

## Chapter 162

### SUBDIVISION AND LAND DEVELOPMENT

**[HISTORY: Adopted by the Borough Council of the Borough of Chester Heights 7-2-2001 by Ord. No. 147. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Planning Commission — See Ch. 26.  
Building construction — See Ch. 61.  
Numbering of buildings — See Ch. 66.  
Fire prevention — See Ch. 97.  
Plumbing — See Ch. 135.  
Sewers — See Ch. 149.  
Utility poles, wires and lines — See Ch. 171.  
Zoning — See Ch. 185.

#### ARTICLE I

##### Purposes, Scope, Interpretation

###### § 162-1. Short title.

This chapter shall be known and may be cited as "The Chester Heights Borough Subdivision and Land Development Ordinance of 1997."

###### § 162-2. Purposes.

The purposes of this chapter are to provide for the harmonious, orderly, efficient and integrated growth of the Borough; to assure that land to be developed shall be of such character that it can be used safely without danger to health or peril from fire, flood, erosion, excessive noise and smoke or other menace; to provide for drainage, water supply, sewage disposal and other appropriate utility services; to provide for the coordination of existing streets, parks, highways and land use with proposed streets, parks, highways and land use; to provide for a safe, convenient, and functional system for vehicular traffic on streets of such width, grade, and location as to accommodate prospective traffic as determined by existing and probable future land and building uses; to provide for arrangement of building lots, blocks and streets so as to afford adequate light, view and air and to facilitate fire protection; to assure land will be developed with due regard to topography and geologic conditions so that the natural beauty of the land and vegetation shall be protected and enhanced; to provide for adequate open spaces for recreation, light and air and for adequate sites for schools, parks, playgrounds and other community services, which shall be located so as to provide access to such facilities for residents of all neighborhoods; and to secure equitable handling of subdivision and land development plans by providing uniform procedures and standards for observance both by subdividers and Borough officials.

###### § 162-3. Scope.

From and after the effective date of this chapter, any subdivision and/or land development shall

be in conformity with this chapter and all standards and specifications adopted as a part of such chapter.

**§ 162-4. Interpretation.**

In the interpretation and application of the provisions of this chapter, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare and safety. Where the provisions of this chapter and all standards and specifications adopted under it impose greater restrictions than those of any other ordinance or regulations, the provisions of this chapter and its standards and specifications shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall be controlling.

**ARTICLE II**  
**Definitions and Word Usage.**

**§ 162-5. Word usage.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meaning herein indicated. The singular shall include the plural and the plural shall include the singular. Words used in the present or past tenses shall include the future tense. The words "person," "applicant," "subdivider" and "owner" shall include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "building" shall include the word "structure." The word "watercourse" shall include channel, creek, ditch, dry run, spring, stream and river. The words "shall" and "will" are always mandatory.

**§ 162-6. Definitions.**

As used in this chapter, except where the context clearly indicates otherwise, the following words and/or phrases have the meaning indicated below:

**ALLEY** — A right-of-way providing secondary vehicular access to the side or rear of lots.

**APPLICANT** — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** — Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for building permit, and/or for the approval of a subdivision plan or plat.

**BLOCK** — An area bounded by streets.

**BUILDING SETBACK LINE** — The line within a property defining at least the minimum required distance between any building to be erected and an adjacent right-of-way.

**CARTWAY** — The portion of a street right-of-way which is paved customarily used by vehicles in the regular course of travel over the street.

**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.

**COMMON OPEN SPACE** — A parcel or parcels of land, or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development but not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the subdivision or development plan as finally approved and as are appropriate for the recreation of residents.

**CRITICAL AREAS** — Areas of subdivision or land development particularly subject to erosion and sedimentation, such as areas not covered with vegetation due to grading, cutting or filling, which contain exposed subsoils or mixtures of soil horizons, or excessively long slopes and steep grades.

**CUL-DE-SAC** — A street with access at one end which is terminated by a vehicular turnaround.

**DESIGN STANDARDS** — Minimum standards for the layout by which a subdivision or land development is developed.

**DEVELOPER** — Any landowner or landowner's agent who makes or causes to be made a subdivision of land or a land development.

**DRAINAGE** — The flow of water or liquid waste and the method of directing such flow, whether natural or artificial.

**DRIVEWAY** — An undedicated strip of land or roadway intended for use as a means of vehicular and pedestrian circulation to provide access to a single premises.

**DWELLING UNIT** — Any structure, or part thereof designed to be occupied as a single housekeeping unit.

**EASEMENT** — A grant of property rights for the use of land by the property owner to an other person, organization, or entity for specific purpose.

**ENGINEER** — A licensed professional engineer registered by the Commonwealth of Pennsylvania.

**EROSION** — The movement of soil by the action of wind and/or water.

**IMPROVEMENT SPECIFICATIONS** — Minimum standards for the construction of the required improvements such as streets, curbs, sidewalks, water mains, sewers, drainage facilities, public utilities and other items required to render the land suitable for the use proposed.

**INTERIOR WALK** — A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

#### **LAND DEVELOPMENT**

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

- (2) The division or allocation of land or space between 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.

B. A subdivision of land.

C. Provisions for exclusion in accordance with Section 503(1.1) of the Municipalities Planning Code are included.<sup>1</sup>

**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 having a remaining term of not less than forty years, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land shall be deemed to be a landowner for the purposes of this chapter.

**LOT** — A parcel of land on which a principal building, or, where authorized by Chapter 185, Zoning, of the Code of the Borough of Chester Heights, a unified group of buildings, is or may be placed together with the required open space. The use of a lot for more than one principal building or for a unified group of buildings shall be considered a land development and the plan for any such use shall be subject to approval in accordance with this chapter. For the purposes of these definitions, unified group of buildings shall include a single commercial building designed to house more than one commercial use or entity.

**MONUMENT** — A stone or concrete monument with a flat top at least four inches in diameter or square, containing a copper or brass dowel (plug), and at least 24 inches in length (preferred 30 inches to 36 inches). The monument shall be tapered so that the dimensions at the bottom are at least two inches greater than the top, to minimize movement caused by frost.

**MULTIPLE DWELLING BUILDING** — A building containing more than one dwelling unit.

**PLAN, CONSERVATION** — A plan, accompanying and forming a part of the preliminary and final plans, detailing the measures to be taken by the developer for protection of stream channels, major trees, and other important natural features, and for erosion and sediment control.

**PLAN, CONSTRUCTION IMPROVEMENT** — A plan prepared by a registered engineer showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this chapter.

**PLAN, FINAL** — A complete and exact subdivision or land development plan or plat, prepared for official recording as required by statute.

**PLAN, MAJOR STREET** — The element of the subdivision or land development plan, which shall show the general location, alignment, and dimensions and the identification and classification of existing and proposed streets, highways and other thoroughfares.

**PLANNING COMMISSION** — The Chester Heights Borough Planning Commission.

**PLAN, OFFICIAL** — The Comprehensive Development Policy Plan (Master Plan) and/or

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

Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map or other such plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the Borough in which the subdivision or land development is located.

PLAN, PRELIMINARY — A tentative subdivision or land development plan, in lesser detail than a final plan, which includes all information required under § 162-14 of this chapter.

PLAN, RECORD — The copy of the final plan which contains the original endorsements of the County Planning Commission and the Borough and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH — An informal plan, not necessarily to exact scale, indicating salient features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

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

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in Chester Heights Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be no more than 30 days nor less than 14 days from the date of the hearing.

RESERVE STRIP — A parcel of ground in separate (sometimes public) ownership separating a street from other adjacent properties or from another street.

REVERSE FRONTAGE LOT — A lot extending between and having frontage on two generally parallel streets, (excluding service streets or alleys), with vehicular access solely from one street.

REVIEW — An examination of the sketch plan, preliminary plan, and/or final plan by the Planning Commission and/or the Chester Heights Borough to determine compliance with this chapter and the administrative regulations, design standards and improvements specifications enacted pursuant thereto.

RIGHT-OF-WAY — The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public purposes.

SANITARY SEWAGE DISPOSAL, COMMUNITY — A sanitary sewage collection system in which sewage is carried from individual lots to a privately owned treatment system.

SANITARY SEWAGE DISPOSAL, ON-SITE — Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

SANITARY SEWAGE DISPOSAL, PUBLIC — A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a publicly owned central treatment and disposal plant.

SEDIMENT — The resulting residue from erosion.

SEPTIC TANK — A covered watertight settling tank in which raw sewage is changed into solid and liquid states to facilitate further treatment and final disposal.

SIGHT DISTANCE — The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight

distance measurement shall be made from a point 4.5 feet above the center line of the road surface to a point 0.5 feet above the center line of road surface.

**SOIL PERCOLATION TEST** — A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facility by measuring the absorptive capacity of the soil at a given location and depth.

**STREET, PRIVATE** — An undedicated strip of land or roadway intended for use as a means of vehicular and pedestrian circulation to provide access to premises. A private street is intended for use of only the premises served rather than the general public.

**STREET, PUBLIC** — A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be dedicated for general public use as a means of vehicular and pedestrian circulation. The term "public street" includes any thoroughfare intended for public use. Public streets are further classified according to the functions they perform.

- A. **MINOR LOCAL STREET** — A street used primarily to provide access to abutting properties.
- B. **CUL-DE-SAC STREET** — A minor local street intersecting another street and terminating in a vehicular turnaround at the other end.
- C. **HALF (PARTIAL) STREET** — A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
- D. **MARGINAL ACCESS STREET** — A minor local street, parallel and adjacent to a major street (but separated from it by a reserve strip), which provides access to abutting properties and control of intersections with the major street.
- E. **COLLECTOR STREET** — A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving 50 or more dwelling units to give access to community facilities and/or other collector and major streets (streets in industrial and commercial subdivisions shall generally be considered collector streets); sometimes called a "feeder street," which connects a local street system and a major street or highway system.
- F. **MAJOR STREET or THROUGH HIGHWAY (ARTERIAL)** — A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation; a highway on which preference is given to the through movement of traffic at the expense of cross traffic.

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

**SUBDIVIDER** — Any individual, copartnership or corporation (or agent authorized thereby) which undertakes the subdivision of land, as defined by these regulations, as the owner, lessee, equitable owner (or agent authorized thereby) of the land being subdivided.

**SUBDIVISION** — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines

for the purpose, whether immediate or future, of lease, partition by the courts 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.

**SURVEYOR** — A licensed surveyor registered by the Commonwealth of Pennsylvania.

**TILE DISPOSAL FIELD** — A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and evaporation.

**WATER DISTRIBUTION SYSTEM, COMMUNITY** — A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

**WATER DISTRIBUTION SYSTEM, ON-SITE** — A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

### ARTICLE III

#### **Subdivision and Land Development Control**

##### **§ 162-7. Compliance with regulations required; prerequisites to sale of lots and construction.**

- A. No subdivision of any lot, tract or parcel of land shall be effected and no land development shall be effected and no street, alley, sanitary sewer, storm sewer, water main 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 or to abut thereon, except in strict accordance with the provisions of this chapter.
- B. No lot in a subdivision may be sold, no permit to erect, alter, or repair any building upon land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development unless or until a subdivision or land development plan has been approved and recorded, and until the required improvements in connection therewith have either been constructed or the completion thereof has been assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities, in escrow, sufficient to cover the cost of the required improvements, all as shall be in accordance with the provisions of Article V of the Municipalities Planning Code.<sup>2</sup>

### ARTICLE IV

#### **Administration**

##### **§ 162-8. Violations and penalties; conditions for permits.**

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 per violation, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely

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

appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The 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 or the Municipalities Planning Code, Act 170 of 1988. The authority to deny permits or approvals shall be exercised against:
- (1) The owner of record at the time of the violation;
  - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of such violation;
  - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of such violation;
  - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of such violation.
- C. The Borough may, as an additional condition for issuance of a permit or the granting of an approval to any owner, vendee or lessee for the development of any real property as to which there are violations of this chapter, require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in the real property.

**§ 162-9. Fees.**

The Borough Council shall establish a schedule of fees and a collection procedure for all applications and other matters pertaining to this chapter. No action shall be taken in connection with any subdivision or land development application until all fees are paid and the applications are properly signed and filed in the form required by this chapter. Fees established under and in accordance with this section shall be no higher than those ordinarily and customarily charged by the Borough Engineer and/or Borough consultants for similar services in the community.

- A. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Borough that such fees are disputed in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- B. In the event that the Borough and the applicant cannot agree on the amount of the review fees which are reasonable and necessary, then the applicant and the Borough shall follow

the procedure for dispute resolution set forth in Section 510 of the Municipalities Planning Code, Act 170 of 1988 (53 P.S. § 10510).

**§ 162-10. Approval of final plan required.**

- A. A building permit may be issued only upon approval of a final plan. In no instance may such a permit be issued until water and sewage facility permits have been issued.
- B. No lot in a subdivision may be sold unless a final plan has been approved and recorded.

**§ 162-11. Modification for hardship.**

Borough Council may grant a modification to the requirements of one or more provisions of the chapter if literal enforcement will impose undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this chapter is observed.

- A. All requests for modification shall be in writing and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of the unreasonableness of hardship on which the request is based, the provision or provisions of the chapter involved and the minimum modification necessary. Such requests shall be presented to the Borough Planning Commission through the Borough Secretary for advisory comments.
- B. Borough Council shall keep a written record of actions on requests for modifications.

**ARTICLE V  
Procedure**

**§ 162-12. Review required.**

Hereafter, subdivision or land development plans shall be reviewed by the Borough Planning Commission and the County Planning Commission and shall be approved or disapproved by the Borough Council in accordance with the procedure specified in this article and in other sections of this chapter. Any application not processed as required hereafter shall be null and void unless it was made prior to the adoption of this chapter.

**§ 162-13. Sketch plan.**

- A. General. Sketch plan(s) shall be considered as submitted for informal discussion only between the developer and the Borough Planning Commission. Submission of a sketch plan does not constitute official submission of a plan to the Borough for review.
- B. Submission of the plan.
  - (1) Where and how to submit a sketch plan. Sketch plans shall be brought directly to the regularly scheduled Borough Planning Commission meetings. A copy of the sketch plans submitted to Borough Planning Commission may be submitted to the Borough Engineer for review at the expense of the applicant.
  - (2) When to submit. Anyone wishing to submit a sketch plan for discussion purposes

should contact the Chairman of the Borough Planning Commission to obtain a date on which the plan may be submitted.

- (3) Payment of fees. No payment of fees is required for review of a sketch plan by the Borough Planning Commission. However, the Borough Planning Commission may recommend that the sketch plan be reviewed by the Borough Engineer, and if the applicant takes his sketch plan to the Borough Engineer for review, the applicant is responsible to pay the Borough Engineer's review fees, which will be billed directly to the applicant.
- C. What must be included in the sketch plan submission:
- (1) Landowner information: name, address, telephone number.
  - (2) If the submission is being submitted by other than the landowner the following information shall be included on the plan: Applicant Information: the applicant's name, address, telephone number, and a statement signed by the landowner authorizing the submission to be made for the property.
  - (3) The real estate folio number(s) for the property.
  - (4) A brief written narrative of what is intended for the property.
  - (5) Six copies of the sketch plan shall be submitted to the Planning Commission.
- D. Sketch plan requirements. The scale and sheet size of the sketch plan of a proposed subdivision shall be legibly drawn approximately to the scale of one inch equals 100 feet or larger and contain at least:
- (1) Tract boundaries, accurately labeled;
  - (2) The name of the Borough, county and state in which the development is located;
  - (3) North point;
  - (4) Written and graphic scales;
  - (5) Significant topographical and physical features;
  - (6) Existing and proposed general street and lot layout;
  - (7) Name of developer and subdivision.
  - (8) The applicant's name, mailing address, and phone numbers.
  - (9) Date of submittal.
- E. Other consideration(s). In the event that any developer shall intend to make changes to the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating, or the removal or destruction of the natural topsoil, trees or other vegetative covering thereon, the developer shall consult with the Delaware County Soil and Water Conservation District prior to, or concurrently with, submission of the sketch plan in order to insure that the proposed subdivision or land development will be compatible with the conservation plan to be submitted.

- F. Review of the sketch plan. At a regularly scheduled meeting, the Borough Planning Commission shall review the sketch plan and shall recommend such changes and modifications as shall be necessary or advisable in the public interest; within 10 calendar days after the scheduled meeting review, the Secretary of the Planning Commission shall send written notice of the recommendation of the Planning Commission to the following:
- (1) Borough Council.
  - (2) Applicant.

**§ 162-14. Preliminary plan.**

A. Submission of the plan.

- (1) Where to submit. A preliminary plan application shall be submitted to the Borough Secretary.
- (2) How to submit. A complete application may be either mailed to the Borough Secretary or delivered in person; but, in the event of personal delivery and in the event that the applicant intends to hand deliver the application to the County Planning Department following submission to the Borough Secretary, the applicant shall schedule an appointment with the Borough Secretary for personal delivery of the application.
- (3) When to submit.
  - (a) Applications to be considered and/or reviewed by the Planning Commission shall be submitted on/by the first day of the month in which the next regularly scheduled meeting of the Planning Commission is to take place.
  - (b) Applications to be considered and/or reviewed by the Borough Council of Chester Heights shall be submitted on/by the 15th day of the month previous to the month in which the next regularly scheduled meeting of the Council of the Borough of Chester Heights is to take place.
  - (c) In the event that the said applications are not submitted within the time frames herein above indicated, the said application or applications may not be considered at the said meeting, but postponed until the regularly scheduled meeting on the next calendar month.
  - (d) Note: The applicant should be advised that the timing of the application for submission to the Borough may not satisfy the separate county application timing requirements. The applicant is cautioned to ascertain the county's submission requirements, as well as the Borough's submission requirements.

B. Payment of fees and reimbursement of expenses.

- (1) Application fees. There are two initial application fees to be paid at the time of submitting the plan:
  - (a) Borough fee. The applicant should contact the Borough Secretary to determine the correct amount of the preliminary application fee. The Borough fee is to be

paid by check, made payable to Borough of Chester Heights.

- (b) County fee. The applicant should contact the county directly to determine the current county application fee. The county fee is to be paid by check, made payable to Delaware County Treasurer, and included in the submission to the Borough Secretary only if the completed application is to be mailed by the Borough Secretary to the Delaware County Planning Commission.
- (2) Reimbursement of expenses. In addition to the initial Borough application fee described above, the applicant is responsible for, and is required to reimburse the Borough for, any costs incurred for professional services involved in the review of the application, such as legal fees to develop and/or review required legal documents, etc., and/or engineering fees to review the application, planning module, if any, and any supplemental information either included with the application or submitted later. Such costs may be paid for by the Borough and then billed to the applicant, or the applicant may be required to deposit escrow funds with the Borough, from which the expenses will be paid.
- C. What must be included in the preliminary application.
- (1) The Borough requires use of the same multipart Application for Review form that Delaware County currently uses. All copies of the completed Application for Review form must be included with the plan submission;
  - (2) A check, or checks, for payment of appropriate application fee(s);
  - (3) If the applicant is other than the landowner, an original document, signed by the landowner, authorizing the application to be made for the landowner;
  - (4) Number of plans. Sixteen copies of the plan, with related drawings, must be submitted;
  - (5) Supplemental information. Sufficient copies of supplemental information must be included for distribution, according to the nature of the supplemental information;
  - (6) All plans must show the real estate folio numbers for the subject property.
- D. Preliminary plan requirements.
- (1) The preliminary plan of a proposed development shall be clearly and legibly drawn to a scale of one inch equals 50 feet. The preliminary plan shall contain, where relevant, all of the information required in this subsection.
  - (2) All submitted prints shall be either 18 inches by 24 inches or 36 inches by 48 inches. 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.
  - (3) The preliminary plan shall show:
    - (a) Name or any other identifying title of the proposed subdivision and of the Borough, county and state;
    - (b) North point, graphic scale, written scale, and date, including the month, day and

year that the original drawing was completed, the month, day and year that the original drawing was revised, for each revision, and a clear and concise description and location of the changes made in each revision;

- (c) Name of record owner (and developer);
- (d) Name and address of registered engineer, surveyor or land planner responsible for the plan;
- (e) The names of all abutting subdivisions, if any, with the book and page numbers where recorded, and the names of the owners of all adjacent unplotted land, if any, and the book and page numbers where recorded;
- (f) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 600 feet and showing the relation of the property, differentiated by tone or patterns, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, the approximate distance to the nearest existing street shall be shown, and a title, scale, and north point shall be indicated;
- (g) Total tract boundaries of the property being developed, showing bearings and distances, and a statement of total acreage of the property;
- (h) Contour lines at vertical intervals of not more than two feet for land with average natural slope of 4% or less, and at intervals of not more than 10 feet for land with average natural slope exceeding 4%. The datum shall be United States Coast and Geodetic Survey;
- (i) Location and elevation of the datum used shall be a known, established bench mark;
- (j) If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within a subdivision or development, applicant shall present evidence to the Planning Commission that the subdivision or development will be served by a certified public utility, a bona fide cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate;
- (k) All existing building structures;
- (l) 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;
- (m) The full plan of proposed development, including:
  - [1] Location and width of all streets and rights-of-way, with a statement of any conditions governing their use;
  - [2] Suggested streets names;

- [3] Building setback lines;
- [4] Lot line dimensions;
- [5] A statement of the intended use of all nonresidential lots and parcels;
- [6] Lot numbers and a statement of the total number of lots and parcels;
- [7] Sanitary and storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities;
- [8] Parks, playgrounds and other areas dedicated or reserved for public use, with any conditions governing such use;
- [9] Information as to source of reliable, safe and adequate water supply;
- [10] Utility easement locations.

(4) The preliminary plan shall be accompanied by the following supplementary data:

- (a) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the preliminary plan or on profile sheets;
  - (b) Tentative profiles along the top of cartway (pavement) edges or along the top of curb for both sides of each proposed street shown on the preliminary plan. Such profiles shall show natural and finished grades at one of the following:
    - [1] One inch equals 10 feet horizontal and one inch equals one foot vertical,
    - [2] One inch equals 20 feet horizontal and one inch equals two feet vertical,
    - [3] One inch equals 40 feet horizontal, and one inch equals four feet vertical,  
or
    - [4] One inch equals 50 feet horizontal and one inch equals five feet vertical.
- (5) A stormwater management plan for the surface drainage of the tract to be developed. Such plan shall include storm water runoff calculations for the entire property being developed, and shall show the proposed method of accommodating the anticipated runoff which shall be subject to the approval of the Borough Engineer.
- (6) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Department of Environmental Protection and/or the Pennsylvania Department of Transportation and shall be subject to the approval of the Borough Engineer.
- (7) Conservation plan, as defined, shall be subject to the review of the Delaware County Soil and Water Conservation District.
- (8) Certification of the plan accuracy shall be by registered engineer.

E. Distribution of the preliminary plan.

- (1) Upon receipt of a completed application, the Borough Secretary will circulate the

application materials as follows:

- (a) To the County Planning Commission (unless the applicant has opted to hand deliver the application directly to the county):
    - [1] The applicant's check made payable to the Delaware County Treasurer;
    - [2] All parts of the completed Application for Review form;
    - [3] Four copies of the plan, and related drawings;
    - [4] One copy of any other applicable information submitted by the applicant;
  - (b) To the Borough Planning Commission:
    - [1] A copy of the completed Application for Review form;
    - [2] Four copies of the plan, and related drawings;
    - [3] One copy of any other applicable information submitted by the applicant;
  - (c) One copy of the completed application form and one copy of the plan, and related drawings, to each of the following:
    - [1] Borough Engineer, together with one copy of any other applicable information submitted by the applicant;
    - [2] Borough Zoning Officer;
    - [3] Borough Fire Marshal;
    - [4] Borough Fire Chief;
    - [5] Any other Borough official as may require a copy of the plan for review purposes.
- (2) The Borough Secretary will retain one copy of the following materials for the use of Borough Council and for review by the public:
- (a) A copy of the completed Application for Review form;
  - (b) One copy of the plan, and related drawings;
  - (c) One copy of any other applicable information submitted by the applicant.
- F. Review of the preliminary plan application.
- (1) The Delaware County Planning Department will review the application according to its own requirements, and its own timetable, and will send written review comments to the Borough, with a copy thereof to the applicant.
  - (2) The Borough Planning Commission shall review the plan and the recommendations of the County Planning Commission, the Borough Engineer, and such other written reports by other Borough officials as may have been submitted as required by the Pennsylvania Municipalities Planning Code. Within 10 days of such review meeting, the Secretary of the Planning Commission shall send written notice of the action of

the Planning Commission, and the reasons therefore, to the following:

- (a) Borough Council;
  - (b) Applicant.
- (3) Borough Council.
- (a) Within the requirements of the Pennsylvania Municipalities Planning Code, Borough Council shall:
    - [1] Review the preliminary application package;
    - [2] Review the recommendation of the Borough Planning Commission, the County Planning Commission, and the Borough Engineer, the Zoning Officer and such other written reports by other Borough officials as may have been submitted;
  - (b) After the reviews described above, Borough Council may approve the application as filed, or require or recommend such changes and modifications as shall be necessary or advisable in the public interest, or deny approval, and, having rendered its decision, will communicate that decision to the applicant, in writing, at the address that appears on the original Application for Review form, unless the applicant, in writing and subsequent to the application, has notified the Borough of a change of address.

**§ 162-15. Final plan.**

**A. Submission of final plan.**

- (1) Where to submit a final plan. A final plan and all necessary supplementary data shall be officially submitted to the Borough Secretary.
- (2) How to submit. A completed final plan may be either mailed to the Borough Secretary or delivered in person. In the event of personal delivery, the applicant shall schedule an appointment with the Borough Secretary for submission of the final plan.
- (3) When to submit:
  - (a) Within 60 days after approval of the preliminary plan, unless this time limit shall be extended by Borough Council in writing to the Borough Secretary;
  - (b) Final plans to be reviewed by the Borough of Chester Heights Planning Commission shall be submitted by the first day of the month in which the next regularly scheduled meeting of the Borough Planning Commission is to take place;
  - (c) Final plans to be reviewed or submitted to Borough Council for approval shall be submitted by the 15th day of the month previous to the month in which the next regularly scheduled meeting of the Council of the Borough of Chester Heights is to take place;
  - (d) In the event that the said plans are not submitted within the time frames

indicated in § 162-15A(3)(a) and (b) above, the review may be postponed until the next regularly scheduled meeting of the applicable government body (Borough Planning Commission and/or Borough Council);

- (e) The applicant shall be responsible to submit in writing all requests for extension of time for review of the final plans;
  - (f) Note: The applicant is advised the timing of the final plan for approval to the Borough may not satisfy separate county requirements.
- (4) Payment of fees and reimbursement of expenses.
- (a) The Borough imposes a fee for review of the final plan application. The amount of the fee is identical for the preliminary plan submission. Contact the Borough Secretary for the latest fee schedule. Check(s) shall be made payable to: Borough of Chester Heights;
  - (b) The county fees (if required) shall be made payable to Delaware County Treasurer and included with the submission to the Borough Secretary;
  - (c) The applicant is responsible for, and is required to reimburse the Borough for, any costs incurred for professional services involved in the review of the application, such as legal fees to develop and/or review required legal documents, etc., and/or engineering fees to review the application, planning module, if any, and any supplemental information either included with the application or submitted later. Such costs may be paid for by the Borough and then billed to the applicant, or the applicant may be required to deposit escrow funds with the Borough, from which the expenses will be paid;

B. What must be included in the final plan application:

- (1) The Borough requires use of the same multipart Application for Review form that Delaware County currently uses. All copies of the completed Application for Review form must be included with the plan submission;
- (2) A check or checks for payment of appropriate application fee(s);
- (3) If the applicant is other than the landowner, an original document, signed by the landowner, authorizing the application to be made for the landowner;
- (4) Number of plans. Sixteen copies of the plan, and related drawings, including at least one set of black-on-white prints of the plan, and related drawings, for ultimate distribution to the Borough Engineer, must be submitted.
- (5) Supplemental information. Sufficient copies of supplemental information must be included for distribution, according to the nature of the supplemental information.
- (6) All plans must show the real estate folio numbers for subject property.
- (7) Any information/documentation/permits, etc., as may have been required, as a condition of preliminary plan approval, and specified to be submitted at the time of final approval, are to be submitted at the time of final plan approval.

- (8) Planning modules. All planning module applications and/or information shall be sent directly to the Borough Engineer by the applicant, and shall not be submitted to the Borough Secretary. The applicant must also submit a check, payable to the Borough of Chester Heights, for the planning module reviews, in an amount determined by Borough Council.

C. Final plan requirements.

- (1) The final plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals 50 feet.
- (2) The original drawing, and all submitted prints thereof, shall be of such size as is acceptable for filing by the Recorder of Deeds of Delaware County.
- (3) If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- (4) The final plan shall include:
  - (a) Name of proposed subdivision (or other identifying title), and of Borough, county and state;
  - (b) North point, graphic scale, written scale, and date including the month, day and year that the original drawing of the final plan was completed, the month, day and year that the original drawing was revised, for each revision, and a clear and concise description and location of the change made in each revision;
  - (c) Name of the record owner (and developer) of the tract, and the source(s) of title to the land being developed, as shown by the records of the County Recorder of Deeds;
  - (d) The name, address, license number and seal of the registered professional engineer or surveyor responsible for the plan;
  - (e) The names of all abutting subdivisions, if any, with the book and page numbers where recorded, and the names of the owners and all unplotted land, if any, and the book and page numbers where recorded;
  - (f) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 600 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, the approximate distance to the nearest street shall be shown, and a title, scale, and north point shall be indicated;
  - (g) The total tract boundary lines of the area being developed with accurate distances to hundredths of a foot and bearings to 1/4 of a minute. These boundaries shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary (boundaries) adjoining additional unplotted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey, and may be calculated. The monuments shall be indicated, along with a

statement of the total area of the property being developed. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments;

- (h) The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property;
- (i) The following data for the cartway edges (curblines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets, within the property:
  - [1] The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or chord) of all curved lines (including curved lot lines), and
  - [2] The width (in feet) of the cartway, right-of-way and of the ultimate right-of-way, and (in degrees, minutes and quarters of a minute) of the delta angle of all curved lines, including curved lot lines;
- (j) All straight lot lines and chords and radii of curved lot lines, defined (in feet and hundredths of a foot) by distances, and (in degrees, minutes and quarters of a minute) either by magnetic bearings or by angles of deflection from other lot and street lines;
- (k) Lot numbers, statement of the number of lots (and parcels), and approved Borough address numbers;
- (l) A statement of the intended use of all nonresidential lots. A statement of restrictions of any type which exist or will exist as covenants in the deed(s) for all lots contained wholly or in part in the development. If restrictions or covenants are recorded, then the deed book and page number shall be recorded;
- (m) The proposed building reserve (setback) line for each lot, or the proposed placement of each building and, where applicable, location of on-site sewage and water facilities;
- (n) The location (and elevation, if established) of all existing and proposed street monuments;
- (o) All easements or rights-of-way where provided for or owned by public services or any other party who has secured them and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Utility easements should be located in cooperation with the appropriate public utility companies;
- (p) Location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts (these data may be submitted as a separate plan);
- (q) If a development proposes a new street or driveway intersection with a state legislative route, the plan shall contain a notice that a highway occupancy

permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law"<sup>3</sup> before a driveway access to a state highway is permitted;

- (r) A certification of ownership, acknowledgment of plan and, where applicable, offer to dedicate shall be lettered on the plan, and shall be duly acknowledged and signed by the owner(s) of the property and notarized;
- (s) A certificate requesting approval of the plan by Borough Council, Borough Engineer and by the Borough Planning Commission shall be presented;
- (t) A space measuring three inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.

D. The final plan shall be accompanied by the following supplementary data:

- (1) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown either on the final plan or on the profile sheets;
- (2) Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
  - (a) Existing (natural) profile along both cartway edges or along the center line of each street;
  - (b) Proposed finished grade of the center line, or proposed finished grade at the top of both curbs, or proposed finished grade at both cartway (pavement) edges;
  - (c) The length of all vertical curves;
  - (d) Existing and proposed sanitary sewer mains and manholes;
  - (e) Existing and proposed storm sewer facilities and drainage improvements;
  - (f) The profile sheets shall be legibly drawn at one of the following sets of scales or any combination thereof:
    - [1] One inch equals 10 feet horizontal and one inch equals one foot vertical,
    - [2] One inch equals 20 feet horizontal and one inch equals two feet vertical,
    - [3] One inch equals 40 feet horizontal and one inch equals four feet vertical,  
or
    - [4] One inch equals 50 feet horizontal and one inch equals five feet vertical;
- (3) All offers of dedication, and covenants governing the reservation and maintenance of undedicated open space, shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency;
- (4) Such private deed restrictions, including building setback lines, as may be imposed

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3. Editor's Note: See 36 P.S. § 670-420.

upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being developed;

E. Conservation plan.

- (1) The conservation plan which is required to accompany the final subdivision or development plans shall be clearly and legibly drawn to the same scale as that of the preliminary and final plans.
- (2) The conservation plan shall show the total tract boundaries of the property being subdivided or developed in order to facilitate its use as an overlay, and shall show:
  - (a) Contour lines at vertical intervals of not more than two feet;
  - (b) Location and elevation to which contour elevations refer; where reasonably practicable, datum used shall be a known, established bench mark;
  - (c) All existing water courses, flood hazard areas, tree masses, trees over six inch caliper not part of a tree mass and other significant natural features within the proposed subdivision and within 50 feet from the boundaries of the proposed subdivision;
  - (d) Location and results of soil percolation tests whenever on-site disposal of sewage is planned;
  - (e) Location and type of all erosion and sedimentation control measures, including grassed waterways, diversions, debris basins or ponds, structures for water control, open drains and tile, proposed dates when such measures shall be in effect, and supporting data assuring compliance with the erosion and sedimentation control standards set forth in § 162-46 of this chapter;
  - (f) Notations indicating all trees or portions of tree masses proposed to be cleared as part of the proposed subdivision or development plan, together with reasons for such clearing. Notations shall be included indicating all proposed alterations of the natural grade, whether by cut or by fill, exceeding two feet, together with reasons for such alterations.

F. Distribution of final plan.

- (1) Upon receipt of a completed application, the Borough Secretary will circulate the application materials as follows:
  - (a) To the Delaware County Planning Commission, unless the applicant provides notice, in writing, that review by the County Planning Commission is unnecessary and/or unless the applicant has opted to hand deliver the application directly to the county, should a county review be necessary:
    - [1] The applicant's check made payable to the Delaware County Treasurer;
    - [2] All parts of the completed Application for Review form;
    - [3] Four copies of the plan, and related drawings;

- [4] One copy of any other applicable information submitted by the applicant.
- (b) To the Borough Planning Commission:
  - [1] A photocopy of the completed Application for Review form;
  - [2] Four copies of the plan and related drawings;
  - [3] One copy of any other applicable information submitted by the applicant.
- (c) One copy of the completed Application for Review form, and one copy of the plan, and related drawings, to each of the following:
  - [1] Borough Engineer (receives the black-on-white plan, and related materials);
  - [2] Borough Zoning Officer;
  - [3] Borough Fire Marshal;
  - [4] Borough Fire Chief;
  - [5] Any other Borough official as may require copies of the plan for review purposes.

G. Review of final plan.

- (1) Borough Planning Commission.
  - (a) The Planning Commission shall review the plan at a scheduled meeting following its receipt.
  - (b) Within 10 days after decision upon a recommendation, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission to the following:
    - [1] Borough Council;
    - [2] Applicant.
- (2) Borough Council. Within the requirements of the Pennsylvania Municipalities Planning Code,<sup>4</sup> Borough Council shall:
  - (a) Review the final application package;
  - (b) Review the recommendations of the Borough Planning Commission, the County Planning Commission, the Borough Engineer, and such other written reports by other Borough officials as may have been submitted;
  - (c) After the reviews described above, Borough Council may approve the application as filed, or require or recommend such changes and modifications as shall be necessary or advisable in the public interest, or deny approval, and, having rendered its decision, will communicate that decision to the applicant, in

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

writing, at the address that appears on the Application for Review form, unless the applicant, in writing and subsequent to final plan submission, has previously notified the Borough of a change of address;

- (d) Borough Council shall designate one print and one Mylar of the final plan as the official copy. This copy shall include all corrections required by Borough Council. It shall be retained in the Borough files;
- (e) Copies of the final plan as finally approved, with the appropriate endorsement of Borough Council and the Borough Engineer, shall be distributed as follows: Three prints and one tracing to the subdivider;
- (f) Before approving any final plan or before releasing any final plan executed by them as approved, Borough Council shall require, by resolution, that the developer post security to cover the cost of improvements including but not limited to the installation of streets, curbs, sidewalks, sewage facilities, and monuments in an amount estimated in accordance with the provisions of the Municipalities Planning Code. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept estimates for good cause shown. The developer may opt to complete all such improvements prior to issuance of any building permits. Such posting of security shall be in a form permitted by the Municipalities Planning Code and shall be covered by an agreement in a form acceptable to the Borough Solicitor.

#### H. Signing of the final plans.

- (1) All plans submitted for signature must contain appropriate signature blocks.
- (2) The Borough will retain three copies of the approved plan for its files. Under no circumstances will fewer than four copies of the plan be signed. In determining the number of plans to present for signature, the applicant should take into consideration not only their needs, but the Borough's three-copy requirement.

#### I. Distribution of the signed final plans.

- (1) The applicant is responsible to record the signed plan with the office of the County Recorder of Deeds within 90 days of the date of final approval by the Borough or, in the case of conditional Borough approval, within 90 days of the satisfaction of the last remaining condition. If the developer fails to record the final plan within such period, the action of the Borough shall expire and be deemed to be revoked, unless the developer requests in writing an extension of the ninety-day period. Such extension shall not be unreasonably withheld by the Borough. Note: The County Recorder of Deeds requires plans being submitted for recording be of a specific size. The applicant is responsible to assure plans are of the appropriate size for recording.
- (2) The Borough Secretary will distribute one copy of the signed plans to each of the following:
  - (a) Borough Engineer;
  - (b) Borough Zoning Officer;

- (3) The Borough Secretary shall retain one copy of the signed plan.

**§ 162-16. Plans exempted from standard procedures.**

- A. In the case of any new proposed subdivision in which all proposed lots will have frontage on an existing public street or road, the following procedure may be followed upon approval from the Planning Commission:
  - (1) The subdivider shall follow the informal procedure for approval of a sketch plan, except that drawings submitted for review shall contain the necessary spaces for signature endorsements;
  - (2) Following receipt of notification that the sketch plan has been reviewed by the Borough Planning Commission, including any recommended or required changes or modifications, the subdivider shall deliver to the Borough performance and/or maintenance bonds as required for a final plan;
  - (3) Following sketch plan approval, the subdivider may then prepare a final plan sufficient to meet the requirements of this chapter.
- B. In the case of proposed subdivision of land by process of auction sale, the following procedures shall be used by the subdivider:
  - (1) The subdivider shall prepare and submit a preliminary plan, which, in addition, shall contain the following notation:

This property is intended to be sold by auction on or about (insert date), in whole or in part according to this plan. Sale of lots at such auction shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall proceed until a final plan showing such division of property shall have been approved by Borough Council in accordance with its regulations, and recorded in the office of the County Recorder of Deeds.

- (2) The auction sale may then proceed in accordance with the above notation, after which the subdivider shall prepare and submit a final plan in accordance with these regulations.

**§ 162-17. Modifications for hardship.**

- A. The Borough Council may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the chapter is observed.
- B. All requests for a modification shall be in writing and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the chapter involved and the minimum modification necessary. In making any alterations, the following shall be observed:
  - (1) No lot or tract of land shall be created that is smaller than the minimum dimensions

- required by Chapter 185, Zoning, of the Code of the Borough of Chester Heights;
- (2) Easements reserved for drainage shall not be changed;
  - (3) No lot shall be created which does not abut a street;
  - (4) The character of the area shall be maintained.
- C. In every case, the applicant shall prepare a borough record plan and submit said plan for the endorsements of the Borough Engineer and Borough Council identifying the previous record plan and shall record the revised Plan.
- D. The Borough Council may refer the request for modification to the Borough Planning Commission for advisory comments.
- E. The Borough Council shall keep a written record of all action on all requests for modifications. Note: The Borough shall retain three signed copies of the plan. Therefore, the applicant is advised to submit for signing sufficient number of plans as may be needed to satisfy his requirements.

**§ 162-18. Subdivision and land development agreements.**

- A. Every application for final approval shall be accompanied by a form of agreement to be approved by the Borough Solicitor before it shall be executed by Borough Council and filed of record. The agreement shall include but not be limited to the following:
- (1) That the owner agrees that he will lay out and construct all roads, streets, lanes or alleys together with all other improvements including grading, paving, curbs, gutters, sidewalks, streetlights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space and restricted areas, erosion and sediment control measures in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that he shall complete these improvements within the time or times specified by Borough Council;
  - (2) That the owner guarantees completion and maintenance of all improvements by means of a bond or deposit of funds or securities in escrow or letter of credit;
  - (3) That the owner agrees to tender a deed or deeds of dedication to the Borough for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements, provided that the Borough shall not accept dedication of such improvements until their completion is certified as satisfactory by the Borough Engineer;
- B. Provisions for dedication of streets. Whenever a developer proposes to establish or continue a street which is not offered for dedication to public use, Borough Council shall require the developer to submit, and also to record with the plan, a copy of an agreement made with the Borough on behalf of himself and his heirs and assigns, signed by him and by the Borough, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:

- (1) That an offer to dedicate the street shall be made only for the street as a whole;
- (2) That the Borough shall not be responsible for repairing or maintaining any undedicated street;
- (3) That the method of assessing repair and maintenance costs of undedicated streets be stipulated;
- (4) That if dedication be sought the street shall conform to the Borough specifications or that the owners of the abutting lots shall at their own expense restore the street to conformance with the Borough specification;
- (5) Owner agrees to reimburse the Borough for all costs including but not limited to, engineering, review fees, legal fees and inspection fees.

**§ 162-19. Maintenance bonds.**

If, as a result of subdivision approval, there will be dedication of improvements to the Borough, then the developer shall, before the Borough resolves to accept dedication, post security for the maintenance of such improvements, not to exceed 15% of the actual cost of the installation of such improvements for a period of 18 months from acceptance of dedication.

**ARTICLE VI  
Development and Design Standards**

**§ 162-20. Applicability.**

The following standards shall be complied with in all subdivisions and land developments. If a developer, however, can clearly show to the satisfaction of Borough Council that, because of peculiar conditions pertaining to his land, the literal enforcement of these standards would cause undue hardship, such variations from their literal interpretation may be permitted as may be reasonable and consistent with the purpose and intent of this chapter.

**§ 162-21. Land and use standards.**

- A. All proposed subdivisions and land development shall comply fully with the existing zoning regulations applicable to the land, and no parcel of land shall be created, either by inclusion or exclusion from a proposed subdivision, which cannot be properly utilized for a permitted use under the existing zoning regulations.
- B. Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other cause, shall not be subdivided for building purposes or developed unless the hazards have been eliminated or unless the plans show adequate safeguard against them.
- C. No on-site sewage disposal facility shall be permitted to be installed unless applicable Borough, state and/or Delaware County standards are fully satisfied.
- D. No structure shall be constructed in a flood hazard area.
- E. Proposed developments shall be coordinated with existing nearby neighborhoods with

particular reference to street layout and the provision of sanitary sewage and water facilities so that the community as a whole may develop harmoniously.

- F. Standards for private streets serving more than two residences shall be subject to approval by the Fire Marshal, Borough Council and the Borough Engineer.

**§ 162-22. Public streets.**

- A. The location and width of all public streets shall conform to the "Official Plan" or to such parts thereof as may have been adopted by the Borough and/or the county.
- B. The proposed public street system shall extend existing or recorded streets at the same or greater width, but in no case at less than the required minimum width.
- C. Where, in the opinion of the Borough Planning Commission, it is desirable to provide for public street access to adjoining property, public streets shall be extended by dedication to the boundary of such property.
- D. New minor public streets shall be so designed as to discourage through-traffic, but the developer shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.

**§ 162-23. Partial and half streets.**

- A. New half or partial streets will not be permitted, except where essential to the reasonable development of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the public street can be obtained.
- B. The developer shall provide the entire required right-of-way or as much thereof as lie within his property, along all existing public streets which traverse or abut his property.

**§ 162-24. Street widths.**

- A. Minimum street right-of-way and cartway pavement widths shall be as shown on the "Official Plans" or Comprehensive Plan, or if not shown on such plans, shall be as follows:

| <b>Required Width (in feet) With Curbs</b> |                         |
|--|-------------------------|
| <b>Street Type</b>                         | <b>Width<br/>(feet)</b> |
| <b>Collector street</b>                    |                         |
| Right-of-way                               | 60                      |
| Cartway                                    | 36                      |
| <b>Major street</b>                        |                         |
| Right-of-way                               | See Note (a)            |
| Cartway                                    | See Note (a)            |

**Marginal access street**

|              |              |
|--------------|--------------|
| Right-of-way | See Note (b) |
| Cartway      | 24           |

**Minor street**

|              |    |
|--------------|----|
| Right-of-way | 50 |
| Cartway      | 30 |

**Permanent cul-de-sac street**

|              |    |
|--------------|----|
| Right-of-way | 50 |
| Cartway      | 30 |

NOTES:

(a) As specified in the "Official Plans," or Comprehensive Plan, or as determined after consulting with the Borough and County Planning Commission, and the Pennsylvania Department of Transportation.

(b) Variable, depending on use requirements.

(c) Additional right-of-way and cartway widths may be required by the Borough Planning Commission for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high-density residential development.

B. All streets shall be paved in accordance with Borough specifications.

**§ 162-25. Street grades.**

A. On public streets there shall be a minimum center-line grade of 1%.

B. Center-line grades shall not exceed the following:

- (1) Minor street: 10%;
- (2) Collector street: 6%;
- (3) Major street: 6%;
- (4) Street intersection: 4%.

**§ 162-26. Horizontal curves.**

A. Whenever public street lines are deflected in excess of 5°, connections shall be made by horizontal curves.

B. To ensure adequate sight distance, minimum center-line radii for horizontal curves shall be as follows:

- (1) Minor streets: 150 feet;
  - (2) Collector streets: 300 feet;
  - (3) Major streets: 500 feet;
- C. A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and major public streets.

**§ 162-27. Vertical curve.**

At all changes of public street grades where the algebraic difference exceeds 1%, vertical curves shall be provided to permit the following minimum sight distances:

- A. Minor streets: 200 feet;
- B. Collector streets: 300 feet;
- C. Major streets: 400 feet;

**§ 162-28. Intersections.**

- A. Public streets shall intersect as nearly as possible at right angles but in no event at an angle of less than 60°.
- B. No more than two streets shall intersect at the same point.
- C. A public street intersecting another street shall either intersect directly opposite to it or shall be separated by at least 150 feet between center lines, measured along the center line of the street being intersected.
- D. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 100 feet of the intersection of the nearest right-of-way lines.
- E. Intersections with major public streets shall be located not less than 1,000 feet apart, measured from center line to center line, along the center line of the major public street.
- F. Public street curb intersection shall be rounded by a tangent arc with a minimum radius of:
  - (1) Twenty feet for intersections involving only minor streets;
  - (2) Thirty feet for all intersections involving a collector street;
  - (3) Forty feet for all intersections involving a major street.
- G. Public street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.
- H. Street name signs shall be installed at all street intersections. The design and placement of such signs and the names of the streets shall be subject to the approval of Borough Council.

**§ 162-29. Sight distance at intersections.**

- A. Clear sight triangles shall be provided at all public and private street intersections. Within

such triangles, no vision obstructing object shall be permitted which obscures vision above the heights of 30 inches and below 10 feet measured from the center line grade of intersecting public streets. Such triangles shall be established from a distance of: 200 feet from the point of intersection of the center lines, except that, clear sight triangles of 400 feet shall be provided for all intersections with major public streets.

- B. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building setback line such portion shall be shown on the final plan of the development, and shall be considered a building setback line.

**§ 162-30. Restriction of access.**

- A. Wherever a development abuts or contains an existing or proposed public street with an ultimate right-of-way of 60 feet or more, the Borough Planning Commission shall require restrictions of access to the major street by:
  - (1) Provision of reverse frontage lots, or
  - (2) Provision of public service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets, or
  - (3) Provision of public marginal streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Borough under an agreement meeting the approval of the Borough. Except as specified above, reserve strips shall be prohibited.
- B. Dead-end public streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- C. Any public street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround, within the development, and the use of such turnaround shall be guaranteed to the public until such time as the public street is extended.
- D. Unless future extension is clearly impractical or undesirable the turnaround right-of-way shall be placed adjacent to the tract boundary line to permit extension of the street at full width.
- E. All cul-de-sac public streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The minimum radius to the pavement edge or curb line shall be 40 feet, and the minimum radius of the right-of-way shall be 50 feet. Cul-de-sac streets, whether public or private shall not exceed 600 feet in length, nor serve more than 30 dwelling units.
- F. Drainage of cul-de-sac public streets shall preferably be towards the open end.
- G. The center-line grade on a cul-de-sac public street shall not exceed 7%, and the grade of the diameter of the turnaround shall not exceed 4%.

**§ 162-31. Curbs and sidewalks.**

Curbs shall be required on all streets; sidewalks may be required to be installed at the discretion of Borough Council.

- A. Curbs shall be the vertical type. Rolled curb-and-gutter type may be installed only upon the approval of Borough Council except that rolled curbs shall not be used on streets whose grade exceeds 6%, or on any collector or major streets. The transition from one type to another shall be made only at a street intersection, and adequate provision shall be made for driveway entrances.
- B. Where required, sidewalks shall be a minimum of four feet in width. Where required, snow strips shall be three feet in width and shall be grassed.

**§ 162-32. Street names.**

- A. Proposed public streets which are obviously in alignment with other already existing and named shall bear the names of the existing streets.
- B. In no case shall the name of a proposed street duplicate an existing public street name in the Borough or in the postal district, irrespective of the use of street, road, avenue, boulevard, drive, etc.
- C. All public street names shall be subject to the approval of Borough Council upon recommendation of the Planning Commission.

**§ 162-33. Block layout.**

The lengths, width and shape of blocks shall be determined with due regard to provision of adequate sites for buildings of the type proposed; zoning requirements; topography; and requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major public streets.

**§ 162-34. Block length.**

- A. Blocks shall have a minimum length of 600 feet.
- B. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection and pedestrian access.
- C. Where practicable, blocks along major and collector streets shall not be less than 1,000 feet long.

**§ 162-35. Interior walks.**

- A. Interior walks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities as well as in blocks of over 1,000 feet in length.
- B. Such interior walks shall have a width of not less than 10 feet and a paved walk of not less than four feet.

**§ 162-36. Block depth.**

Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots are required along a major public street, or where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Borough Planning Commission may approve a single tier of lots.

**§ 162-37. Commercial and industrial blocks.**

Blocks in commercial and industrial areas may vary from the elements of design detailed in § 162-36 if required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

**§ 162-38. Lots and parcels.**

General standards.

- A. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated;
- B. Insofar as practical, side lot lines shall be at right angles to straight public street lines or radial to curved public street lines;
- C. Wherever feasible, lot lines shall follow Borough boundaries rather than cross them, in order to avoid jurisdictional problems;
- D. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.;
- E. If, after subdivision, there exist substandard remnants of land, they shall be either incorporated in existing or proposed lots, or legally dedicated to public use, if acceptable to the Borough.

**§ 162-39. Lot frontage.**

- A. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major public streets or to overcome specific disadvantages of topography or orientation.
- B. All residential reverse frontage lots shall have a rear yard with a minimum depth of 60 feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least 10 feet in width, across which there shall be no right of access.

**§ 162-40. Building setback lines.**

- A. The minimum building setback line shall be in accordance with Chapter 185, Zoning, of the Code of the Borough of Chester Heights.
- B. On any lot abutting a railroad, no dwelling shall be placed within 75 feet of the nearest

existing track, nor within 25 feet of any portion of the right-of-way line.

**§ 162-41. Driveways.**

Driveways constructed within street rights-of-way serving one house shall be subject to the following requirements:

- A. Private driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines;
- B. In order to provide a safe and convenient means of access, grades on private driveways should not exceed 10%;
- C. In order to provide safe and convenient ingress and egress, private driveway entrances should be rounded at a minimum radius of five feet, or should have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curbline);
- D. All driveways to be paved. (See Appendix "Residential Driveway Detail")<sup>5</sup>

**§ 162-42. Lot size.**

Lot dimensions and areas shall not be less than specified by the provisions of Chapter 185, Zoning, of the Code of the Borough of Chester Heights for the area in which the development is located.

**§ 162-43. Sanitary sewage disposal.**

- A. The developer shall provide the highest type of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions and in conformance with all applicable Borough ordinances and state, county, and federal regulations.
- B. Wherever approval by the Pennsylvania Department of Environmental Protection or by the federal government is required for the water supply or sanitary sewage disposal system(s) for a proposed development, the Planning Commission shall require that a copy of such approval certification be submitted with both the preliminary and the final plan. Where a package plant is contemplated, such system or systems shall be demonstrated to be fully operable before any certificate of occupancy is granted.

**§ 162-44. Water supply.**

- A. Wherever an existing public or approved community water system is geographically and economically accessible to a proposed development, a distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrant locations to meet the specifications of the Middle States Department Associations of Fire Underwriters. A copy of the approval shall be submitted establishing the ownership and maintenance of such distribution system.
- B. Where individual on-site water supply system(s) are to be utilized, each lot so served shall

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5. Editor's Note: Said appendix is located at the end of this chapter.

be of a size and shape to allow safe location of such a system.

- C. Where individual on-site water supply system(s) are to be utilized, it is required that the developer provide at least one test well for each 10 lots or fraction thereof. Such wells should be drilled, double cased, grout sealed into bed rock, at least 50 feet deep, and shall have a reliable yield of at least five gallons per minute, based on a twenty-four-hour pump test of potable drinking water, as certified by a state or county health officer and in accordance with the Borough regulations. The developer shall submit evidence of the required approval before any certificate of occupancy is issued.

**§ 162-45. Storm drainage.**

A. General regulations.

- (1) All storm drains and drainage facilities such as pipes, gutters, inlets, catch basins, culverts and other proposed structures necessary for the collection, retention and conveyance of stormwater runoff shall be delineated, depicted and otherwise noted at the time of preliminary plan submission as provided in this chapter.
- (2) Suitable storm drainage facilities shall be provided in order to maintain or lessen the existing rate of flow from the tract without damage to land or structures within and adjacent to the subdivision or land development.
- (3) Storm sewers, culverts, bridges and related drainage installations shall be provided:
  - (a) To permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of the Pennsylvania Department of Environmental Protection, Army Corps of Engineers or any other applicable government agency;
  - (b) To insure adequate drainage of all low points as may be related to streets;
  - (c) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained, to prevent flow of stormwater across intersections, and to prevent the flooding of intersections during the design storm;
  - (d) To insure adequate and unimpeded flow of stormwater under streets and/or driveways in, near, or across natural watercourses or drainage swales. Properly sized pipes or other conduits shall be provided as necessary;
  - (e) To prevent excessive flow on or across streets, sidewalks, drives, parking areas, and any other paved surface or accessway;
  - (f) Intercept and properly drain springs.
- (4) The stormwater management plan for each subdivision and/or land development shall take into account and provide for upstream area within the entire watershed in computing discharge quantities, sizing of pipes, inlets and other structures. The runoff from any proposed development shall be subject to evaluation which includes the anticipated runoff from other existing or proposed development within the same

watershed.

- (5) All natural streams, channels, swales, drainage systems and/or areas of concentration of surface water shall be maintained in their existing condition unless alteration is approved by the Borough and all other required governmental agencies. In any event, all encroachment activities and drainage facilities for drainage areas in excess of 1/2 square mile or 320 acres shall conform to the most current requirements of, and be approved by, the Pennsylvania Department of Environmental Protection Division of Dams and Encroachments.
- (6) Any drainage facility crossing a state road shall conform to all applicable Pennsylvania Department of Transportation design standards.
- (7) Man-made structures shall be kept to a minimum and bridges, culverts or rip-rap shall be constructed to maintain the natural characteristics of the stream and shall meet the approval of the Borough.
- (8) Retention/detention basins shall be designed to utilize the natural contours of the land whenever possible. When such design is impracticable, the construction of basin shall utilize slopes as shallow as possible to blend the structures into the terrain.
- (9) Any subdivision and/or land development within a flood control district shall comply with all of the provisions of the Flood Control Ordinance as provided in the Zoning and Building Ordinance,<sup>6</sup> and the rules and regulations of Pennsylvania Department of Environmental Protection.
- (10) All areas containing lakes, ponds, wetlands and watercourses shall be reserved for permanent open space. Any alteration, development, filling, piping or diverting of such water resources shall be in strict compliance with the provisions of Chapter 185, Zoning, of the Code of the Borough of Chester Heights, especially those pertaining to the Flood Zone, and all prevailing rules and regulations of the state and federal government.
- (11) Any water originating from nonnatural sources, such as swimming pools, air-conditioning units, sump pumps, roof drains, or other similar flow, shall be properly discharged into natural watercourses or storm drains.
- (12) For the purpose of this section, streams and intermittent streams are defined as those watercourses depicted on the Borough Map, the USGS maps of the area, and/or determined as such pursuant to an on-site survey by the Borough or its representative.

B. Specific design standards.

- (1) Design flow rate. The storm sewer system shall be designed to carry a ten-year peak flow rate, with a twenty-five-year peak flow rate at all low points. The peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The design flow rate shall be determined by the rational formula,  $Q = CIA$ .

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6. Editor's Note: See Ch. 185, Zoning.

Where:

Q = Peak runoff rate, cubic feet per second (CFS).

C = Runoff coefficient equal to the ratio of the peak runoff rate to the average rate of rainfall over a time period equal to the time of concentration.

I = Average rainfall intensity in inches per hour for a time equal to the time of concentration.

A = Drainage area in acres.

- (2) Appropriate values for the runoff coefficient and rainfall intensity shall be taken from the following source: Commonwealth of Pennsylvania Department of Transportation Design Manual, Part 2 Highway Design August 1981 (or the latest revisions thereto).
- (3) Storm sewer system design.
  - (a) The storm sewer system shall be designed to the more restrictive of the following: to collect stormwater at any point where three to five cubic feet per second is accumulated during the design storm; and/or inlets/manholes shall not be spaced more than 300 feet apart on pipe sizes up to 24 inches in diameter and not more than 400 feet apart on greater sizes.
  - (b) Inlets, manholes, grates, covers, frames, and the like, shall conform to the Pennsylvania Department of Transportation Roadway Construction Standards (Publication No. 72) and Form 408, Specifications, and all amendments, revisions or updated therein.
- (4) Bridge/culvert/channel design.
  - (a) Bridges and culverts shall have ample waterway to carry expected flows, based on minimum storm frequency of 25 years. Bridge and/or culvert designs shall be in accordance with the Pennsylvania Department of Transportation and/or the Pennsylvania Department of Environmental Protection requirements. All culverts shall be provided with concrete end sections unless approved otherwise by the Borough.
  - (b) All drainage channels shall be designed to carry a flow rate equal to a one-hundred-year, twenty-four-hour storm.
  - (c) All drainage channels shall be designed to prevent the erosion of the bed and bank areas. The flow velocity in all vegetated drainage channels shall not exceed the maximum permissible velocity to prevent erosion. Suitable bank stabilization shall be provided where required to prevent erosion of the drainage channels. Where storm sewers discharge into existing drainage channels at an angle greater than 30° from parallel with the downstream channel flow, the far side bank shall be stabilized by the use of rip-rap, masonry, and/or concrete walls. The stabilization shall be designed to prevent erosion and frost heave under and behind the stabilizing media.

- (d) Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum slope of three horizontal to one vertical on those areas to be mowed.
- (e) The design of all channels shall, as a minimum, conform to the design procedures outlined in:
  - [1] The U.S. Department of Transportation Federal Highway Administration Roadside Drainage Channels Hydraulic Design Series No. 4.
  - [2] The U.S. Department of Transportation Federal Highway Administration Design Chart for Open Channel Flow Hydraulic Design Series No. 3.
  - [3] Standards and Specifications for Soil Erosion and Sediment Control in Developing Areas, U.S. Department of Agriculture, Soil Conservation Service, College Park, Maryland.
- (5) Overflow system. An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drainpipe system is exceeded, The overflow system shall be sufficient capacity to carry the difference between the one-hundred-year and the ten-year peak flow rates.
- (6) Inlet capacity.
  - (a) All inlets must be designed to accommodate the ten-year peak flow rate except at low points where they shall accommodate the twenty-five-year peak flow rate. The capacity of Type C, M, or S inlets shall be determined from the following source: Commonwealth of Pennsylvania Department of Transportation Design Manual, Part 2 Highway Design, August 1981, (or the most recent revisions thereto) Chapter 10.
  - (b) The capacity of each inlet shall be indicated on the stormwater drainage plan. All stormwater management plans shall indicate that inlet grades be installed in such a manner that the roadway stormwater will be directed into the inlet and away from the roadway. At curbed street/driveway intersections, inlets shall be placed on the tangent section and not in the curved portion of the curbing.
- (7) Straight pipe sections. Wherever possible, all storm sewers shall be designed to follow straight courses. No angular deflections of storm sewer pipe sections in excess of 5° shall be permitted. No vertical curves shall be permitted in the storm sewer system.
- (8) Minimum grade and size. All storm drainpipes shall be designed to maintain a minimum grade of 1%. All storm sewer pipes shall have a minimum inside diameter of 15 inches.
- (9) Pipe capacity. The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:
  - (a) The United States Department of Transportation Federal Highway Administration Hydraulic Engineering Circular No. 5, Hydraulic Charts for the Selection of Highway Culverts.

- (b) The United States Department of Transportation Federal Highway Administration Hydraulic Design Series No. 3, Design Charts for Open-Channel Flow.
  - (c) The United States Department of Transportation Bureau of Public Roads Hydraulic Engineering Circular No. 10, Capacity Charts for the Hydraulic Design of Highway Culverts.
- (10) Pipe arches. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipes.
  - (11) Pipe material and gage thickness. All storm sewers shall be either reinforced cement concrete, corrugated aluminum or corrugated galvanized steel pipe. Storm sewers shall be of the proper class and thickness to support the cover material. Pipe class and gage or thickness shall be noted on the plans.
  - (12) Allowable headwater depth. At all inlets or manholes, the maximum allowable headwater depth shall be one foot below the top of the inlet grate or the manhole cover.
  - (13) Horizontal pipe deflections. A manhole or inlet shall be provided at all horizontal deflections in the storm pipe system exceeding 5°.
  - (14) Minimum and maximum cover. A minimum of 18 inches of cover shall be maintained over all storm drainpipes. The top of storm drainpipes shall be a least 1/2 foot below subgrade elevation. The maximum cover over storm drainpipes shall be 10 feet unless approved otherwise by the Borough.
  - (15) Storm sewer system outlets. Storm sewer system outlet pipes shall extend to proposed stormwater management facilities, natural watercourses, and the like. A concrete endwall shall be required on all storm sewer system outlet pipes.
  - (16) Roof drains. Stormwater roof drains shall not discharge water directly over a sidewalk, into any sanitary sewer line, or into a street or paved area without a straight curbed gutter.
  - (17) Drainage easements.
    - (a) All storm sewer easements through undedicated land shall be a minimum of 20 feet in width.
    - (b) Where a site is traversed by a watercourse, a drainage easement or right-of-way conforming substantially with the line of such watercourse and/or such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance shall be created, as determined by the Borough.
  - (18) Diversion of runoff. All storm sewers and/or drainage swales shall be designed to carry the runoff into a detention basin or similar facility utilized to control the rate of runoff, unless approved otherwise by the Borough.
  - (19) Runoff control measures.

- (a) Runoff control. The rate and quantity of stormwater runoff from any proposed subdivision and/or land development shall not exceed the rate and quantity of runoff prior to development (i.e., zero increase runoff). This standard shall be maintained for all storms (i.e., both high-frequency and low-frequency).
- (b) Runoff control devices. The increased runoff which may result from subdivisions and/or land developments shall be controlled by permanent runoff control measures that will provide the required runoff control specified above. All runoff control devices will be evaluated for their effectiveness to maintain the above-mentioned standard for all storms with a return period of up to 100 years.
- (c) Detention basin vs. other available methods. Detention basins are the most desirable technique for controlling the rate of runoff from a subdivision and/or land development, however, the use of other available runoff control measures is allowable. Runoff control measures other than detention basins may include on-lot berms and on-lot or centralized seepage beds. All pertinent detention basin design standards shall be applicable to any on-lot facilities.
- (d) Groundwater recharge. In general, all runoff control measures shall be designed to encourage groundwater recharge and shall be permitted only if suitable surface conditions are present. Soils testing and certification by a registered professional engineer, geologist, soils scientist, or the like, shall be required before any groundwater recharge system will be allowed.

(20) Detention/retention basins.

- (a) Detention basins shall be designed in accordance with the Soil Cover Complex Method and the procedures developed by the U.S. Department of Agriculture, Soil Conservation Service, as outlined in their Technical Release No. 55, Urban Hydrology for Small Watersheds, with specific attention given to antecedent moisture conditions, flood routing and peak discharge and Hydrology National Engineering Handbook Section 4; however, for development areas of less than five acres, the rational method may be used to compute the sizing of basins.
- (b) Basins shall be designed to detain the quantity of water resulting from a one-hundred-year, twenty-four-hour storm (7.2 inches of rainfall) under full development conditions. Stormwater management calculations shall insure that the predeveloped discharge from the site for the following storms is not exceeded after development:
  - [1] Two-year, twenty-four-hour: 3.3 inches of rainfall.
  - [2] Ten-year, twenty-four-hour: 5.0 inches of rainfall.
  - [3] Twenty-five-year, twenty-four-hour: 5.7 inches of rainfall.
  - [4] Fifty-year, twenty-four-hour: 6.4 inches of rainfall.
  - [5] One-hundred-year, twenty-four-hour: 7.2 inches of rainfall.
- (c) The following criteria shall apply in the calculation of stormwater runoff values:

The time of concentration method shall be utilized in the development of the runoff hydrographs and peak discharges. Storage discharge curves shall be provided for all basins.

- [1] Meadow condition shall be used as the basis for establishing the predeveloped runoff values for all areas other than woodland, including areas which are presently covered by impervious surfaces except as stated below.
  - [2] In the case of an expansion of an existing development, a waiver may be requested from the Borough Council to exclude only existing impervious areas from the requirements of Subsection B(20)(c)[1] above, provided that the existing development does not presently contribute to an existing drainage problem downstream.
  - [3] Average antecedent moisture conditions.
  - [4] A Type II distribution storm.
- (d) Outlet control structures.
- [1] All outlet control structures shall be constructed of galvanized steel, aluminum or concrete, properly anchored to prevent flotation, and equipped with childproof, nonclogging trash racks over all design openings 12 inches or greater in diameter, except those openings designed to carry perennial stream flows.
  - [2] Temporary sedimentation controls shall be provided during construction to prevent the flow of sediment through the basin outlet pipe. Such measures may include temporary riser pipes, rock-filled gabions, plywood stand-boxes, silt fences, and the like.
- (e) Emergency spillways. Whenever possible, the emergency spillway for basins shall be constructed on undisturbed ground. Emergency spillways shall be constructed of reinforced concrete, vegetated earth, concrete rubble, and the like. All emergency spillways shall be constructed so that the basin berm is protected against erosion. The minimum capacity of all emergency spillways shall be such that the combined capacity of the emergency spillway and the principal outlet shall equal the one-hundred-year design storm after development. Emergency spillways shall extend along the upstream and downstream berm embankment slopes. The emergency spillway shall not discharge stormwater over earthen fill and/or easily erodible material without adequate protection against erosion.
- (f) Freeboard. The minimum freeboard shall be two feet. (Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled basin embankment.)
- (g) Antiseep collars. Antiseep collars shall be installed around the principal pipe barrel within the normal saturation zone of the basin berms. The antiseep collars and their connection to the pipe barrel shall be watertight. The antiseep collars

shall extend to a minimum of two feet beyond the outside of the principal pipe barrel. The maximum spacing between collars shall be 14 times the minimum projection of the collar measured perpendicular to the pipe.

- (h) Basin outlets. Energy dissipating devices (rip-rap, stilling basin, concrete aprons, and the like) shall be placed at all basin outlets. Rock level spreader berms shall be required where basins do not discharge into an existing drainage swale, ditch or channel. Concrete endwalls shall be placed at all basin outlets. All basin outlet pipes 12 inches in diameter or greater, shall be equipped with childproof devices.
- (i) Slope of detention basin embankment. The maximum slope of earthen basin embankments shall be three to one. The top or toe of any slope shall be located a minimum of 15 feet from adjacent property lines with the exception of the downstream property line where the toe of the embankment shall be placed a sufficient distance to allow for energy dissipating devices but in no case less than 30 feet unless approved otherwise by the Borough. Whenever possible, the side slopes and basin shape shall blend with the natural topography.
- (j) Width of berm. The minimum top width of detention basin berms shall be 10 feet.
- (k) The maximum depth of the basin shall not exceed 10 feet.
- (l) Construction specifications. The plans shall indicate the construction specifications and compaction requirements for all detention/retention basins.
- (m) Slope of basin bottom. In order to insure proper drainage of detention basins, a minimum grade of 2% shall be maintained for all sheet flow. A minimum grade of 1% shall be maintained for all channel flow.
- (n) Cut-off trench. A cut-off trench shall be excavated along the center line of the dam on earth fill embankments. The minimum depth shall be three feet. The minimum bottom width shall be 10 feet or wide enough to permit operation of compaction equipment. The side slopes shall be no steeper than 1:1. The trench shall be kept free from standing water during the backfilling operations.
- (o) Grading and landscaping of basins.

[1] Cuts and fills. No excavation or fill shall be made with a cut or fill slope steeper than three horizontal to one vertical, except where the excavation or fill is sufficiently stable to prevent sliding or erosion and will not result in property damage or personal injury. A written statement shall be required from a civil engineer licensed by the Commonwealth of Pennsylvania having experience in soils engineering certifying that he has inspected the site and that any proposed deviation from the slope specified above should not endanger any property or result in personal injury. Retaining walls will be required if a stable slope cannot be maintained. Any retaining wall design must be designed by an experienced structural engineer licensed by the Commonwealth of Pennsylvania and approved by

the Borough. The toe of any cut or fill slope must be located a minimum of 15 feet from adjacent property lines with the exception stated in Subsection B(20)(i) above.

[2] Landscaping.

[a] A minimum of six inches of topsoil shall be placed on all areas affected by the basin construction (bottom of basin, side slopes, top of berm, and the like);

[b] All earthen basins shall be stabilized with temporary and permanent grasses or other approved ground cover within 15 days after initial construction;

[c] Fencing and a suitable vegetation screening shall be provided around all detention/retention basins unless the Borough Council determines that such screening is not necessary;

[d] A landscape plan at a minimum scale of one inch equals 30 feet of the basin plans shall be submitted with each application. Such plan must be sealed by a landscape architect registered in the commonwealth;

[e] At the completion of construction an as-built plan signed and sealed by a registered engineer or surveyor shall be submitted for Borough records.

[3] Basins shall be installed prior to any earthmoving or land disturbances which they will serve.

(21) Subsurface disposal of stormwater.

(a) Subsurface disposal of stormwater shall be allowed only where natural, well-drained soils exist only after on-site soil percolation tests certified by a registered professional engineer experienced in soils engineering, geologist, qualified soils scientist, and the like, are performed.

[1] Soils testing to determine percolation rates shall be performed at several locations where the subsurface facility is proposed and also at the proposed invert elevation of the subsurface facility.

[2] All percolation tests shall be conducted in accordance with the rules, regulations and procedures of the Pennsylvania Sewage Facilities Act (Act 537)<sup>7</sup> as required by the Pennsylvania Department of Environmental Protection.

[3] Various methods of subsurface disposal may be employed. The effectiveness and applicability of each should be evaluated at each location. Acceptable methods include, but are not limited to, infiltration

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7. Editor's Note: See 35 P.S. § 750.1 et seq.

basins and/or berms, seepage beds and/or trenches, and the like.

- [4] The design and construction of all subsurface facilities shall provide proper procedures to prevent silt from clogging the aggregate backfill.
- [5] The following procedures and materials shall be required for all subsurface facilities:
  - [a] Excavation for the infiltration facility shall be performed with equipment that will not compact the bottom of the seepage bed/trench, or like facility;
  - [b] The bottom of the bed and/or trench shall be scarified prior to the placement of aggregate;
  - [c] Only clean aggregate, free of fines, shall be allowed;
  - [d] The top and sides of all seepage beds, trenches, or like facilities shall be covered with drainage filtration fabric;
  - [e] Perforated distribution pipes connected to centralized catch basins and/or manholes with provisions for the collection of debris shall be provided in all facilities. The perforated pipes shall distribute stormwater through the entire seepage bed/trench, or like facility;
  - [f] A positive outlet pipe placed at or near the bottom of the seepage bed and/or trench, or like facility shall be provided;
- [6] The landowner or developer shall be responsible for the proper installation, operation and maintenance of all subsurface stormwater management facilities. If, in the opinion of the Borough, the underground system is not functioning properly, the landowner or developer shall be required to make the necessary improvements/corrections to the system or provide an alternate stormwater management facility which is functional.

(b) Maintenance of facilities.

- [1] All stormwater management facilities, including retention and detention basins designed and constructed for the purposes specified under this chapter shall be maintained in proper working order in accordance with those design plans filed with the Borough and shall be the responsibility of the property owner(s) upon whose property the facilities are located. In the case of a homeowners' association or other entity approved by the Borough, the homeowners' association or other entity shall be considered the responsible owner of all stormwater management facilities located in the area of development.
- [2] In order to insure proper maintenance and function of stormwater management facilities, the Borough or its designee shall perform inspections, carried out on a random basis.
- [3] If, at any time, the Borough, or its designee, discovers any violation or

condition not conforming with those designs and plans filed with the Borough in regard to the operation of a stormwater management facility, it shall notify the responsible owners of the violation, informing them of the nature of such violation and the manner in which it can be corrected.

- [4] Under no conditions shall any person be allowed to modify, alter, or change a previously approved stormwater management facility unless an approved alternate facility is approved by the Borough.
- [5] Under no conditions shall any person be allowed to modify, alter, or change a previously approved stormwater management facility unless approved by the Borough.
- [6] In the event the landowner, developer, occupant, or homeowners' association, as the case may be, shall refuse or neglect to comply with the provisions of the chapter as interpreted by the Borough, the Borough may direct the work to correct any violation or noncompliance with the terms of this chapter and other applicable ordinances.
- [7] Maintenance of all drainage facilities and watercourses within any subdivision and/or land development is the responsibility of the landowner or developer until they are accepted by the Borough.
- [8] It is the responsibility of any landowner or developer doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way for the duration of the construction activity and to return it to its original or equal condition after such activity is completed.
- [9] Maintenance of drainage facilities or watercourses originating on private property is the responsibility of the property owner to their point of open discharge at the property line or at a communal watercourse within the property.

**§ 162-46. Erosion and sediment pollution control.** [Amended 7-2-2001 by Ord. No. 162]

- A. The purpose of this section of the chapter shall be to control accelerated erosion and the resulting sediment pollution to the waters of the commonwealth that occur on earthmoving sites within the Borough of Chester Heights.
- B. It shall be unlawful for any person, landowner, developer, business, or corporation to undertake any earthmoving activities without developing and implementing measures to control erosion and sedimentation. For disturbances of 3,500 square feet or more, a land disturbance permit issued by the Borough Engineer is required. The erosion and sedimentation control plan must accompany all land-disturbing activities relating to construction, farming operations, nursery and sod operations and logging operations. The following should be noted:
  - (1) Ongoing agricultural activities, including farming operations and nursery and sod

- operations performed in accordance with an approved soil conservation plan prepared by a Delaware County agent of the USDA Soil Conservation Service (NRCS) and/or staff of the Delaware County Soil and Water Conservation District which takes into consideration the Borough's ordinance requirements and which plan has been provided to the Borough Engineer for any additional comment, are exempt from permitting.
- (2) All logging operations which involve activity of less than 25 acres of earth disturbance shall obtain a land disturbance permit by presenting to the Borough Engineer a plan of the proposed timber harvesting activities. The plan will be reviewed for compliance with the Borough's erosion and sedimentation control requirements and, upon recommendation from the Engineer, a permit will be issued.
  - (3) All other nonexempt land disturbance activities that are not ancillary to a subdivision or land development or to building construction are required to comply with the performance standards for erosion and sedimentation as set forth herein. If the proposed activities consist of nonexempt farming activities, the Delaware County agent of the USDA Soil Conservation Service (NRCS) and/or staff of the Delaware County Soil and Water Conservation District should be consulted for possible assistance with plan preparation. Any such plan shall be reviewed and approved by the Borough Engineer.
- C. The applicant shall use techniques and specifications for erosion and sedimentation control plan preparation and implementation which are approved by the Delaware County Conservation District and prescribed by the Pennsylvania Department of Environmental Protection set forth in Title 25, Chapter 102, or superseding regulations. The plan shall include a site specific, detailed, construction sequence relating to erosion and sedimentation control. Alternative techniques may be proposed, but the applicant must demonstrate his efficacy to the satisfaction of the Delaware County Conservation District and the Borough Engineer.
- D. Prior to the granting of a land disturbance permit by the Chester Heights Borough Engineer, an erosion and sedimentation control plan must be submitted and approved. All erosion and sedimentation control plans for major subdivisions and land development will require the approval of the Borough Engineer and the Delaware County Conservation District. The Borough Engineer may require additional control measures, techniques, and specifications beyond the Delaware County Conservation District's approval.
- E. For all major subdivisions and land development and/or any earthmoving activity requiring additional permits from state or federal agencies, a preconstruction meeting shall be held prior to granting of a land disturbance permit. The applicant must provide the Borough Engineer with a copy of all permits from the state or federal agencies and copies of the application materials which were submitted to obtain the permits. Those in attendance at the preconstruction meeting shall include the applicant or his representative, Borough Engineer or designee, and Borough Building Inspector. A member of the County Conservation District will be encouraged to attend. Any work requiring a permit shall be indicated on the final, approved plans, and the area to which the permit pertains shall be delineated on the plans. A copy of all permits shall be available on the site. The outcome of a preconstruction meeting wherein all requirements of the chapter have been met shall be

the issuance of the land disturbance permit signed by the Borough Engineer.

- F. For all earthmoving activities which do not constitute a major subdivision, the Borough Building Inspector may request the presence of the Borough Engineer, or designee, or a representative of the Delaware County Conservation District at the preconstruction meeting. The outcome of a preconstruction meeting wherein all requirements of the chapter have been met shall be the issuance of a land disturbance permit signed by the Borough Engineer.
- G. The maintenance of erosion and sediment pollution control measures and facilities by the applicant is required. Inspection, and if necessary, repairs of the erosion and sediment pollution control measures and facilities by the applicant or agents for the applicant are required with four days following any storm event. The latest revision of the approved plan shall be available on the site.
- H. Both during and after construction, clearing of the vegetation, earthmoving, or other disturbance activities, the total amount of sediment leaving the site, and/or entering a watercourse within the site, shall not exceed the amount of sediment which would have naturally left the site prior to earthmoving activities. On sites which are experiencing accelerated erosion resulting in sediment pollution to waters of the commonwealth due to prior land use practices, the Delaware County Conservation District or Borough Engineer, or designee, may require site stabilization adequate to prevent sediment pollution to the waters of the commonwealth prior to the beginning of earthmoving activities.
- I. During construction, the deposition of mud on existing roads shall be minimized by the implementation of a stabilized construction entrance with a length of drive up to a maximum of 100 feet for individual lots with a width equal to the proposed entrance (15 foot minimum) and with flare to meet with the existing road.
- J. All surface-disturbed areas shall be seeded and mulched within 20 days after earthmoving activities have ceased. Stabilization of slopes greater than 15% shall require stricter measures and shall be specified on the erosion and sedimentation control plan.
- K. Where drainage swales are used to convey concentrated runoff, an erosion control blanket, depending on the type of flow, shall be specified and implemented.
- L. Sediment-laden runoff shall be trapped on site until the area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures as noted in the § 162-45, as amended. Sediment basins shall be desilted as needed, and upon the stabilization of the site/watershed, the basin(s) shall be desilted and/or removed and the area shall be stabilized.
- M. The area(s) to be disturbed during earthmoving activities shall be staked out on the site prior to said earthmoving activities beginning. Area(s) which are not to be disturbed, including septic or infiltration beds will be staked out on the site with a different color stake prior to earthmoving activities beginning.
- N. In no event shall the natural ground cover at the site be disturbed between October 15 and February 15 of the succeeding year, other than that necessary for preparation of sites for building foundations, stormwater and sediment control devices and on-site sewage disposal

systems. In order for a building site to be disturbed during the referenced period, it must have access from a street which has been graded and stabilized with a minimum of pavement base material in place and protected against contamination by dirt or silt. The Borough Council will consider any waiver requests after recommendation by the Borough Engineer.

- O. The fees for the review of the erosion and sedimentation control plan that will be charged by the Delaware County Conservation District and the Borough Engineer are the responsibility of the applicant. The fees for the inspection of sedimentation and control measures by the Borough Engineer or his designee shall be the responsibility of the applicant. The Borough Council shall, by resolution, establish a schedule of inspection fees. These fees shall be paid prior to the granting of a land disturbance permit for a minor subdivision or land development or deposited in an escrow account prior to the granting of a land disturbance permit for a major subdivision or land development.
- P. Chester Heights Borough, authorized by the Municipalities Planning Code,<sup>8</sup> and the Delaware County Conservation District, authorized by Title 25 Chapter 102, are directed to conduct both routine and emergency site inspections of ongoing earthmoving operations, without the requirement of prior notification to establish compliance with the approved erosion and sedimentation control plan.
- Q. All violations of the approved erosion and sedimentation control plan determined during a site inspection shall be listed on an inspection report which itemizes the following items for each violation:
  - (1) Specific type of violation, including location and scope.
  - (2) A period of time during which the person(s) responsible for the earthmoving activity may correct the violation(s) without the assessment of any penalties.
- R. The Borough Engineer shall sign the completed inspection report. The Borough will provide no other written notification of the violation(s) or deadline for correcting same.
- S. Should the person(s) responsible for undertaking the earthmoving operations fail to meet the deadline for correcting violations of this chapter, as specified in the official inspection report, Chester Heights Borough shall issue a notice of violation (NOV) to said person(s). The notice will list for each violation that has occurred, a penalty of not less than \$600, and not more than the maximum provided under Sections 515.3 and 617.2 of the Municipalities Planning Code, as amended,<sup>9</sup> for allowable civil proceedings. Additionally, violations of this chapter may result in the issuance of a cease and desist order by the Borough or the institution of any appropriate actions or proceedings to prevent or restrain, building, construction, or conduct of business and to correct or abate accelerated erosion and the resulting sediment pollution to the waters of the commonwealth on the site identified in the notice of violation (NOV).

#### **§ 162-47. Public facilities and open space.**

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

9. Editor's Note: See 53 P.S. §§ 10515.3 and 10617.2, respectively.

- A. In reviewing subdivision and development plans, the Borough Planning Commission shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the development and shall make such report thereon as it deems necessary in the public interest.
- B. Developers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods such as schools and other public buildings, parks, playgrounds and playfields. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. Prior to the preparation of plans, developers of tracts of larger than 20 acres should review with the staff of the County Planning Commission the minimum standards for various community facilities applicable to the tract being developed.
- C. In subdivisions which are intended to provide housing for more than 50 families the Borough Planning Commission shall consider the need for suitable open areas for recreation and shall make recommendation thereon. The Borough Council shall require, as a minimum, that the following amount of playground and neighborhood park acreage be provided; however, in no case shall the amount required be more than 10% of the total area of the subdivision. Such area or areas may be dedicated to the Borough by the subdivider if Borough Council approves such dedication.

| <b>Families to be Served</b>      | <b>Acreage to be Recommended<br/>(acres)</b> |
|-----------------------------------|--|
| 50 to 174                         | 3.0  |
| 175 to 374                        | 5.5  |
| 375 to 624                        | 6.5  |
| 625 to 800                        | 8.0  |
| For each additional 175 families: | 1.5  |

- D. All public facilities and open space development shall comply with Section 503(11) and Article 503-A of the Pennsylvania Municipalities Planning Code.<sup>10</sup>
- E. All residential subdivisions or land development plans submitted shall provide for suitable open space and/or recreation land in the Borough to ensure open space and adequate recreational areas and facilities to serve future residents of the Borough, to maintain compliance with the Borough's recreational standards, to ensure all present and future residents have the opportunity to engage in many and varied recreational pursuits and to protect stream corridors, natural areas and open space corridors for the benefit of the environment and enjoyment of Borough residents. [Added 5-7-2012 by Ord. No. 191]
- F. Any residential subdivision or land development plan, whether single- and/or multifamily, that contains fewer than 25 dwelling units may be exempted by Council from dedicating

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

open space or land for recreational purpose, but shall pay a fee in lieu of land as provided in this section. Any nonresidential land development plan may be exempted by Council from dedicating open space or land for recreational purpose but shall pay a fee in lieu of land as provided in this section. Any request for the exemption of land dedications shall be in writing to Council. [Added 5-7-2012 by Ord. No. 191]

- G. Council for the Borough of Chester Heights shall determine whether the land to be dedicated for public use is suitable for public dedication and use. In addition to Subsection C herein, prior to Council's approval of public recreation and open space areas to be dedicated to the Borough, the Borough Planning Commission shall make its recommendation in writing to Council as to whether the dedication should be accepted by the Borough. Land dedicated to the Borough shall serve a valid public purpose and shall be suitable for recreational purposes by reason of size, shape, location, topography and access. [Added 5-7-2012 by Ord. No. 191]
- H. Where Council agrees with the developer that because of the size, shape, location, access, topography or other physical features of the land that it is impractical to dedicate land to the Borough or set aside area as required by this section, Council shall agree on a payment of a fee in lieu of dedication of such land which shall be payable to the Borough. The amount of fee in lieu shall be set from time to time by resolution of Council. Payment shall be due and payable at the time of final plan approval of the application for subdivision and/or land development or, if as a condition of final plan approval, shall be included in the required development agreement together with posting of financial security in accordance with Section 509 of the Pennsylvania Municipalities Code<sup>11</sup> or within Council's discretion. However, all such payments shall be made by the time of application for the first building permit. [Added 5-7-2012 by Ord. No. 191]
- I. The amount and location of land to be dedicated or the fees to be paid are to be used for the purpose of providing park or recreational purposes, including facilities accessible to the subdivision and/or land development, consistent with the Borough's Recreation Plan and within the discretion of Council and shall bear a reasonable relationship to the use of the park or recreational facilities. Nothing contained herein shall prohibit the person or entity who paid the fee and the Borough from agreeing that the original recreation facility as proposed by Council has been superseded or made unnecessary and reallocating the fee and any interest accumulated to such other project as the parties agree; provided, however, that it meets the above standards with regard to a reasonable relationship to the parcel in question. [Added 5-7-2012 by Ord. No. 191]
- J. All monies paid to the Borough pursuant to the provisions of this section shall be placed in an interest-bearing account, Borough Park and Recreation Development Fund, to be established by Council. Said fund shall be used by the Borough for the acquisition, maintenance or improvement of park, open space or recreational sites in existence or for future expansion and land consistent with the Borough's Recreation Plan. Upon request of any person who paid any fee under this section, the Borough shall refund such fee, plus interest accumulated thereon, from the date of payment, if the Borough has failed to utilize the fee paid for the purposes set forth in this section within three years from the date such

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11. Editor's Note: See 53 P.S. § 10509.

fee was paid. [Added 5-7-2012 by Ord. No. 191]

- K. Land to be publically dedicated to the Borough shall be by fee-simple deed, free and clear of all encumbrances. The executed deed shall be delivered to the Borough for recording at the time of final plan approval and prior to signing of the approved plan by Council. [Added 5-7-2012 by Ord. No. 191]
- L. The determination of suitability of land which is acceptable for dedication or use for park or recreational purposes shall be based on the following additional criteria, any exceptions subject to a conditional use hearing before Council: [Added 5-7-2012 by Ord. No. 191]
  - (1) The land must be readily accessible to all residents or expected users of the development by virtue of at least one side of each site abutting a public street for a minimum distance of 50 feet.
  - (2) The land shall be located so that it equally serves all residents or expected users of the subdivision and/or land development.
  - (3) The shape of the land shall be suitable to accommodate those park or recreational activities appropriate to the location and needs of the residents or expected users of the development.
  - (4) Soil and drainage shall be suitable for the intended park or recreational uses.
  - (5) The intended land shall be contiguous, except that noncontiguous lands may be accepted for dedication to permit off-road trails where roads and other rights-of-way separate open space recreational land.
  - (6) Such land shall have an average slope of less than 7% and shall have no more than 30% of the land contained within the boundaries of a floodplain, or steep slope area greater than 15% or a combination of floodplain and steep slope.
  - (7) Provisions shall be made for vehicular parking so that any site can be adequately served and accessed pursuant to the applicable provisions of the Borough Subdivision and Land Development Code.

**§ 162-48. Community assets.**

- A. Consideration shall be shown for all natural features such as large trees, water courses, steep or wooded slopes, historic areas and structures and similar community assets which, if preserved, would add attractiveness and value to the remainder of the subdivision. Trees and ornamentals shall be preserved wherever possible.
- B. Whenever such natural features may be more effectively preserved by development of tracts in accordance with the "lot averaging" provisions of Chapter 185, Zoning, of the Code of the Borough of Chester Heights than with the zoning provisions otherwise applicable thereto, developers shall give full consideration to development in accordance with lot averaging.

**§ 162-49. Utility and drainage easements.**

- A. Where easements are required they shall be a minimum width of 20 feet. Only structures related to the easement shall be placed within such easements.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. There shall be a minimum distance of 50 feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum products or natural gas transmission line which traverses the subdivision.

**ARTICLE VII**  
**Improvement Specifications**

**§ 162-50. General requirements.**

- A. Physical improvements to the property being developed shall be provided, constructed, and installed as shown on the record plan in accordance with the requirements of the Borough.
- B. As a condition to review of a final plan by the Borough Planning Commission, the developer shall agree with the Borough as to installations of all improvements shown on the plan and required by these regulations. Before the record plan may be recorded, the developer shall submit a completed executed original copy of the subdivision improvements agreement.
- C. All improvements installed by the developer shall be constructed in accordance with the design specifications of the Borough. Costs thereof shall be borne by the developer. If there are no applicable county or state regulations, the Borough may authorize that specifications be prepared by a registered professional engineer.
- D. Supervision of the installation of the improvements required by this chapter shall in all cases be the responsibility of the Borough or of the appropriate state regulatory agency.

**§ 162-51. Sanitary sewage disposal and water systems.**

- A. Sanitary sewage disposal systems shall be provided, consistent with the design standards and requirements contained in § 162-43 of these regulations. Where it shall appear that the area to be developed or subdivided shall be served within a reasonable time by a community sewage system, capped sewers shall be provided.
- B. Wherever feasible, the subdivision shall be provided with a complete public or community water distribution system. The design and installation of such system shall be subject to the approval of the engineer of the appropriate water utility company and/or the Borough Engineer; the design and installation of such community distribution system shall be subject to the approval of the Department of Environmental Protection and such system shall be further subject to satisfactory provision for the maintenance thereof.

**§ 162-52. Fire hydrants.**

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

providing service in the area.

**§ 162-53. Monuments.**

- A. Permanent stone or concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided and include all lots being created.
- B. All monuments shall be placed by a registered engineer or surveyor so that the scored (by an indented cross in the top of the monument) point shall coincide exactly with the point of intersection of the lines being monumented.
- C. Monuments shall be set with their top level with the finished grade of the surrounding ground.
- D. All streets shall be monumented (preferably on the right-of-way lines) at the following locations:
  - (1) At least one monument at each intersection;
  - (2) At changes in direction of street lines, excluding curb arcs at intersections;
  - (3) At each end of each curbed street line, excluding curb arcs at intersections;
  - (4) An intermediate monument wherever topographical or other conditions make it impossible to sight between two otherwise required monuments;
  - (5) At such other places along the line of streets as may be determined by the Borough to be necessary so that any street may be readily defined in the future.

**§ 162-54. Shade trees.**

- A. No portions of tree masses or trees with calipers of six inches or greater shall be cleared unless clearly necessary for effectuation of the proposed subdivision or development. Developers shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.
- B. When effectuation of a proposed subdivision or development necessitates the clearing of trees or portions of tree masses, developers shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing:
  - (1) Aesthetic values. (Autumn coloration, type of flowers and fruit, bark and crown characteristics, amount of dieback present);
  - (2) Susceptibility of tree to insect and disease attack and to air pollution;
  - (3) Species longevity;
  - (4) Wind firmness and characteristic of soil to hold trees;
  - (5) Wildlife values (e.g., oak, hickory, pine, walnut and dogwood have high food value);
  - (6) Comfort to surroundings (e.g., hardwoods reduce summer temperatures to

- surroundings more effectively than pines or cedars);
- (7) Existence of disease, rot or other damage to the tree;
  - (8) Protection of buildings (e.g., dead and large limbs hanging over buildings should be removed);
  - (9) The size of the tree at maturity;
  - (10) Mature tree protection.
- C. Developers shall exercise care to protect trees which are to remain from damage during construction. The following procedures shall be followed in order to so protect remaining trees:
- (1) Where existing ground levels are changed, drainage tile will be placed at the old soil level and open into a well built around the base of the tree. Such well may be left open or can be filled with coarse stones or gravel. Tiles may be installed in a radiating pattern or laid in parallel lines;
  - (2) Trees within 25 feet of a building site or bordering entrances or exits to building sites shall be protected by wiring wooden slats around such trees;
  - (3) No boards or other material shall be nailed to trees during construction;
  - (4) Heavy equipment operators shall be warned to avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than 25 feet from tree trunks;
  - (5) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately with "tree paint";
  - (6) Tree limbs damaged during construction shall be sawed flush to tree trunks;
  - (7) The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction. Developers shall inform their heavy equipment operators that root systems extend to at least the dripline of the tree;
  - (8) Leaf trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operation. A professional should be consulted concerning proper rates of application;
  - (9) Construction debris shall not be disposed of near or around the bases of such trees.
- D. Trees with a minimum caliper of 1 1/2 inches shall be provided where deemed advisable by the Borough Planning Commission and/or the Borough Council. The criteria for selection of trees to be planted shall be those enumerated in § 162-54.

## ARTICLE VIII

### **Amendments; Enforcement; Violations and Penalties; Appeals**

#### **§ 162-55. Amendments.**

- A. Power to amend. The regulations set forth in this chapter may, from time to time, be amended by the Borough Council.

B. Procedure. The following requirements shall be observed prior to making any amendment to this chapter.

- (1) Proposed amendments must be submitted to the Planning Commission for its recommendation before any further public action is taken.
- (2) The recommendations of the Planning Commission shall be submitted to the Borough Council in a written report. Failure to submit such report within 30 days shall constitute a recommendation of approval.
- (3) Upon receipt of the report of the Planning Commission, a public hearing, pursuant to public notice, on the proposed amendment shall be held, at which time the parties in interest and citizens shall have an opportunity to be heard.

**§ 162-56. Preventive remedies.**

A. In addition to the other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not except the seller or transferor from such penalties or from the remedies herein provided.

B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Article V of the Municipalities Planning Code.<sup>12</sup> This authority to deny such permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation;
- (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation;
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (5) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (6) As an additional condition, the vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether

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

such vendee or lessee had actual or constructive knowledge of the violation.

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

**§ 162-57. Appeals.**

District Justices shall have initial jurisdiction in the proceedings brought under § 162-58.

**§ 162-58. Violations and penalties.**

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.