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PART 1

GENERAL PROVISIONS

[53 P.S. § 10501]

§ 22-101. Legislative Authority. [Ord. 927, 8/10/1982, Art. 1, § 1.100; as amended by Ord. 1008, 6/10/1991]

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

§ 22-102. Application. [Ord. 927, 8/10/1982, Art. 1, § 1.200; as amended by Ord. 994, 2/12/1990; and by Ord. 1008, 6/10/1991]

1. **Jurisdiction.** This chapter shall apply to all subdivisions and land developments located within the Borough. As required by State Act No. 247, the Borough shall forward a copy of any application for a proposed subdivision and land development, upon receipt by the Borough, to the Borough Planning Commission and to the County Planning Commission for review and report, and the Borough shall not act on said application until the Borough and County Planning Commission reports are received or until the expiration of 30 days from the date that the application was first forwarded to the Borough and County Planning Commission.
2. **Approval Power.** The Borough Council hereby reserves to itself the right to receive and review all plans submitted under this chapter, to determine compliance with this chapter and to approve, disapprove or approve with conditions all plans required to be submitted under the terms of this chapter.
3. **Effect of this chapter.** No subdivision or land development (as defined herein) of any lot, tract or parcel of a land shall be carried out; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this chapter. In those situations, transactions or conveyances where the Borough of Scottsdale, acting within its authority as a municipal corporation, is a party thereto or affected thereby, as determined by the Borough, the Borough Council hereby reserves to itself the authority to exempt the Borough in such situations, transactions or conveyances from any and/or all of the provisions of this chapter.
4. **Recording of Approved Plan.** Within 90 days of the approval of the final plan for any subdivision or land development, the subdivider shall record a copy of said final plan in the Office of the Recorder of Deeds of the County, as required in § 22-204.

The County Recorder of Deeds shall not accept any such plan for recording unless it is the final record plan as defined herein which shall contain the official original endorsements or approval of the Borough Council.

Failure to record the final plan as required herein shall render all approvals null and void.

5. Status of Recorded Plans. Any subdivision or land development plan recorded prior to the effective date of this chapter shall be subject to the provisions of this chapter in the event that any change or resubdivision is made or legally required to be made in the said plan.

When a final plan has been approved and recorded, subsequent to the effective date of this chapter, and in conformance with the terms of this chapter, then no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubts as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application of such approval was duly filed.

§ 22-103. Purpose. [Ord. 927, 8/10/1982, Art. 1, § 1.300]

This chapter has been adopted for the purpose of regulating subdivision and land development within the Borough in order to create conditions favorable to the health, safety, morals and general welfare of the citizens of the Borough through the provision of regulations that will insure the harmonious development or redevelopment of the Borough.

§ 22-104. Short Title. [Ord. 927, 8/10/1982, Art. 1, § 1.400]

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

PART 2

PLAN SUBMISSION PROCEDURES

§ 22-201. General Procedure for Submission of All Plans. [Ord. 927, 8/10/1982, Art. 2, § 2.100; as amended by Ord. 1008, 6/10/1991]

1. **Required Plans.** Preliminary and final plans and required fees and supporting data for all proposed subdivisions and land developments of land lying within the Borough shall be submitted by the subdivider to the Borough Manager. In addition, the subdivider may prepare a sketch plan for informal discussion with Borough Council prior to submitting the official preliminary plan for review.
2. **Municipal and Other Agency Reviews.** Copies of all plans submitted to the Borough Manager shall be forwarded by the Manager to the Borough Planning Commission, to the County Planning Commission and to other appropriate agencies. These agencies shall have 30 days to review and advise the Borough Manager of their findings and recommendations.
3. **Consideration of Plans.** Subdivision and land development plans and supporting data submitted to the Borough Manager will be considered at the Council's next regularly scheduled meeting provided that they are received at least 10 calendar days in advance of said meeting.
4. **Action and Notification.** The Borough Council shall consider all plans submitted to determine compliance with this chapter and shall approve, disapprove or approve with conditions all submitted plans.

The Borough Manager shall notify the Subdivider in writing not later than 15 days after any action has been taken on the submitted plan by Borough Council but in no case exceeding 90 days after the date when the plan was filed by the subdivider.
5. **Public Hearing.** Before acting on any preliminary or final plan, Borough Council may hold a public hearing thereon after public notice.
6. **Sketch Plan.** Sketch plans are not required by this chapter but it is recommended that the subdivider submit such a plan in order to establish, at an early stage in the planning of the subdivision and land development, the basic conditions required for the approval of a preliminary and a final plan.
7. **Preliminary Plan.** Except for any sketch plan which is submitted, the initial plan filed with the Borough Manager for review shall be considered the official preliminary plan. Said preliminary plan shall be reviewed to determine compliance with these regulations and said plan shall be approved, approved with conditions or rejected or disapproved and the subdivider notified accordingly. However, the Borough Council may proceed to final action at the first consideration of a plan for a small subdivision

containing no new streets, in accordance with the procedure set forth in § 22-205.

8. **Final Plan.** After approval of the preliminary plan, the final plan for the entire subdivision or land development or a final plan for a section or stage of development which has been prepared in accordance with the approved preliminary plan shall be submitted by the subdivider to the Borough Manager. Said final plan shall be reviewed by Borough Council to determine compliance with these regulations and compliance with preliminary plan approval conditions. Borough Council will then make the final decision to approve, approve with conditions or disapprove.
9. **Recording of Final Plan.** After the effective date of final plan approval, the subdivider shall record such plan in the form of a record plan within a period of 90 days in the County Office of the Recorder of Deeds.

§ 22-202. Fees. [Ord. 927, 8/10/1982, Art. 2, § 2.200; as amended by Ord. 957, 10/13/1986; and by Ord. 1008, 6/10/1991]

1. A minimum fee shall be charged to defray the cost of subdivision review. This fee shall be paid to the Borough Manager at the time of plan filing, and will be as set from time to time by resolution of Borough Council.
2. The subdivider shall be responsible for Borough review services such as planning, engineering, inspection and legal service costs incurred by the Borough during plan review in an amount agreed to in the development agreement as set forth in Part 7. An additional fee shall be charged if the services listed below exceed the fees paid at application time. Such expenses shall be billed to the subdivider on a regular basis by the Borough.
3. **Review Fees.**
 - A. Review fees shall include the reasonable and necessary charges by the Borough's professional consultants or engineer for review and report to the Borough, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
 - B. 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.
 - C. In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the

fees shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

§ 22-203. Official Plan Applications. [Ord. 927, 8/10/1982, Art. 2, § 2.300; as amended by Ord. 1008, 6/10/1991]

1. preliminary plan.
 - A. Preliminary plans and supporting data shall comply with the provisions of Part 6 of this chapter.
 - B. Eight copies of the preliminary plan shall be submitted by the subdivider to the Borough Manager. Additional copies may be requested if required for submission or reference to other appropriate agencies.
 - C. The Borough Manager shall inform and/or transmit copies of the preliminary plan and supporting data to the following:
 - (1) Borough Planning Commission: one copy.
 - (2) Commission Engineer: one copy.
 - (3) County Planning Commission: one copy.
 - (4) Borough Solicitor: one copy.
 - (5) Other appropriate agencies as determined by the Borough Manager, the County Soil Conservation District, the Pennsylvania Department of Environmental Resources and/or other agencies affected by or having an interest in the plan: one copy.
 - D. The preliminary plan shall be reviewed by the Borough Council and official action shall be taken after receipt of any comments and advice from the Borough Planning Commission, the County Planning Commission or any other appropriate agency, provided that such advice is received within 30 days from the date the application was forwarded to them for their review.
 - E. Action and decision of the Commission shall be in writing and shall be forwarded to Borough Council as a recommendation.
 - F. Borough Council shall then take official action on the preliminary plan. Before acting on any preliminary subdivision application,

Borough Council may hold a hearing on said application after public notice.

Their action on the application shall be written and forwarded to the subdivider at his last known address not later than 15 days following such action. In the case of a rejection or disapproval of the plan, the Borough Council shall specify the defects of the plan and the requirements of this chapter which have not been complied with.

- G. Approval of the preliminary plan, subject to conditions, revisions and modifications as stipulated by the Borough Council shall constitute conditional approval of the subdivision as to the character and intensity of the development and the general layout and appropriate dimensions of streets, lots and other proposed features and such approval shall entitle the subdivider to submit plans for final review as set forth below.

2. Final Plan.

- A. A final plan with supporting data shall be submitted within one year after Borough Council approval of the preliminary plan; provided that an extension of time may be granted by the Borough Council upon written request. Otherwise, the plan submitted may be considered as a new preliminary plan.
- B. The final plan shall conform in all important respects with the preliminary plan as previously reviewed by the Borough Council and shall incorporate all modifications and revisions specified by the Borough Council in its conditional approval of the preliminary plan. The Borough Council may accept a final plan which has been modified to reflect changing conditions since the time of preliminary plan review. Other modifications may be sufficient cause for considering the plan to be a revised preliminary plan.
- C. The Borough Council may permit submission of the final plan in sections or stages, each covering a portion of the entire proposed subdivision as shown on the preliminary plan except that the first stage shall be submitted within one year after approval of the preliminary plan as required in § 22-203, Subsection 2A.
- D. The Borough Council may require that any final plan or any section or stage of a final plan not completed within three years from the date of preliminary plan approval may require a new preliminary plan submission to reflect changing conditions or legal requirements which may affect the subdivision or land development unless an extension of this three year limit is granted by the Commission upon written request.

- E. The final plan and supporting data shall comply with the provisions of Parts 6 and 7 of this chapter. Failure to do so may be sufficient cause for the Council to table or reject the plan.
- F. Eight copies of the final plan with supporting data shall be submitted to the Borough Manager. The Borough Manager shall transmit copies of the plan to:
- (1) Borough Planning Commission: one copy.
 - (2) County Planning Commission: one copy.
 - (3) Borough Engineer: one copy.
 - (4) Borough Solicitor: one copy.
 - (5) Utility Companies: one copy.
- Additional copies of the plan shall be submitted if required by the Borough to properly review the plan.
- G. The final plan shall be reviewed by the Commission with their recommendation for official action made after receipt of any County or agency comments received within the required 30 days from the date the application was forwarded to the County Planning Commission.
- H. Action on the final plan shall be taken by the Borough Council after receipt of the Commission's recommendation. Such actions shall include approval, approval with conditions or disapproval, with reasons for disapproval specifically stated. Approval by the Borough Council shall in all cases be subject to agreement by the Borough Council and the subdivider to execute the proposed development agreement required in Part 7.
- I. The official action and decision of the Borough Council shall be in writing and shall be forwarded to the subdivider personally to his last known address not later than 15 days following such action. In the case of a rejection or disapproval of the plan, the Borough Council shall specify the defects of the plan and the requirements of this chapter which have not been complied with.
- J. When the Borough Council has approved the final plan, and when all other approvals and agreements required herein have been satisfied, the President of Borough Council shall endorse three copies of the final plan to that effect. One copy of the endorsed final plan shall be kept in the Borough files and the other two returned to the subdivider. Additional copies may be endorsed to meet the needs of the subdivider and other agencies.

§ 22-204. Recording of Final Plan. [Ord. 927, 8/10/1982, Art. 2, § 2.400]

1. The subdivider shall record the final plan in the Office of the County Recorder of Deeds within 90 days after the date of approval by the Borough Council. The copy of the final plan filed for recording shall be known as the record plan. It shall be a clear and legible document in a form as required by the County Recorder of Deeds, bearing all required endorsements. Failure to record the final plan as required herein shall render all approvals null and void.
2. The Borough Council may extend said ninety-day limit, if requested in writing and if compliance with any condition for approval as set forth by the Planning Commission shall require a greater time limit for recording.

§ 22-205. Plans Exempted From Standard Review Procedures. [Ord. 927, 8/10/1982, Art. 2, § 2.500; as amended by Ord. 944, 2/12/1990]

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

1. Small Subdivisions and Land Developments.
 - A. The subdivider of a small subdivision and/or land development, less than five acres in size and containing no more than five lots, and not involving the provision of any new streets, easements for access or other public improvements, may elect to omit the preliminary plan application review set forth above. Such a subdivision or land development shall not be the first stage of a larger development.
 - B. In such a case, the subdivider shall submit the final plan application which shall be processed in accordance with the requirements of § 22-203. Said final plan application, if it does not require any alteration or modification, may be recommended for approval by the Borough Council. However, in the event that a modification of condition for approval is required, as determined by the Borough Council, then the plan shall be considered to be a preliminary plan and a new final plan application incorporating the required conditions or modifications shall be submitted.
2. Lot Line Adjustments Between Adjacent Property Owners.
 - A. Subject to approval by the Borough, the subdivider of a subdivision and/or land development limited to the adjustment of property lines between property owners, and not involving the provision of any new streets, easements for access or other public improvements, may elect to omit the preliminary application review set forth above, provided however, that the proposed lot line adjustment shall conform with the following:

- (1) Compliance with all the requirements of the Zoning Ordinance of the Borough of Scottdale.
 - (2) The proposed lot line adjustment between adjacent property owners shall be for the purpose of facilitating a transfer of ownership of one or more parcels, or for the purpose of incorporating unbuildable or remnant parcels into otherwise existing lots, or for any other purpose which improves the lotting arrangements for the individual parcels involved, but which does not create any new buildable parcels, in a manner which would circumvent the Standard Review Provisions of this chapter.
- B. In such a case, and at the discretion of Borough Council, the Borough may elect one of the following procedures:
- (1) Waiver of the final plan application requirements.
 - (2) Require the final plan application.
- C. When Borough Council requires the subdivider to submit to the Borough Manager a final plan application, said application shall include the following.
- (1) Eight copies of a proposed survey plan of the subdivision, prepared by a qualified engineer or surveyor, at a scale of not more than 100 feet to the inch. Said proposed survey plan shall clearly depict the following:
 - (a) The existing property lines and boundaries of the adjacent parcel included in the subdivision.
 - (b) The proposed changes to the existing property lines.
 - (c) The location of all existing buildings located on the existing parcels.
 - (d) The names and record owners of all existing lots or parcels included in the subdivision.
 - (e) The subdivision name or identifying title, north point, scale and date.
 - (f) The name of the registered professional responsible for the preparation of the final plan.
 - (g) The existing street lines, lot lines, rights of way, and easements.

- (h) Bearings and distances to permit all lots to be reproduced on the ground, with the dimensions shown in feet and hundredths of a foot.
 - (i) The location of existing permanent reference monuments.
 - (2) A written statement indicating the reasons for the proposed property line adjustments.
 - D. If the Borough Manager determines that the plan conforms with the above said requirements, he shall then submit the same to Borough Council for its review and action.
 - E. Borough Council shall review the final plan to determine compliance with the applicable provisions of this Part. In the event that a modification of conditions for approval is required, as determined by the Borough Council, then the proposed final plan shall be considered to be a preliminary application, and a new proposed final plan incorporating the required conditions or modifications shall be submitted.
 - F. Borough Council may waive the final plan Requirement for the submission of the final plan to other agencies for their review and comments, including any review by the Westmoreland County Planning Department and the Scottsdale Borough Planning Commission, provided that the Planning Departments and the Planning Commission certify to the Borough that such review are not necessary for subdivisions which are limited to lot line adjustment, as set forth above.
 - G. When the Borough Council has approved the proposed final plan, and when all other improvements and agreements required have been satisfied, one copy of the proposed final plan shall be kept in the Borough files and the remaining copies, if any, returned to the subdivider.
 - H. The subdivider shall record the proposed final plan in the office of the County Recorder of Deeds within 90 days after the date of approval by the Borough Council. Failure to record the proposed final plan as required herein shall render all approvals null and void. The Borough Council may extend said ninety-day limit, if requested in writing and if compliance with any condition for approval as set forth by the Borough Council shall require a greater time limit for recording.
 - I. The official action and decision of the Borough Council shall be in writing and shall be forwarded to the subdivider personally to his last known address not later than 15 days following such action. In the case of a rejection or disapproval of the proposed subdivision, the

Borough Council shall specify the defects of the same and the requirements with which the subdivider has failed to comply.

§ 22-206. Exemptions. [Ord. 1008, 6/10/1991]

The following are exempt or partially exempt from the provisions of this chapter:

- A. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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PART 3
DESIGN STANDARDS**§ 22-301. Application. [Ord. 927, 8/10/1982, Art. 3, § 3.100]**

This Part 3 sets forth certain minimum design standards which shall apply to all subdivisions and land developments and which shall govern the layout and location of physical features included in any plan.

§ 22-302. Design Standards Details. [Ord. 927, 8/10/1982, Art. 3, § 3.200; as amended by Ord. 1008, 6/10/1991]

The design standards listed below and in Table 1¹ shall be incorporated in all proposed plans.

1. **Conformance With Other than Borough Requirements.** All subdivision and land developments shall comply fully with all federal, state, county and other applicable laws and regulations. Evidence of the receipt of any permits or approvals required by such laws and regulations shall be submitted by the subdivider and shall be a condition of the approval of any plan submitted under this chapter. Where such other laws and regulations are more restrictive than those contained herein, such other regulations shall be observed unless specifically stated otherwise herein.
2. **Land, Plan and Zoning Requirements.**
 - A. Land shall be suited to the purpose for which it is to be subdivided. Land which is unsafe or unsuited for development due to flooding, noise, subsidence, unstable soils, quarries, underground fires, unconsolidated fill, steep slopes or other hazardous conditions shall not be subdivided unless proper safeguards are provided by the developer and approved by the Borough Council.
 - B. Consideration shall be given in the design of all land developments and subdivisions to the future needs of the Borough and its objectives established in any Borough comprehensive plan for land use streets and thoroughfares, public utilities and facilities and to other governmental plans affecting the subdivision and land development.
 - C. All subdivision and land development plans shall conform with any officially adopted Zoning Ordinance or official map covering the area.
 - D. In reviewing subdivision and land development plans, the Borough Council will consider the adequacy of existing or proposed community facilities to serve the additional dwellings or uses proposed by the subdivision.

1. **Editor's Note:** Table 1 is included as an attachment to this chapter.

- E. Areas may be required to be provided or reserved for such community facilities and these should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
- F. All plan proposals shall be coordinated with existing and proposed development on adjoining or adjacent land.
- G. Unless specifically set forth herein, design standards for streets and driveways shall be as set forth in the latest edition of the PennDOT publication entitled "Guidelines for Design of Local Roads and Streets Publication 70."
- H. Solar orientation and energy conservation should be encouraged. All developers are encouraged to use recognized solar design principles and features. Such solar principles include the following:
 - (1) Layout of streets to provide a maximum number of sites with a southern orientation to maximize solar heat gain.
 - (2) Minimum use of north facing building exposures.
 - (3) Protection of solar access.
 - (4) Landscaping to complement solar use and to promote cooling in the summer.
 - (5) Protection of trees.
 - (6) Shading for summer solar exposures.

Application for these principles will enhance passive solar heat gain, enhance active solar heat and photovoltaic electric potentials, as well as making the living environment brighter, airy and in tune with the environment.

3. Environmental Protection Standards.

- A. In the design of any subdivision and land development, the Borough Council shall require that maximum consideration be given to the preservation and protection of the natural environment so as to safeguard the public health, safety and welfare of all residents of the Borough and to minimize any adverse effects resulting from the proposed development.
- B. Where the development may create an environmental problem which affects the public health, safety or welfare, the Borough Council may require and the subdivider shall present a plan indicating the specific manner in which the problem will be minimized or eliminated, as further set forth in § 22-302, Subsection 3C.

- C. Environmental factors for which the Borough Council may require a plan including but are not limited to the following:
- (1) Erosion and sediment control for which a plan is required as set forth in § 22-302, Subsection 4.
 - (2) Soil conservation and topsoil protection.
 - (3) Avoidance of drainage problems.
 - (4) Protection of flood plain areas and avoidance of future flooding problems.
 - (5) Natural and historic feature preservation.
 - (6) Adequate provision of utilities in accordance with § 22-302, Subsections 7 and 8.
 - (7) Sewage system for which a plan may be required in accordance with § 22-302, Subsection 7.
 - (8) Stream frontage preservation.
 - (9) Tree preservation, removal and planting.
 - (10) Topographic and geologic factors.
 - (11) Excessive noise.
4. Erosion and Sediment Control.
- A. The Pennsylvania Department of Environmental Resources under the authority of the Pennsylvania Clean Streams Act requires that all subdividers proposing subdivisions and land developments requiring the movement of earth shall prepare an erosion and sedimentation control plan. Said plan shall be prepared in accordance with Title 25, Rules and Regulations of the Clean Streams Law (P.L. 1987) and shall be submitted to the Borough Manager as a part of the final plan submission.
- B. If the proposed subdivision and land development is over 25 acres, then the subdivider is required by the state to secure a permit from the Pennsylvania DER. Said permit shall be a condition for final approval of any subdivision or land development.
5. Storm Drainage.
- A. All parcels shall be laid out and graded to provide positive drainage away from buildings.
- B. Storm sewers, culverts and related installations shall be provided:

- (1) To permit unimpeded flow of natural water courses.
 - (2) To insure adequate drainage of all low points along the line of streets.
 - (3) To intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- C. In the design of storm sewerage installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water runoff over adjacent properties.
 - D. Storm water management shall conform with the requirements of the Pennsylvania Storm Water Management Act (P.L. 864), as amended, and with the Storm Water Management Guidelines established by the Pennsylvania Department of Environmental Resources.
 - E. Storm water management shall also conform with the latest Borough or applicable storm water drainage plan for the Borough or for a part of the Borough.
 - F. All developments shall limit the rate of storm water runoff so that no greater rate of runoff is permitted than that of the site in its natural condition.
 - G. Storm drainage systems shall be designed separately from any sanitary sewer systems and such storm systems shall be installed in accordance with sound and established engineering practices as determined by the Borough Council. Such storm systems shall be designed to accommodate any storm discharges from the property being subdivided and additional runoff which may occur from higher elevations within the same watershed when it is fully developed. Such storm systems shall not overload existing storm drainage systems or create flooding hazards.
 - H. Facilities such as bridges, culverts, dams and other drainage facilities affecting the flow of water in a watershed shall meet the requirements and be approved by any state agency having jurisdiction over such facilities.
6. Easements.
 - A. Easements with a minimum width of 10 feet plus the width of any physical improvement, or with the minimum width of any natural swale shall be provided as necessary for utilities and drainage facilities.
 - B. Above ground utilities shall be placed along the rear or side lot lines unless they are existing along the street prior to the submission of the

preliminary plan to the Borough Manager for Borough Council consideration.

- C. Easements for installation of underground conduits for electric power, telephone and television cable lines shall be provided so that each lot or leased unit can be practically served.
 - D. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
 - E. Where a subdivision is traversed by a water course, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such water course and of such width as will be adequate to preserve natural drainage.
 - F. When utility easements are established, the Council may give consideration to the requirements and objectives of the appropriate utility company.
7. Water Supply and Sewerage Facilities.
- A. All subdivisions and land developments located within the Borough shall be served with an adequate publicly owned water supply system and with an adequate publicly owned sewerage system.
 - B. The sewer system shall meet the requirements of the official plan for sewage systems adopted by the County and/or the Borough as required by the Pennsylvania Sewage Facilities Act, as amended, and by the requirements of the Pennsylvania Department of Environmental Resources. Such facilities shall be designed in accordance with requirements of the Pennsylvania Department of Environmental Resources, the Borough and any authority having jurisdiction over such facilities, subject to the review and approval of the Borough Council.
 - C. Any supplement or plan revision of the official plan for sewage systems, as required by Pennsylvania DER requirements, shall be obtained by the subdivider and made a condition for the final approval of any subdivision or land development. It is recommended that an application for such required supplements or plan revisions be initiated by the subdivider during the preliminary plan phase and prior to submission of the final plan.
 - D. All water supply systems and sanitary sewer systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the regulatory flood elevation.
8. Other Utilities.

- A. A plan for providing all necessary utility services to the proposed subdivision and land development shall be prepared by the developer in cooperation with the appropriate public utility companies and governmental agencies.
 - B. Fire hydrants shall be required throughout the Borough. Spacing of hydrants shall be such that no residential structure shall be farther than 600 feet and no nonresidential structure shall be farther than 400 feet from a hydrant and shall be reviewed by the Fire Chief of the Borough. Additional standards published by the Insurance Services Office of Pennsylvania may also be applied by the Commission.
 - C. In accordance with a Pennsylvania Public Utility Commission order of July 8, 1970, all electric utility distribution lines shall be installed underground in subdivisions or land developments of five or more dwelling units. Wherever practicable, telephone and cable TV utilities shall also be installed underground.
 - D. Wherever practicable, in accordance with good engineering practice, utility easements and trenches shall be occupied jointly by compatible utilities.
 - E. All public and/or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the regulatory flood elevation.
9. Classification and Ownership of Streets. All streets shall be classified as "major," "collector," "local" or "nonresidential" streets as defined herein.

All streets shall be public streets suitable for dedication to the Borough except for the following which may be designed as private streets:

- A. Industrial park, office park or shopping center nonresidential streets, specifically permitted as private streets by Borough Council.
- B. Other streets specifically designated and permitted as private streets by the Borough Council based on individual consideration in each case of the special factors involved.

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

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

- (1) Who owns the streets.
- (2) Who is responsible for construction and for continued maintenance.

- (3) That the Borough of Scottdale has no responsibility for ownership, construction or continued maintenance of said streets.
10. Design Standards for Streets. Street dimensions and design standards shall be in accordance with Table 1.²
11. Street System Layout.
- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Borough and they shall further conform to such state road and highway plans as have been prepared, adopted and/or filed as prescribed by law.
 - B. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Borough Council deems such extension undesirable for specific reasons of topography or design.
 - C. Streets shall be logically related to the topography to produce usable lots and reasonable grades.
 - D. Minor streets shall be laid out to discourage through traffic, but provision for street connections into and from adjacent areas will generally be required.
 - E. Proposed streets shall be extended to provide access to adjoining property where necessary.
 - F. Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision, or if a portion of the tract is not subdivided.
 - G. New half or partial streets or new alleys will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements, and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street or alley can be secured.
 - H. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
 - I. Dead-end streets shall be permitted only when they are designed as stubs for temporary use to permit future street extension into adjoining tracts, or when they are designed as culs-de-sac to serve residential areas.

2. Editor's Note: Table 1 is included as an attachment to this chapter.

- J. New reserve strips, including those controlling access to streets, shall be prohibited.
12. Street Intersections.
- A. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60°.
- B. Multiple intersections involving junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- C. Clear sight triangles shall be provided at all street intersections within which no obstruction to vision shall be permitted between a height of two feet to 10 feet above the center line grade of each street. Such clear sight triangles shall be established from the point of intersection of the center lines of the intersecting streets for a distance of 75 feet where both streets are local streets, 100 feet where one or both streets or collector streets, and 150 feet where one or both streets are major streets.
- D. To the fullest extent possible, intersections with major traffic streets shall be located not less than 800 feet apart, measured from center line to center line.
- E. Two streets intersecting a third street from opposite sides shall be laid out directly opposite one another or with a minimum center line offset of 125 feet when all streets are local streets, or with a minimum center line offset of 300 feet when one or more of the streets is a collector street or a major traffic street.
- F. Minimum curb radii at street intersections shall be 15 feet for intersections involving only local streets, 35 feet for intersections involving collector streets and 50 feet for intersections involving major traffic streets.
- G. Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 5% grades for a distance of 35 feet measured from the nearest right-of-way line of the intersecting street.
13. Uses Fronting on Major Streets.
- A. Service Streets. Where a subdivision fronts or abuts a major street as defined in Part 8, the Borough Council may require any of the following measures:

- (1) A service street approximately parallel to the major street at a distance suitable for the appropriate use of the intervening land.
 - (2) Marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through-traffic.
- B. **Controlled Access.** Driveway and parking lot entrances and exits to nonresidential subdivisions from a major street shall be designed so as not to interfere with through traffic. In general, such entrance and exit points shall not be located closer to one another than 200 feet except when such entrance or exit points are one-way in or out in which case they may be located no closer than 100 feet to one another. Such entrances or exits shall not exceed 24 feet in width at any such point.
- C. **Building Setback Line.** Unless otherwise regulated by appropriate ordinances, nonresidential structures shall be set back not less than 20 feet from the property line fronting on the major street. Rear setback lines shall be such that no nonresidential structure shall be any closer to the rear property line than 15 feet.

§ 22-303. Residential Design Standards. [Ord. 927, 8/10/1982, Art. 3, § 3.300]

1. **Application.** All subdivisions proposed for residential use, except mobile home parks, shall conform with the provisions of this section.
2. **Residential Lot Sizes.** Lot dimensions, areas, yards and building setback lines shall be not less than specified by the provisions of the Zoning Ordinance except that the provision of § 302(3) shall apply in all cases.
3. **Design of Residential Lots.**
 - A. All lots shall front upon a public street, existing or proposed, except that such frontage may be located on a private street where specifically permitted herein.
 - B. Side lot lines shall be substantially at right angles or radial to street lines.
 - C. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use, if acceptable to the municipality.
 - D. Double frontage lots are to be discouraged.

- E. Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide satisfactory space for off-street parking and unloading.
4. Residential Blocks.
- A. The length, width and shape of blocks shall be determined with due regard to the following:
 - (1) Provision of adequate sites for buildings of the type proposed.
 - (2) Zoning requirements.
 - (3) Topography.
 - (4) Requirements for safe and convenient vehicular and pedestrian circulation.
 - B. Blocks shall normally have a minimum length of 600 feet or maximum length of 1,200 feet. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection and pedestrian travel.
 - C. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a major traffic street are used; where special superblock, cluster design, planned unit or other large scale developments are proposed or where topographic or other conditions prevent such a design.
 - D. Pedestrian interior crosswalks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a right-of-way width of not less than 10 feet and paved walk of not less than four feet.
5. Cul-de-sac Street.
- A. Cul-de-sac streets permanently designed as such shall not exceed 800 feet in length.
 - B. Cul-de-sac streets shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curb line of 40 feet.

§ 22-304. Commercial and Industrial Subdivision Design Standards. [Ord. 927, 8/10/1982, Art. 3, § 3.400]

1. Application and General Requirements.
- A. All commercial and industrial subdivisions shall conform with the provisions of this section.

- B. Wherever possible, commercial and industrial parcels should include enough land to provide for a group of commercial establishments, planned, developed and operated as a unit and narrow, highway ribbon developments fronting directly on a major street should be discouraged.
2. Size. Approval of lot or parcel size will be determined by the Borough Zoning Ordinance. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities but in no case less than required by the Zoning Ordinance.
 3. Street System.
 - A. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.
 - B. The design of streets, service drives and pedestrian ways should provide for safe and hazard free internal circulation.
 - C. Streets may be offered for dedication to the Borough if said streets meet the Borough and state minimum standards. Otherwise, the commercial or industrial park streets may remain in private ownership and care, if approved by Borough Council.
 4. Front Yard. Building setback lines shall be as specified by the Borough Zoning Ordinance.
 5. Utilities. Where possible, commercial and industrial subdivisions should be located close to public utilities. In any case, subdivisions should be provided with such utilities as are necessary to maintain adequate health standards, and to dispose of commercial and industrial wastes.
 6. Location.
 - A. In general, commercial and industrial subdivisions should be located adjacent or close to major highways and transportation facilities.
 - B. Commercial and industrial subdivisions may not be located in predominantly residential areas or areas that are better suited to residential development, provided that a commercial parcel designed as an integral part of a residential subdivision will be permitted and provided that said site shall be in conformance with the Borough Zoning Ordinance.

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PART 4

MOBILE HOME PARKS

§ 22-401. Design Standards Details. [Ord. 927, 8/10/1982, Art. 4, § 4.100]

All subdivisions and land developments designed as a mobile home park shall comply with the requirements of the State of Pennsylvania for such mobile home parks.

1. Lot Requirements. All individual mobile homes located in a mobile home park shall have a minimum lot size, setback area and side yard as required by the Borough Zoning Ordinance.
2. Except where affected by access roads or other functional design reasons, all mobile home parks shall provide and maintain a landscaped buffer area at least 10 feet in width along all property boundary lines consisting of fences and/or appropriate trees and/or other suitable natural plant materials. A planting plan specifying the type, size and location of existing and proposed plant and fence material shall be required.
3. A mobile home shall be located at least 40 feet from any abutting land that is not part of the mobile home park.
4. There shall be a minimum distance of 25 feet between an individual mobile home and the adjoining mobile home. There shall be a fifteen-foot minimum setback distance between any part of a mobile home and the adjoining pavement of any other mobile home, park street or other common area.
5. An adequate number of foundation anchors for the placement and tiedown of the mobile home shall be provided for the purpose of stabilizing the superstructure against uplift, sliding, rotation and overturning. The foundation anchors shall be constructed of reinforced concrete. Minimum anchor dimensions shall be 12 inches deep, 24 inches wide, 70 feet long. Anchors shall be positioned at random distances as required for tiedown purposes.
6. Off-street parking places shall be provided for each mobile home in accordance with the residential parking requirements of the Zoning Ordinance.
7. All mobile home parks shall be served with a system of common walks providing convenient, adequately lighted and safe pedestrian access to all parts of the mobile home park.
8. All mobile home parks shall provide for the enclosure of the foundation area on which the mobile home unit is situated. Enclosures shall be installed within a minimum of 180 days after placement of a mobile home unit.

9. All mobile home parks shall be served with adequate sewer and water facilities and shall meet all the requirements of this chapter for residential subdivisions and land developments.
10. Each mobile home lot shall be provided with at least a three-inch nipple which connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall be encased in a water-proof catch basin.
11. Each mobile home lot shall have a water riser pipe which connects the mobile home water system to the central water system. An outside hose bib shall also be supplied for each mobile home.
12. All fuel storage tanks shall be of horizontal design and shall be constructed in accordance with appropriate state agency and appropriate fire code regulations.
13. The Borough Council will give special consideration to any unique design features required or provided by the mobile home park, including such factors as:
 - A. Lots laid out at an angle to streets to facilitate the movement of mobile homes.
 - B. One-way streets.
 - C. Design to facilitate vehicular circulation and vehicular access to each lot.
 - D. Common vehicle parking areas.
 - E. Provision of adequate and secure storage space and buildings to service the mobile home park.

PART 5

REQUIRED IMPROVEMENTS

§ 22-501. Application. [Ord. 927, 8/10/1982, Art. 5, § 5.100]

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

§ 22-502. Summary of Required Improvements. [Ord. 927, 8/10/1982, Art. 5, § 5.200]

Minimum improvements to be required of the subdivider, where applicable, shall include the following:

Type of Improvement Required	Medium Density Residential and Nonresidential Areas (a)	Low Density Residential (b)	Very Low Density Residential (c)
Improved Streets	X	X	X
Curbs	X	—	—
Gutters	(e)	(e)	(e)
Adequate drainage and/or storm sewers	X	X	X
Sidewalks	(d)	(d)	(d)
Monuments and Markers	X	X	X
Street Name Signs	X	X	X
Street Lighting	X	X	X
Fire Hydrants	X	X	X
Electric and Telephone	X	X	X
Central Water and Sewer	X	X	X

- (a) "Medium Density" includes developments having a net project density of more than five units per acre.
- (b) "Low Density" includes developments having a net project density of between one and five units per acre.
- (c) "Very Low Density" includes developments having a net project density of less than one unit per acre or recreational developments considered to have an equivalent very low density by the Borough Council.

- (d) Sidewalks will not normally be required except where needed to facilitate traffic to school, shopping, park or other uses which generate pedestrian traffic, or to facilitate pedestrian safety, or in developments having a net project density of 10 or more units per acre.
 - (e) Sod, stone or concrete gutters shall be provided in accordance with sound design and maintenance standards, where required to adequately control storm water.
- X Indicates that the improvement is required.

§ 22-503. Required Improvements Details. [Ord. 927, 8/10/1982, Art. 5, § 5.300]

1. Street and Shoulder Construction Standards.

- A. Streets (and alleys where provided) shall be graded, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross-sections submitted by the subdivider and approved by the Borough Council.
- B. Entire right-of-way width shall be graded to the approved cross-section. All trees, stumps and other material deemed unsuitable by the Borough Council shall be removed to a depth of two feet below subgrade and the excavation shall be backfilled and suitably compacted.

The finished road surface, both tangent and curve, shall be crowned at 1/4 inch per foot away from the center line. A proper super-elevation shall be required on major traffic streets and collector streets when the curb radii are less than 1,200 feet on major streets and less than 600 feet on collector streets.

Prior to placing the street surface, the subgrade shall be graded parallel to the finished crown to permit the proper drainage of the subbase. The subbase shall be properly outletted. Adequate subsurface drainage for the streets and all subsurface utilities as acceptable to the Borough Council shall be provided or installed by the subdivider.

Minimum slopes of banks measured perpendicular to the center line of the street shall be 3:1 for fills, and 2:1 for cuts.

- C. The portion of cartway required to be paved shall be provided by the subdivider with a suitable base and subbase material placed on a well compacted and prepared subgrade. A surface course will be provided on all streets. The base, subbase and surface course shall conform with PennDOT requirements contained in their publication entitled "Guidelines For Design of Local Roads and Streets, Publication 70" or shall have an equivalent paving strength.

Subbase material shall be native gravel, or an equivalent strength of shale, as per the specifications of the Pennsylvania Department of Transportation and approved by the Borough Council.

If the material has adequate bearing capacity and is well drained, the subbase may be omitted, if approved by the Borough Council.

- D. The portion of the cartway designated as a shoulder shall be improved as follows:
- (1) In medium density areas, shoulders may not be used.
 - (2) In very low density and low density residential and in nonresidential areas, all shoulders shall be constructed of native shale or gravel or other equivalent material at least six inches thick, except that Borough Council may require shoulder areas to be fully paved if warranted by street requirements, traffic or other functional requirement.
- E. In all respects in which standards for required improvements are not set forth herein or specified by the Borough Council, the applicable standard requirements of the Pennsylvania State Department of Transportation shall govern, performed in the manner prescribed in the standard specifications for road construction of said Department for the type of construction under consideration.
- F. Driveway entrances or aprons within the street right-of-way shall be improved to their full width.
2. Curbs and Gutters. Curbs where required shall be valley gutters, vertical cement, vertical stone or rolled curb and gutter cement as follows:
- A. Plain cement concrete curb; six inches at the top, eight inches at the bottom and 18 inches in height from top to bottom with the slope to the street side.
 - B. Rolled cement concrete curb and/or valley type cement concrete gutter, 24 inches wide by 12 inches high from top to bottom.
 - C. Gutters, where required, shall be of sod, stone or concrete in accordance with sound design and maintenance criteria. All curbs and gutters shall be in conformance with good engineering practice and subject to the approval of the Borough Council.
3. Sidewalks and Crosswalks. Sidewalks where required shall be located within the street right-of-way and shall not be closer than one foot from the right-of-way line, nor closer than three feet from the curb or shoulder line.
- Sidewalks and crosswalks shall be a minimum of 42 inches wide and shall be constructed of concrete four inches thick in residential areas and six inches thick in commercial and industrial areas, placed on a suitable subbase. Sidewalks at driveway crossings shall be at least six inches thick. All sidewalks shall be designed in accordance with established engineering practice and subject to the approval of the Borough Council.

4. **Street Lights.** Street lights, were required, shall be installed with underground lines wherever possible and the subdivider shall provide or make arrangements for a complete energy efficient street lighting system within the subdivision.

Such systems shall provide a safe level of illumination and shall be reviewed by the appropriate utility company.

5. **Sewer and Water Facilities.** Sewer and water facilities shall meet the requirements of § 22-302, Subsection 7, and shall also conform with the following:

- A. Public water lines and sanitary sewer lines shall be required in all cases.
- B. Sanitary sewers shall have a minimum inside diameter of eight inches and a minimum grade of 0.4%. Manhole spacing shall meet the regulations of the appropriate agency. The manhole frames, covers and steps shall be designed in accordance with accepted specifications approved by the Borough Council.
- C. Where a subdivision is provided with a complete water main supply system, fire hydrants shall also be installed in accordance with the requirements of the Insurance Service Office of Pennsylvania subject to approval by the Borough Council.

6. **Storm Drainage and Other Utility Facilities.** Storm drainage and other utility facilities shall be provided as required by § 22-302, Subsections 5, 7 and 8, of this chapter in accordance with sound engineering practice and subject to the approval of the Borough Council.

7. **Monuments and Markers.**

- A. Monuments shall be of concrete or stone with a minimum size of six inches by six inches, and shall be marked on top with 1/2 inch round brass pin, or a drilled hole. Markers shall consist of iron pipes or iron or steep bars at least 24 inches long, and not less than 3/4 inch in diameter.
- B. Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground and elevation permanently recorded on at least one monument.
- C. Monuments shall be set in readily accessible locations at all corners and angle points of the boundary of the original tract being subdivided and at a minimum of two points of intersection of the rights-of-way lines at all street intersections so as to permanently locate or provide reference for all property lines.

- D. Markers shall be set:
- (1) At the beginning and ending of all curves along street property lines.
 - (2) At all points where lot lines intersect curves, either front or rear.
 - (3) At all angles in property lines of lots.
 - (4) At all other lot corners.
- E. Any monuments or markers that are removed shall be replaced by a competent engineer at the expense of the person removing them.
8. Other Improvements. Other required improvements shall be provided in accordance with Borough standards where available and shall include at least the following:
- A. Street name signs shall be installed at all street intersections.
 - B. Street lighting shall be provided to adequately illuminate all streets for the purpose of eliminating unsafe darkened areas.
 - C. Fire hydrants where required shall be provided to facilitate adequate fire protection service.
- Where Borough standards are not available, the above improvements are to be installed in accordance with the requirements of the Borough Council.

§ 22-504. Flood-Prone Area Requirements. [Ord. 927, 8/10/1982, Art. 5, § 5.400]

1. All subdivisions and land developments located in a designated flood-prone area shall conform with the requirements and definitions of the Borough Flood Plain Ordinance [Chapter 8].

All such proposed development shall be designed in accordance with the floodplain management principles and requirements of said chapter.
2. As a basis for determining conformance with these requirements, the Borough Council may utilize information provided by recognized applicable authorities or studies.
3. If the Borough Council determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

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PART 6

PLAN REQUIREMENTS

§ 22-601. Sketch Plan. [Ord. 927, 8/10/1982, Art. 6, § 6.100]

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

§ 22-602. Preliminary Plan. [Ord. 927, 8/10/1982, Art. 6, § 6.100; as amended by Ord. 1008, 6/10/1991]

1. Scale. The preliminary plan shall be at a scale of not more than 100 feet to the inch.
2. Plan Information.
 - A. The preliminary plan shall show or be accompanied by the following information:
 - (1) Proposed subdivision name or identifying title.
 - (2) North point, scale and date.
 - (3) Name of the owner of the property and of the subdivider if different from the owner.
 - (4) Name of the registered engineer, surveyor, architect or planner responsible for the plan.
 - (5) Tract boundaries with bearings and distances and total number of acres being subdivided.
 - (6) Where new street construction or other facilities are proposed, contours at vertical intervals of from two to five feet or at such lesser intervals as may be necessary for satisfactory study and planning of the tract.
 - (7) Where reasonably practicable, data shall refer to known, established elevations.
 - (8) If on-lot sewage is proposed, soils information as mapped by the U.S. Soil Conservation Service or by another competent qualified soils scientist.

- (9) All existing water courses, tree masses and other significant natural features.
 - (10) All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
 - (11) All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
 - (12) A location map for the purpose of locating the site to be subdivided at a scale not more than 800 feet to the inch showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided. Also, when applicable, a map showing the location of the proposed subdivision and/or land development, with respect to any involved floodplain district, including information on, but not limited to, the one-hundred-year flood elevations, boundaries of the designated floodplain district, proposed lots and sites, fills, flood or erosion protective facilities.
 - (13) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
 - (14) Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public use; proposed public utilities and drainage facilities. Preliminary street profiles may be required by the Borough Council showing the proposed finished grade along the center line and each right-of-way line.
 - (15) Wherever practicable, the preliminary plan shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.
 - (16) Where the preliminary plan covers only a part of the subdivider's entire holdings, a sketch shall be submitted on the new prospective street layout for the remainder.
 - (17) Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan.
- B. The preliminary plan shall include therein or be accompanied by:
- (1) All required permits and related documentation from the Department of Environmental Resources and any other

commonwealth agency, or Borough where any alteration or relocation of a stream or watercourse is proposed.

- (2) Documentation indicating that all affected adjacent municipalities, the Department of Community Affairs and the Federal Insurance Administrator have been notified whenever any alteration or relocation of a stream or watercourse is proposed.
- (3) Water Supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

§ 22-603. Final Plan. [Ord. 927, 8/10/1982, Art. 6, § 6.300; as amended by Ord. 1031, 2/14/1994]

1. Plan Size and Legibility.
 - A. The subdivision plan submitted for final approval shall be clear, legible, white print of an ink drawing or suitable equivalent. The plan must be prepared on mylar, linen or high grade velum paper, with all drawings, writings and signatures thereon prepared in a permanent black opaque ink. The plan must contain original seals of the registered professional engineer and/or other qualified professional responsible for the plan, notary, Borough officials, County officials, and any other governmental body, or otherwise, with whom the plan has been submitted for review and/or approval.
 - B. Final plans shall be on sheets not larger than 18 inches by 24 inches over-all. Where necessary to avoid sheets larger than the maximum prescribed above, final plans shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections. Departures from the maximum size prescribed above may be approved only after consultation with the office of the County Recorder of Deeds.
2. Plan Scale and Required Information.
 - A. The final plan shall be legible and at a scale of not more than 100 feet to the inch and shall include the following information:

- (1) Subdivision name or identifying title.
- (2) North point, scale, date.
- (3) Name of the record owner and subdivider.
- (4) Name and seal of the registered professional engineer and/or other qualified professional responsible for the plan.
- (5) Boundaries of the tract.
- (6) Street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
- (7) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line and to reproduce such lines on the ground.
- (8) The length of all straight lines, radii, lengths of curves, tangent bearings and deflection angles for each street.
- (9) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- (10) The proposed building setback line for each street, or the proposed placement of each building.
- (11) Location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts and reference locations for all underground utilities.
- (12) All dimensions shall be shown in feet and in hundredths of a foot.
- (13) Lot numbers.
- (14) Names of streets within and adjacent to the subdivision.
- (15) Location of permanent reference monuments shall be shown.
- (16) Wherever practicable, names of any adjoining subdivisions shall be shown.
- (17) Wherever practicable, names of the owners of any unplotted land shall be shown.
- (18) A letter of intent from the municipality indicating willingness or conditions for acceptance of dedication of streets and other public property.
- (19) Certificate for approval and signature of the President of Borough Council, with space for acknowledgement of receipt of

the plan by the County Recorder of Deeds when it is presented for recording.

- B. The final plan shall include thereon or be accompanied by:
- (1) An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
 - (2) A statement duly acknowledged before an office authorized to take acknowledgment of deeds and signed by the owner or owners of the property, to the effect that the subdivision as shown on the final plan is made with his or their free consent and that it is desired to record the same.
 - (3) Certification by the State Department of Environmental Resources when individual sewage disposal or water systems are to be installed as required by Part 3 of this chapter.
 - (4) Certification by the Borough Engineer that the subdivider has met the requirements of Parts 3, 5 and 7 of this chapter.
 - (5) Construction plans for all required improvements including typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street center line; existing (natural) grade along each side of the proposed street right-of-way; proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlets, manholes and culverts. All such plans shall include a public improvements list and shall be in a form suitable to serve as a basis for documenting all improvements to be installed.
 - (6) A contour grading plan including ground and basement floor elevations of all buildings may be required if deemed necessary by the Borough Engineer to properly establish grading and drainage patterns.
 - (7) Protective covenants, if any, in form for recording.
 - (8) Any other special plans required by the Borough Council in accordance with § 22-302, Subsections 3, 4, 7 and 8 of this chapter.
 - (9) A development agreement and financial security as required herein.
3. Recording of Approved Plan. The final plan shall be recorded in the office of the County Recorder of Deeds within 90 days of the approval by the Borough.

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PART 7

INSTALLATION OF REQUIRED IMPROVEMENTS**§ 22-701. Improvements to be Provided by Subdivider. [Ord. 927, 8/10/1982, Art. 7, § 7.100]**

In all cases, the subdivider shall be responsible to pay for the cost of installation of all required improvements under supervision of the Borough Council and in the manner specified below, and in accordance with Sections 509 and 510 of Pennsylvania Act No. 247 of 1968, as amended.

§ 22-702. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval. [Ord. 1008, 6/10/1991]

1. Improvements and Financial Guarantees.
 - A. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed in accordance with this chapter.
 - B. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this chapter, the developer may deposit with the Borough financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
2. When requested by the developer, in order to facilitate financing, the Borough Council, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
3. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, federal- or commonwealth-chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

4. Such financial security shall be posted with a bonding company or federal- or commonwealth-chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the commonwealth.
5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
8. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
9. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by sections or

stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, and the Borough Council shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said forty-five-day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
11. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the

approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

§ 22-703. Development Agreement. [Ord. 927, 8/10/1982, Art. 7, § 7.400; as amended by Ord. 1008, 6/10/1991]

All subdividers proposing any subdivision or land development requiring the installation or improvements as required herein shall be required to enter into a legally binding development agreement with the Borough guaranteeing the installation of said improvements in accordance with this chapter. The development agreement shall be in form suitable for execution by the Borough Council and it shall consist of the following where applicable:

1. The construction authorized by the approved final plan, or in the case where § 22-702, Subsection 1, applies, in accordance with conditionally approved final plan.
2. Construction of streets with any other required improvements.
3. Installation of utility lines.
4. Installation of underground street lighting cable and street lighting poles.
5. Dedication of streets, transfer of water and sewer lines and easements to the Borough.
6. Prevention of erosion and water damage to adjacent properties.
7. Developer's responsibilities for damage to other property.
8. The responsibility for providing necessary inspections to ensure compliance with this chapter shall be clearly identified.
9. A work schedule, beginning and ending date, for improvements contained herein.
10. All planning, engineering, inspection and legal service costs incurred by the Borough including cost of preparing this development agreement shall be identified and that amount agreed upon for payment by the subdivider on a regular basis.
11. Posting of the required financial security to insure completion of all of the required improvements in accordance with § 22-702, Subsection 2, if applicable.

12. Where the Borough accepts dedication of any required improvement, posting of the required financial security may be required by the Borough to secure the structural integrity and the functioning of said improvement in accordance with § 22-702. Financial security for maintenance of improvements installed under the jurisdiction and rules of a public utility or a municipal authority shall be posted in accordance with the requirements of said public utility or municipal authority or other appropriate agency and shall not be included in the financial security posted with the Borough.
13. The developer shall provide the Borough with two sets of reproducible as-built plans, including all improvements which are properly referenced to identify specific locations.
14. Provisions for violation of the development agreement.
15. The subdivider shall secure or maintain public liability insurance.
16. A save harmless clause.
17. Liability of developer during warranty period.
18. No improvements shall be commenced or work begun prior to the execution of this agreement, and the delivery of the required financial security in compliance with § 22-702, Subsection 2, if applicable.
19. Other requirements to assure compliance with this chapter.

§ 22-704. Release from Improvement Bond. [Ord. 1008, 6/10/1991]

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. The Borough Council shall notify the developer, within 15 days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said Borough Council with relation thereto.

3. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.
6. Where herein reference is made to the Borough Engineer, he shall be as a consultant thereto.
7. The applicant or developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Borough Council and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
 - A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
 - B. If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

- D. In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years.
- E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

§ 22-705. Remedies to Effect Completion of Improvements. [Ord. 1008, 6/10/1991]

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

§ 22-706. Exemption for Small Subdivisions and Private Streets. [Ord. 927, 8/10/1982, Art. 7, § 7.700]

The provisions of §§ 22-702, Subsections 1B and 11, 22-703 and 22-704 may be waived by Borough Council for the following types of subdivisions if Borough Council determines that conformance to said sections are not required to ensure the proper completion of the subdivision in accordance with the intent and objectives of this chapter.

1. Small subdivisions and/or land developments less than five acres in size and containing no more than five lots, and not involving the provision of any new streets, easements for access or other public improvements.
2. Subdivisions to be served by a private street, as permitted herein, after specific consideration and approval in each case by Borough Council.

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PART 8

DEFINITIONS

§ 22-801. General. [Ord. 927, 8/10/1982, Art. 8, § 8.100]

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

§ 22-802. Specific Terms. [Ord. 927, 8/10/1982, Art. 8, § 8.200; as amended by Ord. 1008, 6/10/1991]

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

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

- A. **EASEMENT OF ACCESS** — An easement granted for use by the public for the purpose of providing vehicular and/or pedestrian access to a parcel, lot, building, subdivision or land development.
- B. **RIGHT-OF-ACCESS** — The right of the public to have vehicular and/or pedestrian access over a specifically designated area, easement or property.

ALLEY — A permanent service way providing a secondary means of access to abutting lands.

BLOCK — Property bounded on one side by a street, and on the other three sides by a street, railroad right-of-way, waterway, unsubdivided area or other definite barrier.

BOROUGH COUNCIL — The Borough Council of the Borough of Scottdale, Pennsylvania.

BOROUGH ENGINEER — The engineer designated by the Borough to perform all engineering duties required of a registered engineer by the provisions of this chapter.

BOROUGH MANAGER — The Borough Manager of the Borough of Scottdale, Pennsylvania.

BUILDING SETBACK LINE — The minimum distance from the front lot line to any building or structure to be erected on the lot.

CARTWAY — The portion of the entire right-of-way of a street which contains an improved travel way for vehicles, including space for shoulders and/or parking lanes.

COMMISSION or PLANNING COMMISSION — The Planning Commission of the Borough of Scottsdale designated to perform all administrative, review, approval, supervisory and other duties required by this chapter.

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 a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMPREHENSIVE PLAN — The complete plan, or any part of its plan, for the Borough of Scottsdale which contains goals and objectives for the future of the Borough.

COUNTY — Westmoreland County, Pennsylvania.

COUNTY PLANNING COMMISSION — The Westmoreland County Planning Commission.

CUL-DE-SAC — A local street having one end open to traffic and being permanently terminated by a vehicular turnaround.

DEVELOPER — Any landowner or agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made, a subdivision of land or a land development. The term "developer" is intended to include the term "subdivider" as defined herein.

DEVELOPMENT PLAN — The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DWELLING — Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

EASEMENT — A grant by the property owner of the use of a strip of land by the public, a corporation or persons for specified purposes.

FINANCIAL SECURITY — A deposit made out to the benefit of the Borough in an amount sufficient to guarantee and cover the entire costs of any required improvement or maintenance which is the responsibility of the subdivider to provide under the terms of this chapter but which will allow

the Borough to complete said improvements or maintenance in their entirety, without any additional cost to the Borough, in the event of a default, negligence, cost overrun or inflationary increase in price or failure of any type of the subdivider to provide or complete said required improvements or maintenance. Said financial security shall be approved by the Borough and may include irrevocable letters of credit and restrictive or escrow accounts in a federal- or commonwealth-chartered lending institution and such security shall be posted with a bonding company or with a federal- or commonwealth-chartered lending institution authorized to conduct business in the commonwealth.

FRONTAGE — The portion of a parcel of lot which abuts a street.

- A. **DOUBLE FRONTAGE** — A lot which has frontage on and access from two streets which are approximately parallel to each other.
- B. **REVERSE FRONTAGE LOT** — A double frontage lot which extends between and which has frontage on a major traffic street and a local or collector street and which has access only from the local or collector street and which has its access prohibited from the major traffic street.

LAND DEVELOPMENT — Any of the following activities:

- 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, 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. "Land development" does not include development which involves:
 - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
 - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally

as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

VERY LOW DENSITY RESIDENTIAL — Developments having a net project density of less than one dwelling unit per acre.

LOW DENSITY RESIDENTIAL — Developments having a net project density of between one and five dwelling units per acre.

MEDIUM DENSITY RESIDENTIAL — Residential developments having a net project density of more than five dwelling units per acre. This generally defines the more urbanized or built-up area of the Borough requiring higher development standards and improvements than those which are located in the Low Density Residential Areas.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, except for a travel trailer as defined herein but excluding prefabricated homes or sections thereof which when assembled or combined are more than 19 feet in width.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MUNICIPALITY — The Borough of Scottsdale, PA, in which the proposed subdivision or land development is located.

MUNICIPAL AUTHORITY — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

NET PROJECT DENSITY — The net project density of a proposed residential subdivision or land development measured in residential units per acre shall be equal to the total number of residential dwelling units

divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas (such as street rights-of-way, open space and other nonresidential uses).

OFFICIAL MAP — Any map adopted by ordinance of the Borough showing exact locations of existing and proposed lines for public streets, water courses and public grounds, including widenings, narrowings, extensions, diminutions, opening or closing of same for the entire Borough.

PLAN — A map or charge, also known as a plat, indicating the subdivision or resubdivision of land which in its various stages of preparation can include the following:

- A. **SKETCH PLAN** — An informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for consideration by the Borough.
- B. **PRELIMINARY PLAN** — A tentative plan, in lesser detail than a final plan, showing proposed streets and lot layout and such other information as required by this chapter.
- C. **FINAL PLAN** — A complete and exact plan, prepared for official recording as required by this chapter, to define property rights and proposed streets and other improvements, as required by this chapter.
- D. **RECORD PLAN** — The copy of the final plan which contains the original endorsements or approvals of the Borough Council and which is intended to be recorded with the County Recorder of Deeds, as required by this chapter.

PUBLIC GROUNDS — Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§ 271 et seq.

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the

matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RECREATIONAL SUBDIVISION, VERY LOW DENSITY — Subdivisions designed primarily for seasonal use, including mountain areas and areas for hunting, camping and similar uses which will have an intensity of land use equivalent to the less than one housing unit per net acre as determined by the Borough Council.

RIGHT-OF-WAY — Land reserved for use as a street, alley, interior walk, or for other public purpose.

- A. **ULTIMATE RIGHT-OF-WAY** — The maximum width to which an existing or proposed right-of-way may be widened in accordance with the Comprehensive Plan or Plans of the Borough or the Pennsylvania Department of Transportation, or other appropriate official agency.

SETBACK or BUILDING LINE — The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way.

SIGHT DISTANCE — The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

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

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

- A. **MAJOR STREETS** — Those streets which serve internal Borough movements and provide connections between traffic generators serving or anticipated to serve moderately heavy traffic volumes at a design speed of 60 miles per hour.
- B. **COLLECTOR STREETS** — Those which intercept local streets, provide access to abutting properties and serve individual neighborhoods or areas, and their function is to collect and distribute traffic to the local streets and to feed traffic into the major streets. They are anticipated to serve moderate traffic volumes and shall have design speed of 50 miles per hour.

- C. LOCAL STREETS (also called MINOR STREETS) — Are those used primarily to provide access to abutting property and to feed into the collector streets. They are anticipated to serve relatively low traffic volumes and shall have a design speed of 35 miles per hour.
- D. NONRESIDENTIAL STREETS — Streets designed to serve and give access to commercial industrial, public and other nonresidential uses.
- E. MARGINAL ACCESS STREET — Are local streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with major traffic streets.

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

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

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 court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION OFFICER — The specific person designated by the Borough Council to perform all of the administrative duties required by this chapter.

SUBSTANTIALLY COMPLETED — Where in the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

TRAVEL TRAILER — A vehicle, less than 36 feet in length, standing on wheels, and containing not more than one dwelling unit which may be used for temporary living or sleeping purposes.

WATER SURVEY — An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough.

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PART 9

ADMINISTRATION AND ENFORCEMENT

§ 22-901. Administrative Action. [Ord. 927, 8/10/1982, Art. 9, § 9.100]

1. Subdivision Officer.
 - A. The Subdivision Officer of the Borough Council, with the assistance of the Borough Engineer, shall act as the administrative officer of the Borough. The Subdivision Officer shall receive and examine all subdivisions in the name of the Borough Council and shall refer copies of all such plans and applications to appropriate agencies or officials involved.
 - B. The Subdivision Officer shall also receive information from such agencies or officials and shall transmit these comments to the Borough Council. The Subdivision Officer shall keep records of all applications and plans and of actions taken by the Borough Council on such applications and plans. The Borough Engineer at the request of the Subdivision Officer of the Borough shall make all required inspections called for in this chapter. The Subdivision Officer shall also inform the subdivider and the Borough of any violations of this chapter which shall become known to him.
 - C. The Borough Council shall designate the specific person to serve as the Subdivision Officer. Said Subdivision Officer may be the Borough Manager, a Planning Commission staff or Commission member, or any other person qualified to carry out the duties set forth herein.
2. Borough Council.
 - A. The Borough Council, with the assistance of the Subdivision Officer and Borough Engineer, shall review all plans to determine conformity with this chapter and shall hold necessary public hearings and shall approve, approve with conditions, or disapprove all plans submitted and shall grant any necessary modifications, variances or waivers and shall perform all other duties required under this chapter.
 - B. After approval of any final plan, the Subdivision Officer, Borough Solicitor and Borough Engineer shall be directed to take necessary action relative to the acceptance of dedication of any public right-of-way or area shown on the plan by the Borough and also relative to the execution of the development agreement with the subdivider.
3. Endorsement of Record Plan. Upon approval of any final plan by the Borough Council, the President and Secretary of the Borough Council shall endorse the required number of copies of the record plan.

4. Subdivision Records. The Subdivision Officer shall keep a record of the findings, decisions and recommendations relative to all subdivision plans and applications filed for approval. Such records shall be open to the public for review.
5. Planning Commission Membership. Borough Council shall appoint a Planning Commission to carry out those functions described in this Subdivision and Land Development Ordinance, the Pennsylvania Municipalities Planning Code, the Zoning Ordinance or any other ordinance of the Borough previously performed by the Planning Commission. The Planning Commission shall consist of five members, with not less than three members being residents of the Borough. Two members of Borough Council may be appointed to serve on the Planning Commission. Each non-Council Planning Commission member shall serve a three-year term and may, at the discretion of Borough Council, be reappointed following expiration of their term. The term of any member of Borough Council who serves on the Planning Commission shall be for two years and shall be subject to appointment during the reorganizational meeting of Council in the January next following a municipal election year. All subdivision plans and land development applications, except those subdivisions which involve lot line revisions between two lots, the consolidation of adjoining lots into a single parcel and side lot additions, shall be referred to the Planning Commission for review and comment, prior to being referred for review by Council under § 901, Subsection 2, above. **[Added by Ord. No. 1196, 3/12/2018]**

§ 22-902. Modifications. [Ord. 1008, 6/10/1991]

1. The Borough Council may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.
2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved and the minimum modification necessary.
3. The request for modification shall be referred to the Planning Commission for advisory comments.
4. The Borough Council shall keep a written record of all action on all requests for modifications.

§ 22-903. Preventive Remedies. [Ord. 1008, 6/10/1991]

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate

- violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - A. The owner of record at the time of such violation.
 - B. The 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.
 - C. 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.
 - D. 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.
 3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§ 22-904. Enforcement Remedies. [Ord. 1008, 6/10/1991]

1. 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 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 this 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.

2. 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.
3. 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.
4. District justices shall have initial jurisdiction in proceedings brought under this section.

§ 22-905. Conflict and Validity. [Ord. 927, 8/10/1982, Art. 9, § 9.400]

1. **Conflict with Other Ordinances.** Wherever there is a difference between minimum standards or dimensions specified herein and those contained in any zoning ordinance or other official regulations, the highest standard shall apply.
2. **Validity.** If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this chapter.
3. **Hold Harmless Clause.** Any approval granted by Borough Council under this chapter does not relieve the subdivider of the legal responsibility for meeting all other legal requirements under local, commonwealth and federal law, and said subdivider shall be responsible for providing a safe, environmentally sound and properly constructed subdivision which does not adversely affect the public health, safety or welfare. All aggrieved persons, firms or corporations may take appropriate legal remedies against the subdivider in the event of any failure on the part of the subdivider and the said subdivider shall hold Borough Council harmless in any action by any such person, firm or corporation.

SUBDIVISION AND LAND DEVELOPMENT

22 Attachment 1

Borough of Scottdale

**TABLE 1
MINIMUM DESIGN STANDARDS FOR STREETS (a)**

Design Specification	TYPE OF STREET										
	Major Street	Very Low Density Recreational Area (f)	Local	Collector	Low Density Residential Area (g)	Local	Collector	Medium Density Residential Area (h)	Local	Collector	Nonresidential Street
A. Right-of-Way Width (feet)	80	50	40	60	50	50	60	50	50	60	50
B. Cartway Width (feet)	44	28	24	34	28	28	36	32	32	36	32
- Minimum Improved Portion	44	20	18	22	20	20	36	32	32	36	24
- Shoulders (each side) (b)	-	4	3	6	4	4	-	-	-	-	4 (b)
C. Minimum Centerline Radii for Horizontal Curves (feet) (c)	700	400	200	400	200	200	400	200	200	400	200
D. Minimum Sight Stopping Distance (feet) (d)	475	350	235	350	235	235	350	235	235	350	350
E. Minimum Corner Intersection Sight Distance (d)	950	500	350	500	350	350	500	300	300	500	500
F. Maximum Grade (%)	5	9	11	7	10	10	7	10	10	7	7
G. Minimum Grade (%)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.75	0.75	0.75	0.75

SCOTTDALE CODE

TYPE OF STREET

Design Specification	Very Low Density Residential or Recreational Area (f)		Low Density Residential Area (g)		Medium Density Residential Area (h)		Nonresidential Street	
	Major Street	Collector	Local	Collector	Local	Collector	Local	Street
H. Sidewalk Width (feet)	(e)	(e)	(e)	(e)	(e)	4	4	(e)

Footnotes: For Table 1

- (a) The above standards are the minimum requirements for all subdividers. Designers should refer to the PennDOT publication entitled "Guidelines for Design of Local Roads and Streets. Publication 70" for more detailed design criteria. "Low" and "Very Low Density Residential" in Table 1 generally corresponds with the "Rural" design criteria of that publication, while "Medium Density Residential" corresponds with the "Urban" design criteria.
- All streets shall be "public streets" suitable for dedication to the Borough, except for the following which may be designated as "private streets."
 - Industrial park, office park or shopping center nonresidential streets specifically permitted as "private streets" by Borough Council.
 - Other streets specifically designated and permitted as "private streets" by the Borough Council based on individual consideration in each case of the special factors involved.
- (b) The Borough Council may require shoulder areas to be fully paved if warranted by individual street requirements or function.
- (c) Whenever street lines are deflected in excess of five degrees, connection shall be made by horizontal curves. Except on "local" streets, a 100 foot minimum tangent shall be required between curves.
- (d) Stopping sight distance is measured with the height of the eye at 3.75 feet to the height of the object on the road at 0.5 feet. Vertical curves shall be used at changes of grade exceeding 1% and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed above.
- (e) Sidewalks will not normally be required except where needed to facilitate pedestrian traffic to school, shopping, park or other uses which generate pedestrian traffic or where they will be a continuation of an existing pedestrian way.

SUBDIVISION AND LAND DEVELOPMENT

- (f) "Very Low Density" includes developments having a net project density of less than one) unit per acre or recreational developments considered by the Borough Council to have an equivalent density.
- (g) "Low Density" includes developments having a net project density between one and five units per acre.
- (h) "Medium Density" includes developments having a net project density of more than five units per acre.

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