soil types within the site with DEP definitions for each.
  - (3) Proposed or typical location of building and/or structure with proposed location of wells, if

applicable.

(4) Copy of the applicable report and findings of the Borough's Sewage Enforcement Officer.

T. All easements, existing and/or proposed, including their location, dimensions and purpose.

**§ 430-45. Information to be submitted with plan.**

The following information, as applicable shall be submitted with the final plan of a minor subdivision or minor land development:

- A. Proof of ownership, including a copy of the existing deed.
- B. Application for minor subdivision plan or minor land development plan, and the required fee.
- C. Required fee for Carbon County Planning Commission review.
- D. If applicable, an approved highway occupancy permit, as required by Summit Hill Borough, the Pennsylvania Department of Transportation and/or the Carbon County Bridge Department or a deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate highway occupancy permit is secured.
- E. If applicable, a letter of commitment from the municipal Sanitary Authority that said Authority can and shall adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service.
- F. Written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development, including any conditions required for the provision of service.
- G. If applicable, the Sewage Enforcement Officer's report and findings regarding percolation testing of the site for suitability of the site for any proposed on-lot sewage system as required by DEP.
- H. Copies of deed restrictions, those existing, and those to be included upon recording of plan.
- I. Copies of description of easements, existing easements of record and any proposed easements to be included upon recording of plan.
- J. In the case of delineation of wetlands, the wetland boundaries, as provided by the developer, must be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection based upon a jurisdictional determination of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection for site development activities which affect delineated wetlands.
- K. If applicable, an appropriate soil erosion and sedimentation control plan, approved by the Carbon County Conservation District.
- L. An appropriate planning module for land development, approved by the DEP.
- M. Any other information as required by the Planning Commission.
- N. The cost of all consulting fees incurred by the Borough for the review of the application, plans and supporting information, data and/or reports or studies, including, but not limited to, any required impact analysis and the site inspections of the property, to ensure compliance with the terms of approval and required improvements.

**§ 430-46. Recording of plan.**

The applicant shall record the final plan in accordance with the requirements as set forth in § 430-25 of this chapter. A space shall be provided on the lower edge of the final plan for acknowledgment of receipt and recording of the plan by the Carbon County Recorder of Deeds office.

ARTICLE VII  
**Assurances for Completion of Improvements**

**§ 430-47. Installation or guarantee of improvements.**

No plan shall be granted final approval until the applicant either:

- A. Installs all required improvements in accordance with the terms of approval and the applicable design standards of said improvements.
- B. Posts a form of financial security, acceptable to the Borough Council, which shall be of sufficient amount to fully cover the costs of all required improvements in accordance with the terms of approval and the applicable design standards of said improvements. The Borough Council shall retain sole discretion in all matters and decisions related to the acceptance and/or approval of the posting of any financial security.

**§ 430-48. Types of financial guarantee.**

- A. A financial guarantee which shall be deemed as acceptable financial security for the purposes of this chapter shall include:
  - (1) An unconditional and irrevocable letter of credit with authorization for drawing upon by the Borough in the event of default or failure by the developer or applicant to complete the installation of required improvements.
  - (2) A restrictive escrow account.
  - (3) Other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld.
- B. Such financial security shall be with a lending institution which is chartered by the federal government or the Commonwealth of Pennsylvania or with a bonding company which is legally authorized to conduct such business within the Commonwealth of Pennsylvania.

**§ 430-49. Review by solicitor.**

When an applicant proposes to provide a financial security, said financial security shall be submitted to the Borough Council and its Solicitor for review not less than 14 days prior to the public meeting of the Borough Council at which the acceptance and/or approval of proposed financial security will be considered by the Borough Council.

**§ 430-50. Amount of financial security.**

The amount of financial security to be posted for the completion or required improvements shall be equal to 110% of the cost of completion, estimated as of 90 days following the scheduled completion date. The amount of the required financial security shall be based upon a written estimated cost of completion of required improvements submitted by the developer or applicant and prepared by a professional engineer licensed as such by the Commonwealth. Said engineer shall certify, in writing, that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Borough Council, upon the recommendation of the Borough Engineer, may, for good cause shown, refuse to accept the developer's estimated cost. In cases where the Borough and the developer or applicant are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer

mutually accepted by the Borough and the developer or applicant. The estimate certified by the third-party engineer, being presumed fair and reasonable, shall be deemed the final estimate. In the event that the third-party engineer is chosen, the cost of his services shall be paid equally by the Borough and the developer or applicant.

**§ 430-51. Required time period for completion.**

- A. The financial security shall provide for, and secure to the public, the completion of the required improvements within one year of the date fixed on the final plan for the completion of such improvements.
- B. If the applicant in posting the financial security requires more than one year from the date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an addition 10% for each one-year period beyond the anniversary date from posting of the financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or before the expiration of the preceding one-year period.

**§ 430-52. Phasing of development.**

In the case where development is projected over a period of years, the Borough Council may authorize the submission of final plans by sections or phases of development, subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.

**§ 430-53. Start-of-work notice.**

The applicant and/or developer shall provide the Borough and the Borough Engineer with not less than a seventy-two-hour notice prior to the commencement of work at the site.

**§ 430-54. Periodic inspections during construction.**

The Borough Engineer shall make periodic inspections to the site during the construction of improvements to ensure the work is in conformance with the approved plans. The Borough Engineer shall promptly provide the Borough Council with a written report after any such inspection.

**§ 430-55. Release of portions of financial security.**

- A. As the work of installing the required improvements proceeds, the party posting financial security may request the Borough Council 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.
- B. Any such request shall be in writing addressed to the Borough Council. The Borough Council shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plan.
- C. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer as fair in representing the value of the completed improvements. Failure of the Borough Council to act within the said forty-five-day period shall be deemed an approval of the release of the funds requested.

- D. The Borough Council may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

**§ 430-56. Financial security for maintenance of improvements.**

- A. Where Summit Hill Borough accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of said improvements, as well as the functioning of said improvements, in accordance with the design and specifications as shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication.
- B. Said financial security shall be of the same type as otherwise required in § 430-48 of this chapter with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

**§ 430-57. Financial security for improvements under jurisdiction of public utility or municipal authority.**

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 Borough, 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. A copy of any such executed financial security shall be provided to the Borough Council not less than 14 days prior to its next regularly scheduled meeting at which the final plan shall be considered.

**§ 430-58. Issuance of permits when financial security is posted.**

- A. If financial security has been provided in lieu of the completion of improvements required as a condition for final approval as set forth in this article, the Borough shall not condition the issuance of zoning, building, grading or other permits relating to the erection or placement improvements, including buildings, upon the lots or land as shown on the final plan upon actual completion of the improvements shown on the approved final plan.
- B. If a financial security has been provided, certificates of zoning compliance or occupancy permits for any building or buildings to be erected shall not be withheld following:
- (1) The improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition; and
  - (2) The completion of all other improvements as shown on the approved final plan, either upon the lot or lots beyond the lot or lots in question, if such improvements are deemed necessary for the reasonable use of or occupancy of the building or buildings.

**§ 430-59. Completion of required improvements.**

- A. When the applicant has completed all of the necessary and required improvements, the applicant shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer.
- B. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all the aforesaid improvements. The Borough Engineer shall thereupon

file a report, in writing, with the Borough Council and shall promptly mail a copy of the same to the developer. The report by the Borough Engineer shall be made and mailed within 30 days from the aforesaid authorization from the Borough Council.

- C. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. If said improvements, or any portion thereof be rejected, said report shall contain a statement of the reasons for such rejection.
- D. The Borough Council shall notify the developer, in writing, within 15 days of receipt of the Borough Engineer's report, by certified or registered mail, of the action of the Borough Council with relation thereto.
- E. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreements.

**§ 430-60. Responsibility of applicant upon disapproval of improvements.**

If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in § 430-59, shall be followed.

**§ 430-61. Applicant's right to contest action.**

Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise any determination of the Borough Council or Borough Engineer.

**§ 430-62. Remedies to effect completion of improvements.**

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

**§ 430-63. Engineering and consulting fees.**

In addition to the fees noted in § 430-11 of this chapter, the developer shall be responsible for payment of all engineering fees which the Borough may incur as related to §§ 430-50, 430-51, 430-54, 430-55, 430-56 and 430-59 of this chapter. The developer shall be required to fully reimburse the Borough for said engineering fees. The developer shall also be required to fully reimburse the Borough for any engineering and/or other consulting fees which the Borough may incur for the review of any required studies and/or reports within the context of an impact analysis as so defined in Article II of this chapter. Upon notification by the Borough of such costs, the developer shall provide a certified check or money order to the Borough

to fully reimburse the Borough for said engineering fees within 30 days from the billing date from Summit Hill Borough. An approved plan shall not be signed by the Borough Council nor shall any permits related to the development of the site be issued until all fees are paid in full.

**§ 430-64. Procedure for disputes over consulting fees.**

- A. An applicant may contest the amount to be reimbursed to the Borough for consulting fees. The applicant shall notify the Borough, in writing, within 10 working days of the billing date as to which consulting fees are disputed as being unreasonable and/or unnecessary. The applicant shall forfeit any right to contest the amount to be reimbursed to the Borough for consulting fees, if written notification is not submitted within the prescribed 10 working days of the date of the billing.
- B. In such cases, the Borough Council shall not delay or disapprove a subdivision or land development application or any permit related to development due to the applicant's written request to contest certain consulting expenses.
- C. If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and the Borough Council shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- D. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- E. In the event that the Borough Council and applicant cannot agree upon a professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Carbon County Court of Common Pleas (or if at the time there be no President Judge, the senior active judge then sitting) shall appoint such engineer, who shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years.
- F. The fee of the appointed professional engineer for determining the reasonable and necessary consulting expenses shall be paid by the applicant if the amount of the payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer. If neither of the aforementioned cases apply, the Borough and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

ARTICLE VIII

**Design Standards and Required Improvements**

**§ 430-65. Applicability.**

- A. The design standards and requirements as outlined in this article shall be utilized by the Borough Council in evaluating the plans for all proposed subdivisions and land developments.
- B. Any request to modify the design standards and requirements of this article shall be in accordance with § 430-10 of this chapter.

**§ 430-66. General standards.**

- A. All applicable Borough, county, state and federal statutory provisions, and/or regulations;
- B. All governing rules and regulations of the Pennsylvania Department of Environmental Protection;
- C. The applicable regulations and design standards of Pennsylvania Department of Transportation;
- D. Whenever another Borough, county, state or federal statute and/or regulation imposes a higher or more restrictive standard than those contained in this chapter, the higher or more restrictive standard shall apply;
- E. All applicable regulations and design standards for compliance with the American with Disabilities Act,<sup>5</sup> and any subsequent amendments thereto.

**§ 430-67. Site suitability for development.**

- A. The land for any proposed subdivision or land development shall be suited for the purpose of intended use.
- B. Land which the Borough Council deems unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse earth formations or topography, steep slopes, utility easements, or other features which may reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Borough Council upon the recommendation of the Borough Engineer.
- C. The approval of a plan for any proposed subdivision or land development shall not constitute a representation, guarantee or warranty of any kind by the Borough, any official, any employee, or agent thereof of the practicability or safety of the use of such land or development, and shall create no liability upon the Borough, its officials, employees or agents.

**§ 430-68. Monuments and markers.**

The applicant shall place permanent reference monuments and markers by a registered land surveyor.

- A. Monuments shall be placed so that the center of a scored or marked point shall coincide exactly with the intersection of the lines to be marked.
- B. Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four

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5. Editor's Note: See 42 U.S.C. § 12101 et seq.

inches and a minimum length of 30 inches. Concrete monuments shall be marked with a three-fourths-inch copper or brass dowel. Stone or precast monuments shall be marked on the top with a proper inscription and a drill hole. Monuments shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

- C. Markers shall consist of either iron or steel bars at least 36 inches long and not less than 5/8 inch in diameter. Markers normally shall be flush with the surrounding grade.
- D. Monuments shall be set as follows:
  - (1) One at each single angle of the perimeter of the property at all major subdivisions and land developments;
  - (2) One at the beginning and end of all curves along street right-of-way lines along one side of the street;
  - (3) A minimum of one at each street intersection along the street right-of-way line.
- E. Markers normally shall be flush with the surrounding grade.
- F. Markers shall be set as follows:
  - (1) At all points where lot lines intersect street right-of-way lines, except for monument locations;
  - (2) At all other lot corners;
  - (3) At all points where lot lines intersect curves;
  - (4) At all angles in property lines of lots.

**§ 430-69. Residential blocks.**

- A. For blocks the following standards shall apply:
  - (1) Maximum length not to exceed 1,200 feet;
  - (2) Be of sufficient width to permit two tiers of lots.
- B. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

**§ 430-70. Residential lots.**

- A. All subdivisions and land development for residential use shall be in conformance with the applicable minimum lot sizes, lot widths and yard requirements as set forth in Chapter 475, Zoning, of the Code of the Borough of Summit Hill.
- B. Each lot or area platted for residential use shall be accessible from an existing or proposed street.
- C. The lot depth shall not be greater than three times its width.
- D. Side lines of lots shall be at right angles to straight streets and on radius lines on curved streets. Some variation may be permitted at the discretion of the Borough Council, but pointed or very irregular shaped lots shall be avoided.

- E. In the case of lots utilizing an on-site sewage disposal system, there shall be sufficient area for the disposal field in accordance to DEP regulations.
- F. Double frontage lots shall be avoided but may be permitted when required to provide a separation of a residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the site.
- G. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.

**§ 430-71. Streets: general requirements.**

- A. Any proposed subdivision or land development shall have frontage upon or access to an existing state, county or Borough road.
- B. Streets shall be designed to provide adequate vehicular access to all lots or parcels within any proposed subdivision or land development.
- C. Streets shall be designed and appropriately related to the topographic conditions of the site, with the grade of streets conforming as closely as possible to the original topography.
- D. Streets shall be graded and improved in accordance with the appropriate design standards and specifications of this chapter.
- E. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way as established in the Comprehensive Plan.
- F. All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- G. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Borough Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development on adjacent tracts.
- H. Any residential subdivision and/or land development containing 10 or more lots which do not front upon an existing off-site public road shall provide, within the overall traffic design of the site, not less than two separate points within the site where an interior road as part of the proposed subdivision and/or land development shall intersect with and provide access to an existing off-site public road.

**§ 430-72. Street names.**

The applicant may propose names for all streets within a subdivision or land development prior to final approval. A proposed street name shall not include the name of any existing street in the Borough, except that a street when planned as a continuation of an existing street shall bear the same name. Final approval of street names for streets subject to public dedication to the Borough shall be vested with the Summit Hill Borough Council. Final approval of street names for streets to remain under private ownership shall be vested with the Borough Council.

**§ 430-73. Street signs.**

Street signs, which provide the legal name of each street shall be erected at the intersection of each street within a subdivision or land development prior to final approval. The size, color and construction materials of said signs shall be subject to approval by the Borough Council.

**§ 430-74. Traffic control signs.**

Traffic control signs designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristic of the road to motorists shall be installed at appropriate locations by the applicant as determined by PennDOT, Carbon County or the Borough Council.

**§ 430-75. Construction of roads and dead-end roads.**

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and when such continuation is in accordance with the Borough's goals as provided for within the statement of community development objectives of Chapter 475, Zoning, of the Code of the Borough of Summit Hill. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets. This may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

**§ 430-76. Dead-end roads, permanent.**

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Borough Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Borough Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Borough construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with design standards of this chapter.

**§ 430-77. Access to arterial streets.**

Where a subdivision or land development borders on or contains an existing or proposed arterial street, the Borough Council may require that access to such street be limited by one of the following methods:

- A. The subdivision of lots in a manner in which the lots front onto a parallel local street with no access provided to or from the arterial street which shall contain a strip of screening along the rear property line of such lots.
- B. A series of culs-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- C. A marginal access or service road separated from the arterial street by a planting or grass strip and having access thereto at suitable points.

**§ 430-78. Intersections.**

- A. Streets shall intersect as nearly as possible at right angles. When local streets intersect with collector

or arterial streets, the angle of intersection at the street center lines shall in no case be less than 75°. No two streets shall intersect with an angle of intersection at the center lines of less than 60°.

- B. Multiple intersections involving the junction of more than two streets shall be prohibited.
- C. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided, having not greater than a 4% grade at a distance of 40 feet, measured from the nearest right-of-way of the intersecting street.
- D. Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- E. The cross slopes on all streets, including intersections, shall be 2% or less.

**§ 430-79. Road design, construction and paving standards.**

- A. In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and to afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties.
- B. The classification of any street, when not identified within any Comprehensive Plan adopted by Summit Hill Borough, shall be determined by the Borough Council by utilizing applicable definitions of this chapter.
- C. Subgrade and base specifications.
  - (1) The subgrade of all streets shall be rolled and prepared in accordance with PennDOT specifications as contained in the applicable sections of the 2000 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following conditions shall also apply to the subgrade:
    - (a) The area within the limits of the proposed road surface shall be shaped to conform to the line, grade, and cross section of the proposed road.
    - (b) All unsuitable subgrade material shall be removed or stabilized.
    - (c) Wet areas, excluding wetlands, shall be permanently drained and stabilized. Details shall be furnished on the method of drainage and shall be approved by the Borough Engineer.
    - (d) Areas requiring fill shall be made with suitable materials and thoroughly compacted for full width in uniform layers not more than eight inches thick per layer.
    - (e) The subgrade shall be thoroughly compacted by rolling with a minimum ten-ton roller and/or a sheepfoot roller in layers not greater than six inches.
    - (f) Backfill for trenches within the cartway and curb area shall be thoroughly compacted prior to the application of the base course.
    - (g) All stone used to replace unsuitable subgrade materials shall be subject to prior approval by the Borough Engineer.

- (2) The base for all streets, unless otherwise specified, shall contain a minimum of six inches of stone subbase placed upon a prepared and compacted subgrade. The required minimum of six inches of stone subbase material shall be determined by site conditions. The construction of the base for all streets shall be in accordance with PennDOT Specifications as contained in the applicable sections of the 2000 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following requirements shall apply to the base course.
- D. Slope. All streets shall have a minimum slope of 2% crown as measured from the center line of the street to the edge of each side of the cartway.
- E. Use of fill material. If fill material is proposed to be used for the roadway bed, subgrade or any other aspect of the design and construction of a street, the fill material shall be acceptable material for such use as determined by the Borough Engineer. Placement of acceptable fill material within three feet of the proposed final roadway grade shall be in eight-inch loose lifts and compacted to not less than 97% of the material's dry-weight density as determined by methods prescribed by the Engineer. Placement of acceptable fill material below three feet of the proposed final roadway grade shall be in eight-inch loose lifts and compacted to not less than 95% of the material's dry-weight density as determined by methods prescribed by the Engineer. The type of compacting equipment to be used for such purposes shall be of sufficient and nature as determined by the Borough Engineer. Use of fill material shall comply with PennDOT specifications of Section 206 of the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The regulations within this subsection shall apply to the use of fill material within any area of the cartway and the shoulder of the roadway.
- F. Slope of embankments. The recommended slope of any required road embankment shall be three horizontal to one vertical, but under no circumstances shall the embankment have a slope greater than two horizontal to one vertical.
- G. Local streets. The minimum pavement structure for a local street shall be as follows:
  - (1) One and one-half inches of Superpave asphalt mixture 9.5 mm PG64-22, wearing course 0.0 to 0.3 ESALs, SRL-L, 1 1/2 inches depth. Superpave asphalt mixture 24 mm PG64-22, base course, 0.0 to 0.3 mill. ESALs three-inch depth.
  - (2) Applicable construction and design standards of PennDOT, as contained within Section 400 of the 2000 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto shall apply.
- H. Collector streets. The minimum pavement structure for a collector street shall be as follows:
  - (1) One and one-half inches of Superpave asphalt mixture 9.5 mm PG64-22, wearing course 0.0 to 0.3 ESALs, SRL-L, 1 1/2 inches depth, Superpave asphalt mixture 24 mm PG64-22, Base Course, 0.0 to 0.3 mill. ESALs three-inch depth.
  - (2) Applicable construction and design standards of PennDOT, as contained within Section 400 of the 2000 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto shall apply.
- I. Arterial streets. The pavement structure for an arterial street or highway shall be governed by the most recent edition of PennDOT Publication No. 242, Roadway Management Manual, including any subsequent revisions or amendments. All applicable construction and design standards of PennDOT,

as contained within Section 400 of the 2000 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto, shall apply.

J. Dimensional standards for roads.

<b>Dimensions</b>			
<b>Type of Street</b>	<b>Right-of-Way (feet)</b>	<b>Cartway (feet)</b>	<b>Shoulder Width</b>
Arterial <sup>1</sup>	PennDOT Spec	PennDOT Spec	PennDOT Spec <sup>2</sup>
Collector <sup>1</sup>	60	24	8 per side
Local <sup>1</sup>	50	18	2 feet per side

**NOTES:**

- 1 Streets containing curbing and sidewalks shall provide barrier-free ramps in accordance with the drawing attached as Exhibit A to this chapter.<sup>6</sup>
- 2 PennDOT SPEC represents governing PennDOT standards.

**§ 430-80. Horizontal visibility.**

The all applicable regulations contained within Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads) of Title 67, Transportation,<sup>7</sup> shall govern all design features of roads and driveways related to horizontal visibility.

- A. A minimum tangent of 100 feet shall be required between curves on all classifications of streets.
- B. Center line grade specifications.
  - (1) The center line grades shall not exceed the following:
    - (a) Arterial street: 5%.
    - (b) Collector street: 10%.
    - (c) Local street: 11%.
  - (2) There shall be a minimum center line grade of not less than 5% on all streets.
- C. Vertical curves shall be used at changes of grade exceeding 1%. Vertical curves shall be designed to produce the following minimum sight distances:
  - (1) Arterial street: 500 feet.
  - (2) Collector street: 300 feet.

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6. Editor's Note: Exhibit A is on file in the Borough office.

7. Editor's Note: See 67 Pa. Code Ch. 441.

(3) Local street: 150 feet.

- D. Clear sight triangles shall be provided at all street intersections. Within such triangles, no object greater than 2.5 feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be in conformance with Chapter 441, Title 67, Department of Transportation of Pennsylvania.<sup>8</sup>

**§ 430-81. Cul-de-sac streets.**

- A. A cul-de-sac street will not be approved when a through street is more advantageous.
- B. Cul-de-sac streets, permanently designed as such, and/or single access streets shall not exceed 1,000 feet in length and furnish access to not more than 10 dwelling units, subject to all proposed lots being in compliance with the applicable zoning regulations for the minimum front footage for the zoning district in which the subdivision is located.
- C. Cul-de-sac streets shall terminate in a circular right-of-way with a minimum diameter of 100 feet and 80 feet diameter to the outer pavement edge or curbline.
- D. The pave width of a cul-de-sac shall not be less than the minimum cartway width for a local street.
- E. The entire area within a cul-de-sac shall be paved. No physical obstructions shall be permitted within the cul-de-sac, including, but not limited to, islands, vegetative cover, trees, and/or any other types of decorative features.
- F. Any street which is terminated with planned future access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turning circle. The turning circle shall be completely within the boundaries of the subdivision and/or land development, and the use of the turnaround shall be guaranteed to the public until such time as the street is extended.

**§ 430-82. Bridges and stream crossings.**

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current PennDOT standards and specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania Department of Environmental Protection, shall be provided by the developer, if applicable.

**§ 430-83. Driveway entrances.**

- A. Adequate provisions to maintain uninterrupted parallel drainage along a public street at the point of driveway entry shall be required. The adequacy of each proposed driveway shall be made based upon the recommendation of the Borough Engineer in relationship to existing site conditions.
- B. Driveway entrances or aprons within the street right-of-way shall be surfaced their full width of entrance.
- C. Driveway entrances or aprons shall be stabilized and maintained by the property owner in a manner to prevent erosion of driveway material onto any adjoining public right-of-way.
- D. All driveways shall be designed and constructed in accordance with all applicable provisions within Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads) of Title 67,

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8. Editor's Note: See 67 Pa. Code Ch. 441.

Transportation.<sup>9</sup>

**§ 430-84. Erosion and sedimentation control.**

- A. All earthmoving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation.
- B. A subdivision and/or land development which includes any earthmoving activity, as defined in Chapter 102, Erosion Control, Rules and Regulations of the Department of Environmental Protection,<sup>10</sup> shall require that a soil erosion and sedimentation plan be prepared by the developer. The developer shall submit said plan to the Carbon County Conservation District for its review, comment and written approval.
- C. The soil erosion and sedimentation control plan and measures used to control erosion and sedimentation shall meet the standards and specifications set forth in the Pennsylvania Department of Environmental Protection Soil Erosion and Sedimentation Control Manual and Chapter 102 of the rules and regulations of the Pennsylvania Department of Environmental Protection.
- D. Any subdivision and/or land development requiring the submission of a soil erosion and sedimentation plan shall not be granted approval, preliminary or final, until the Carbon County Conservation District issues written notification that the soil erosion and sedimentation plan is deemed adequate and/or approved.
- E. Where the earthmoving activity affects 25 acres or more, the soil erosion and sedimentation control plan must be submitted to the County Conservation District, together with an application for an earth disturbance permit. An earth disturbance permit must be granted by the Pennsylvania Department of Environmental Protection prior to preliminary approval of a subdivision plan or land development plan.

**§ 430-85. Water supply facilities.**

Within any proposed major subdivision or major land development, if the water is to be provided by means other than by private wells, owned and maintained by the individual owners of the lots within the subdivision or land development, the developer shall present evidence to the Borough Council that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperate 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, cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable as evidence.

**§ 430-86. Centralized water system.**

- A. All subdivisions and land developments shall utilize an approved public distribution system for water supply when such a system is accessible to the site or is within 0.1 mile to the site and connection to such is feasible.
- B. The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the applicable public water company or authority and submitted with the preliminary plans.

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9. Editor's Note: See 67 Pa. Code Ch. 441.

10. Editor's Note: See 25 Pa. Code Ch. 102.

- C. When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed. The location and number of fire hydrants shall be determined on a case-by-case basis. Fire hydrants along any approved street shall not be more than 500 feet apart and connected to a water main not less than eight inches in diameter.
- D. All suppliers of water to any proposed subdivision or land development shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission. One copy of all correspondence, supporting documentation, application for permits, and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Borough as part of the public record. One copy of the permit and certificate of convenience issued by the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission authorizing such services shall be forwarded upon receipt to the Borough Council as part of the public record.

**§ 430-87. On-lot water systems.**

On-lot water systems shall be permitted, subject to their construction in accordance with applicable criteria as set forth by the Pennsylvania Department of Environmental Protection. Any subdivision or land development which equals or exceeds 10 lots or 10 dwelling units and/or exceeds 300 gallons per day shall be required to submit a groundwater availability and well interference analysis prepared by a certified hydrogeologist.

**§ 430-88. Sewage disposal facilities.**

All subdivisions and land developments shall be served with a sewage system (either centralized or on-lot) which meets or exceeds the applicable minimum design standards as set forth by the Pennsylvania Department of Environmental Protection. All proposed subdivisions and/or land developments shall require the preparation and submission of an appropriate Sewage Planning Module to DEP in accordance with Pennsylvania Code Title 25.

**§ 430-89. Centralized sewers.**

- A. All subdivisions and land developments shall be served by centralized sewage disposal systems when existing soils conditions and other environmental features are unsatisfactory for on-lot sewage or when an existing centralized sewage system is within 1/8 of a mile from the proposed subdivision or land development and connection to such is feasible.
- B. All centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official Borough Sewage Plan, and be approved by the appropriate agencies prior to final plan approval.
- C. All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development plus additional flow as may be projected to be generated by adjacent properties.
- D. All individual lateral connection shall be installed to the curb right-of-way line at the time of initial installation of the system.
- E. All systems classified as sewage services, as defined in Chapter 71 of the Pennsylvania Department of Environmental Protection regulations, shall be designed and constructed in accordance with regulations and requirements set forth in the "Sewage Manual" prepared by the Bureau of Water

Quality Management of Department of Environmental Protection.

**§ 430-90. On-lot sewage disposal system.**

- A. On-lot sewage systems, both individual and community sewage systems, shall be designed and constructed in accordance with Pennsylvania Department of Environmental Protection requirements under Title 25, Rules and Regulations, Part I, Subpart C, Chapter 73, and any amendments thereto.<sup>11</sup>
- B. Prior to approval of preliminary plan, the Borough Sewage Enforcement Officer shall submit a report to the Borough Council regarding the site and soils investigation and analysis.
- C. All systems utilizing subsurface disposal of sewage effluent (community sewage systems as defined by Chapter 73 of the Pennsylvania Department of Environmental Protection regulations) shall be designed and constructed in accordance with requirements of the aforesaid Chapter 73. A registered professional engineer employed by the applicant shall provide written certification that the existing or proposed facility has adequate capacity to satisfactorily treat the total projected sewage flow.
- D. A sewage permit must be approved and issued by the Borough Sewage Enforcement Officer prior to the start of any construction or development upon any lot within an approved subdivision or land development.

**§ 430-91. Stormwater Management.**

A stormwater management plan shall illustrate the following information:

- A. Mapping of the watershed area or areas in which the proposed development is located, including both predevelopment and post-development areas.
- B. Calculations of all runoff for all points of runoff concentration, including predevelopment and post-development conditions.
- C. Complete drainage systems for the development. All existing drainage features which are to be incorporated in the design shall be so identified. If the development is to be developed in stages, a drainage plan for the entire development shall be submitted with the preliminary plan.
- D. A soil erosion and sedimentation control plan shall be integrated with the stormwater management plan.
- E. Any development, whether proposed initially or cumulatively, which equals or exceeds 10,000 square feet (combined building and paving area) shall require the submission of a stormwater management plan in accordance with the applicable provisions within this section.
- F. A stormwater management plan and a soils erosion and sedimentation control plan must be approved prior to the start of any construction or development.

**§ 430-92. Information on Stormwater Management Plan.**

The following items, as applicable, shall be included upon and/or within the Stormwater Management Plan:

- A. General description of project.
- B. General description of stormwater controls both during and after development.

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11. Editor's Note: See 25 Pa. Code Ch. 73.

- C. Expected project time schedule, including anticipated start and completion dates.
- D. Training and experience of person(s) preparing the plan.
- E. A signature block by a registered professional engineer attesting to the following: "I, \_\_\_\_\_, have prepared and hereby certify that the Stormwater Management Plan meets all design standards and criteria of the Summit Hill Borough Subdivision and Land Development Ordinance."
- F. A location map which provides the location of the project relative to its geographic proximity to streets highways, municipal boundaries or similar identifiable features.
- G. Existing contours at intervals of two feet. In areas of steep slopes (greater than 5%), five-foot contour interval may be used.
- H. Streams, lakes, ponds or other bodies of water within the project area or adjacent to the site which will be affected by runoff from the project.
- I. Other physical features, including existing drainage swales and areas of natural vegetation to be preserved.
- J. Location of existing underground utilities, sewers and water lines.
- K. Location of proposed underground utilities, sewers and water lines.
- L. Soil types and boundaries.
- M. Proposed changes to land surface and vegetative cover.
- N. Areas to be cut or filed.
- O. Proposed structures, roads, paved areas and buildings.
- P. Final contours at intervals of two feet. In areas of steep slopes (greater than 5%), five-foot contour intervals may be used.
- Q. Location of where water will exit the site and the means for discharging.

**§ 430-93. Design features for drainage facilities.**

Stormwater drainage facilities shall be designed in accordance with the following provisions:

- A. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
- B. Storm drainage systems shall be designed to convey through the proposed development the peak runoff that will occur when all tributary areas upstream are developed to the extent reasonably projected during the next 25 years. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.
- C. Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided which substantially conforms to the line of such watercourse at a width adequate to preserve the unimpaired flow of natural drainage. Such drainage easement shall be established on both sides of the watercourse at least 20 feet from any recognized high-water mark of the watercourse, but in no

case shall said drainage easement be less than 20 feet from the top of the bank of the watercourse. The terms of the easement shall prohibit any form of development within any portion of the easement, including fill material, and activities related to grading or excavation.

- D. Drainage facilities that are located on state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter indicating such approval shall be directed to the Borough Council.
- E. All streets shall be so designed to provide for the discharge of surface water from their right-of-way. The slope of the crown of proposed streets shall be 1/4 inch per foot away from the center line.
- F. When it can be shown to the satisfaction of the Borough Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed which substantially conform to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the applicable procedures as contained in the April 1990 edition of the "Erosion and Sedimentation Control Manual" as published by the Pennsylvania Department of Environmental Protection.
- G. Whenever storm sewers are required by the Borough Council, such storm sewers shall be separate from the sanitary sewer system. Storm sewer facilities shall be provided where the Borough Council, with the advice of the Borough Engineer, determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- H. Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channel velocities.
- I. Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- J. The minimum size diameter of a drainage pipe shall be 15 inches, unless otherwise approved by the Borough Council, based upon a recommendation by the Borough Engineer. The minimum value for "n" in pipes shall be based on engineering judgment and experience. Pressure flow is permitted in storm sewers. The elevation of the hydraulic gradient shall be at least one foot below ground level. Pressure heads up to 25 feet can be used with concrete pipe with rubber gasket joints.
- K. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Design of inlets must account for any bypass flows from upgrade inlets. Capacity calculations for inlets shall be submitted with the design report.
- L. All stormwater drainage facilities shall be designed to handle, at a minimum, the peak discharges from a ten-year post-development storm event. The Borough Council shall have the discretion to require that certain drainage facilities be designed for peak discharges which may exceed a ten-year post-development storm event, if so warranted in the recommendation of the Borough Engineer.
- M. Drainage facilities shall be large enough to accommodate potential runoff from upstream drainage areas, whether inside or outside the subdivision. The Borough Engineer shall give approval to the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum runoff rate calculated by the applicant and reviewed by the Borough Engineer. The calculation of this runoff rate shall take into account any land use and

development regulations including runoff controls in effect in the tributary areas.

- N. The developer's engineer shall also study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Such studies will be subject to review and approval by the Borough Engineer. Authorized Borough drainage studies, together with such other studies as deemed appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident related to the development of the subdivision will overload an existing downstream drainage facility, the Borough Council may withhold approval of the development until provisions are made to correct and/or mitigate potential adverse downstream drainage conditions.
- O. Any proposed or required storm drainage facilities or structures located on private property shall require the submission and approval of a detailed maintenance plan to the Borough Council. Included within said plan shall be the provision of an annual inspection of such private storm drainage facilities of structures by the Borough. A written agreement to reimburse the Borough for any cost incurred for such inspections shall be submitted with the required maintenance plan. Any deficiencies determined as a result of the required inspection shall be subject to correction within 60 days upon receipt of notification from the Borough.

#### **§ 430-94. Drainage easements.**

Required drainage easements shall be provided in accordance to the following:

- A. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. A greater width may be required for proper maintenance as determined by the Borough Engineer. A reduction in the width, when warranted by the topography and circumstances, will be permitted, if approved by the Borough Council after consulting with the Borough Engineer, but in no case shall the width be less than 15 feet. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- B. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- C. A drainage easement of 20 feet from the recognized high-water mark of a watercourse shall be provided, but in no case shall the required drainage easement be less than 20 feet from the top of the bank of the watercourse.

#### **§ 430-95. Stormwater detention.**

It shall be the policy of the Borough Council to discourage areas of extremely poor drainage. The developer shall use best engineering practices in developing a stormwater management plan. Innovated designs in stormwater detention and/or retention shall be considered with the following provisions applying:

- A. Stormwater detention facilities shall be utilized whenever the stormwater management plan indicates post-development runoff rates for each point of discharge exceed the predevelopment runoff rates.
- B. The detention facilities shall be designed for two-, ten-, twenty-five-, fifty-, and 100-year storms.
- C. The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.

- D. Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flows.
- E. If the lands of the proposed development will remain in common ownership, the developer shall provide written assurances to the Borough Council that the detention ponds will be properly maintained. The Borough Council shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.
- F. If the lands of the proposed development will be conveyed to two or more separate owners, the developer shall provide written assurances to the Borough Council that the detention ponds will be properly maintained. The Borough Council shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.

**§ 430-96. Design of storm drainage system.**

Storm drainage systems required by this chapter shall be designed to provide protection from a ten- to 100-year storm as determined by the Borough Engineer.

- A. Stormwater runoff calculations shall be calculated from methods described in the "Erosion and Sediment Pollution Control Manual," April 1990 edition, as prepared by the Pennsylvania Department of Environmental Protection, including any subsequent revisions and/or amendments thereto.
- B. Stormwater control system design calculations shall be based on methods described in the "Erosion and Sediment Pollution Control Manual," April 1990 edition, as prepared by the Pennsylvania Department of Environmental Protection, including any subsequent revisions and/or amendments thereto.
- C. All inlets and manholes shall be either precast or poured-in-place concrete. No block construction will be allowed. Inlets and manholes shall be provided with grade adjustment rings to facilitate raising or lowering as may be required.
- D. Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete, polyethylene, PVC or other material approved by the Pennsylvania Department of Transportation.
- E. Inlets shall be designed and/or located to prevent hazardous conditions for vehicles, bicycles or pedestrians. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.
- F. All detention and retention basins shall be designed and constructed with silt post detectors.

**§ 430-97. Nonresidential subdivision and land development.**

- A. General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout or the subdivision or land development with respect to such land shall make such provisions as the Borough Council requires.
- B. A nonresidential subdivision or land development shall also be subject to all the requirements of site plan approval set forth in Chapter 475, Zoning. Site plan approval and nonresidential subdivision plan approval may proceed simultaneously at the discretion of the Borough Council. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional

standards required by the Borough Council and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map and Chapter 475, Zoning.

- C. Standards. In addition to the requirements and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Borough Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.
- (1) Proposed industrial parcels shall be suitable in the types of industrial or commercial development anticipated.
  - (2) Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
  - (3) Special requirements may be imposed by the Borough Council with respect to street, curb, gutter and sidewalk design and construction.
  - (4) Special requirements may be imposed by the Borough Council with respect to the installation of public utilities, including water, sewer and storm drainage.
  - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
  - (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing and potential residential areas.

ARTICLE IX  
**Mobile Home Parks**

**§ 430-98. General requirements.**

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended,<sup>12</sup> provisions regulating mobile home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of mobile home parks. The development and/or expansion of a mobile home park shall be deemed as a subdivision or land development and shall be subject to design standards within Article VIII and regulations provided within this article and all sections and subsections thereunder.

**§ 430-99. Site locations.**

- A. All mobile home parks shall have a total land area of not less than 20 acres.
- B. All mobile home parks shall be located on well-drained land with the average natural slope not exceeding 10%. The site shall be free from flooding from a 100-year storm and other physical features which are generally considered detrimental to residential development.
- C. All mobile home parks shall have access to public streets or roads.
- D. All mobile home parks shall be serviced by an off-site sewage disposal system and a central water supply and distribution system.
- E. Access to mobile home sites shall be from interior driveways, access drives or private streets and shall not be from public street or roads. Entrance roads shall have a paved cartway width of at least 24 feet. All interior roads and cartways shall be paved and of sufficient width to allow for access of emergency vehicles.
- F. Every mobile home site shall be provided with a minimum of two off-street parking spaces.
- G. All mobile home parks shall be provided with pedestrian walkways on at least one side of every street.
- H. The minimum area of land per mobile home site shall be not less than 7,200 square feet with the dimensions being 60 feet by 120 feet. The minimum front, rear and side setback for any mobile home shall be 20 feet to property lines and/or the defined site on which the mobile home is located.
- I. Every mobile home park shall provide a defined recreational site or sites which shall contain an area of land not less than 5% of the total gross land area within the boundaries of the mobile home park. All recreational sites shall be located in areas which are readily accessible to all residents of the mobile home park.
- J. Each mobile home site shall be provided with a stand or pad consisting of two concrete strips to accommodate the supporting base or foundation of the mobile home.
- K. Every mobile home in the park shall be enclosed from the bottom of the mobile home to the ground or stand using industry-approved skirting material compatible with the home.
- L. Every mobile home shall be securely anchored or tied down on at least the four corners and/or in accordance with the manufacturer's recommendations furnished with each home.

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12. Editor's Note: See 53 P.S. § 10501.

- M. An approved soils erosion and sedimentation plan and a stormwater management plan which limits the post-development runoff rate to the predevelopment rate shall be required prior to the final approval for the development or expansion of a mobile home park.
- N. An approved Department of Environmental Protection planning module shall be required prior to the final approval for the development or expansion of a mobile home park.
- O. A letter of commitment for the provision of required utilities from all applicable utility companies.