

## **Chapter 115**

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[HISTORY: Adopted by the Borough Council of the Borough of Delmont by Ord. No. 94-7, as amended through 2000. Subsequent amendments noted where applicable.]

## GENERAL REFERENCES

- |  |                                      |
|--|--------------------------------------|
| Recreation Board — See Ch. 37.                           | Sewers — See Ch. 100.                |
| Building permits and floodplain management — See Ch. 45. | Stormwater management — See Ch. 105. |
| Building Code — See Ch. 58, Art. II.                     | Streets and sidewalks — See Ch. 110. |
| Parks and recreation areas — See Ch. 79.                 | Zoning — See Ch. 130.                |

## ARTICLE I

## General Provisions

## § 115-1. Objectives; concepted goals.

This chapter regulates the subdivision and development of land within the Borough of Delmont and requires that all proposed plans for subdivision and land development located within the borough shall be submitted to the Borough Council for review and approval. Said chapter includes provisions for the following:

- A. Provisions for the submittal and processing of subdivision and land development plans.
- B. Specifications for such plans.
- C. Provisions governing the layout of such plans relative to streets, easements, rights-of-way, reservations for public grounds.

- D. Provisions for the subdivision and use of lands subject to environmental or other hazards.
- E. Provisions establishing standards for the installation and improvement of facilities.
- F. Provisions for land development not intended for immediate use.
- G. Provisions for encouraging modern site planning and development.

**§ 115-2. Legislative authority.**

This chapter is enacted pursuant to the authority conferred by Pennsylvania State Act No. 247 of 1968, as amended, the Pennsylvania Municipalities Planning Code, 53 P.S. § 10501 et seq.

**§ 115-3. Application.**

- A. Jurisdiction. This chapter shall apply to all subdivisions and land developments located within the borough or entire parcels where only part of the parcel is within the borough. Subdivision and land development is defined and applies to:
  - (1) See § 115-43 for definition of "land development" and "subdivision."
- B. The responsibility of the developer or person requesting review. The developer or person requesting a subdivision or land improvement approval shall submit a copy of a plat/survey drawing that has been certified as being true and correct to the Borough of Delmont and the County Planning Office for its approval within 30 days from the date the plat/survey has been presented to the borough. Failure to provide the County Planning recommendations to the borough shall result in the deemed/implicit extension of time for every day over 30 days for which the county has not provided a written review of the said submitted plans. (See § 115-6B.)
- C. Recording of approved plan.
  - (1) Within 90 days of the approval of the final plan for any subdivision and 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 § 115-9. 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/approval of the borough and Council.
  - (2) Failure to record the final plan as required herein shall render all approvals null and void.
- D. Status of recorded plans.
  - (1) 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.
  - (2) 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.

- (3) 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.

#### **§ 115-4. Purpose.**

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; and to provide regulations that will ensure the harmonious development or redevelopment of the borough.

#### **§ 115-5. Short title.**

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

### **ARTICLE II Plan Submission Procedures**

#### **§ 115-6. General procedure for submission of all plans.**

- A. 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.
- B. Municipal and other agency reviews. It is the responsibility of the developer and/or persons requesting acceptance of the plat/survey to ensure that all other governmental agencies other than the borough divisions or departments have received the plats/subdivisions if the same are required. These agencies shall have 30 days to review and advise the borough in writing of their findings and/or recommendations.
- C. 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 decision of Council shall be made in writing and shall be communicated to the subdivider and mailed to him at his last known address found on the subdivision application not later than 15 days following the decision.
- D. Public hearing. Before acting on any preliminary or final plan requiring a public hearing as per the terms of this chapter, the borough shall hold a public hearing after providing public notice of the same.

- E. Sketch plan. Sketches, plot plans, or surveys are required by this chapter. Each must provide footage and dimensions.
- F. Preliminary plan. Any sketch plans, plats or surveys submitted shall be considered the official plan for consideration. Each plan shall be reviewed to determine compliance with the subdivision requirements set forth by this chapter.
- G. Final plan. Any plan including a preliminary plan that has not been modified or amended since its initial presentation for approval or plans that have passed the preliminary stages of consideration. Final plan shall be submitted by the Subdivision Officer of the borough to be reviewed by Borough Council. Borough Council will then make the final decision to approve, to approve with conditions or disapprove the plan at this stage.
- H. 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.

**§ 115-7. Fees and expenses.**

- A. The subdivider is responsible to pay any reviewing fees incurred by the borough. These include reasonable and necessary charges by the municipality's professional consultants or engineer for a review and report to the municipality. Such review fees shall be established by a schedule created by ordinance or borough resolution. The review fees shall be reasonable in accordance with the ordinary and customary charges by the Municipal Engineer or consultant for similar services charged within the community. These review services include, but are not limited to, planning consultants, engineers, architects, specialists, inspection services and/or legal services incurred by the borough.
- B. The borough shall enact or shall by resolution adopt permit fee charges for types of or classifications of land development or subdivision as the case may be.

**§ 115-8. Official plan application.**

- A. Preliminary plan.
  - (1) Preliminary plans and supporting data shall comply with the provisions of this chapter.
  - (2) Four copies of the preliminary plan shall be submitted by the subdivider to the Subdivision Officer. Any additional copies may be requested if required for submission or reference to other appropriate agencies.
  - (3) The Subdivision Officer shall provide copies of the preliminary plan to:
    - (a) The Borough Recreation Committee or Commission: one copy.
    - (b) The Borough Secretary on behalf of the borough: one copy.
    - (c) The Borough Solicitor: one copy.
    - (d) Other appropriate agencies as determined by the Borough Manager/Secretary.

- (e) County Planning Commission Office; Westmoreland County Soil Conservation District, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and also the Turtle Creek Watershed District Managerial Agency.
- (4) Borough Council shall then take official action on the preliminary plan by way of a public hearing. The public hearing requirement is only waived providing § 115-10 is complied with.
- (5) Approval of the preliminary plan subject to the conditions, revisions and modifications as stipulated by Borough Council shall constitute conditional approval of the said division. If the subdivider fails to comply with the requirements set forth by Borough Council after the public hearing, and the subdivider fails to file a final plan with said changes, the subdivider's proposal shall be deemed not approved and not considered a final plan. Modification of the subdivider's plans with all the requirements set forth by Borough Council shall be designated as final plans.
- (6) 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 case of a rejection or disapproval of the plan, the Borough Council shall specify the defects of the land and the requirements of this chapter which have not been complied with.
- (7) 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, the general layout, appropriate dimensions of streets, lots and other proposed features. Said approval shall entitle the subdivider to submit plans for final review as set forth below.

B. Final plan.

- (1) Failure to submit the final plan with supporting data within 90 days (unless an extension of time was granted by Borough Council and is made in writing by the subdivider) shall result in the deemed extension of time. Otherwise, all other plans submitted after the ninety-day period shall be considered a new application as a preliminary plan for reconsideration.
- (2) The final plan shall conform in all respects with the preliminary plan as previously reviewed by the Borough Council, shall incorporate all modifications and revisions specified by the Borough Council and shall incorporate all modifications and revisions 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.
- (3) The Borough Council may permit submission of the final plan in sections or stages, providing Borough Council specifically permits said procedure in writing not to exceed a period of one year after the approval of the preliminary plan as provided in § 115-8A. However, Borough Council may require the final plans being submitted in

sections or stages to be resubmitted providing there has been substantial change of circumstances from the date of the preliminarily approved plans.

- (4) All final plans and supporting data provided to Borough Council that appear to be insufficient on its face and where the subdivision applications have not been completed, the final plans and/or preliminary plans under the appropriate circumstances shall be rejected in writing for cause stated.
- (5) Six copies of the final plan with supporting data shall be submitted to the Borough Manager who shall transmit copies to:
  - (a) Borough Planning Agency: one copy.
  - (b) County Planning Commission: one copy.
  - (c) Borough Engineer: one copy.
  - (d) Borough Solicitor: one copy.
  - (e) Utility companies: one copy.
  - (f) Additional copies of the plan shall be submitted if required by the borough to properly review the plan.
- (6) 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.

**§ 115-9. Recording of final plan.**

- A. 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 and size 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.
- B. 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.

**§ 115-10. Subdivision and land developments exempted from standard review procedures.**

Certain land developments are excluded from enforcement under this chapter. They are as follows:

- A. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This subsection shall not apply to newly acquired acreage by an existing amusement park until the initial plans for the expanded area have been approved by the proper authorities.

### ARTICLE III Design Standards

#### § 115-11. Application.

This article 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.

#### § 115-12. Conformance with other municipal entities, county, state or federal agencies.

- A. All subdivision and land developments should comply with all other municipal agencies, county, state or federal, pertaining to the applicable laws and regulations. It is the responsibility of the subdivider to ensure that all other regulations, statutes, codes or ordinances are complied with.
- B. Where such other laws and regulations are more restrictive than those contained herein, such other regulations shall be observed unless specifically stated otherwise herein.

#### § 115-13. 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 subdivider 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<sup>1</sup> covering the area.
- D. In reviewing subdivision and land development plans, the Borough Council will consider the adequacy of existing or proposed community facilities and borough infrastructure to serve the additional dwellings or uses proposed by the subdivision.

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<sup>1</sup> Editor's Note: See Ch. 130, Zoning.



- 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 PennDOT Publication entitled "Guidelines for Design of Local Roads and Streets – Publication 70" and as set forth in the Borough of Delmont's Street Ordinances, as amended. (See Ch. 110, Streets and Sidewalks.)
- 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 to 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.
- I. Application of 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.
- J. Provisions for ensuring that land which is subject to flooding, subsidence, underground fires or other land or existing surface problems shall be made safe for the purpose for which such land is proposed to be used or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- K. Reservations, if any, by developer of any area designed for use as public ground shall be suitable in size and location for their designated uses. Provisions for adequate easements or rights-of-way for public use, draining and/or utilities.
- L. Provisions for erection of streetlights or connections for the installation of streetlights at the borough's discretion. The streetlights, if erected, shall be the responsibility of adjoining landowners or the developer; however, under no circumstance shall the borough be responsible for the erection costs or the continuing lighting expenses, repairs or maintenance unless specifically approved in writing by Borough Council.
- M. Provision of fire hydrants, water and sewage facilities and/or other community and/or environmental improvements.
- N. Shall permit when appropriate and where the subdivider has let the borough's conditions to permit the phase development of certain premises providing sufficient financial security is made by the developer. The borough shall be empowered to permit, encourage and

promote flexibility, economy and ingenuity in the layout and design of certain subdivision and/or land developments that may vary from the requirements specifically set forth in this chapter. However, the developer shall meet the conditions required by the Borough Council, as established by the borough, after:

- (1) Full public hearing;
  - (2) Disclosure of the conditions placed upon the developer; and
  - (3) Providing a short period for public comment occurs prior to enactment of the subdivision/developmental agreement.
- O. The borough may require that the subdivider solicit reviews and/or reports from adjacent municipalities or other governmental agencies affected by the plans.
- P. The provisions of this chapter may be waived or modified when the literal compliance with the mandatory provisions of this chapter is when:
- (1) Good cause shown and to the satisfaction of the governing body or planning agency would be unreasonable;
  - (2) Result in an undue hardship or hardship is not as a result of the subdivider's own actions; and
  - (3) When an alternative standard can be demonstrated to provide equal or better results.
- Q. Provisions for all new developments or subdivisions to incorporate adequate provisions for reliable and safe and adequate water supplies to support the intended uses within the capacity of available resources.

**§ 115-14. 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 § 115-14C below.
- C. Environmental factors for which the Borough Council may require a plan include, but shall not be limited to, the following:
- (1) Erosion and sediment control for which a plan is required as set forth in § 115-15.
  - (2) Soil conservation and topsoil protection.
  - (3) Avoidance of drainage problems.
  - (4) Protection of floodplain areas and avoidance of future flooding problems.
  - (5) Natural and historic feature preservation.

- (6) Adequate provision of utilities in accordance with §§ 115-18 and 115-19.
- (7) Sewage system for which a plan may be required in accordance with § 115-18.
- (8) Stream frontage preservation.
- (9) Tree preservation, removal and planting.
- (10) Topographic and geologic factors.
- (11) Excessive noise.

**§ 115-15. Public dedication of land suitable for use, construction of recreational facilities or payment of fees in lieu thereof.**

A. Purpose. All residential and commercial subdivisions or land development plans submitted after the effective date of this chapter shall provide for suitable and adequate recreation in order to:

- (1) Ensure adequate recreational areas and facilities to serve the future residents at the borough;
- (2) Maintain compliance with recreational standards, as developed by the National Recreation and Parks Association and the Borough Recreation Commission;
- (3) Reduce increasing resource usage pressure on existing recreational areas and facilities;
- (4) Comply with the Parks and Recreation Comprehensive Plan for the borough with regard to size and distribution of recreation areas;
- (5) Allow for acquisition and development of additional recreation areas as outlined by the borough's park improvement plans;
- (6) Ensure that all present and future borough residents have the opportunity to engage in many and varied leisure pursuits;
- (7) To reduce the possibility of the borough becoming overburdened with the development and maintenance of many very small, randomly planned and widely separated recreation areas; and
- (8) To provide for a subdivider/developer to contribute to the borough's park/recreational resources to ensure planned improvement of recreational resources with the borough's growth and development.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

**ACTIVE RECREATION** — Any activity that required some physical exertion on the part of the participant. See § 115-15B, RECREATION, Subsection (1), for general examples.

**ACTIVE RECREATION AREA** — Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: Athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas and apparatus areas.

LEISURE — Time not committed to making a living or involved with other necessary support functions; discretionary or “free” time.

PASSIVE RECREATION — Any activity that requires little or no physical exertion on the part of the participant. See § 115-15B, RECREATION, Subsection (2), for examples.

PASSIVE RECREATION AREA — Any area developed in such a manner as to be conducive to those activities that fall within the range of passive recreation. Examples: Scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking and spectating areas.

RECREATION — Any activity, whether structured or not, in which individuals voluntarily engage during their leisure. Examples would include:

- (1) Active: Sports (individual, dual, team, co-recreational and combative), athletics; both land and water-based;
- (2) Passive: Arts and crafts, spectating, picnicking, nature study and board games;
- (3) Either, depending on specifics: Dance, drama, music, games, skills, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities and cultural activities.

C. Exemptions and requirements.

- (1) The following are exempt from the provisions of this chapter:
  - (a) Any residential subdivision or land development plan, whether single-family and/or multifamily that contains fewer than 10 dwelling units, shall pay fee in lieu of land dedication.
  - (b) Any commercial subdivision or land development plan shall pay a fee in lieu of land dedication.
- (2) The amount of land required to be provided for recreational purposes for residential subdivisions or land development plans not exempted from the provisions of this chapter shall be as follows:
  - (a) Single-family developments. In the case of a single-family subdivision, the developer shall provide a minimum of 1,500 square feet per lot.
  - (b) Multiple. In multiple-family developments, a minimum contiguous area of 20% of the total area of the land being developed, exclusive of roadways, easements and usable lands, shall be provided for recreation.
- (3) A maximum of 25% of the total land area required by this article to be provided for recreation may consist of floodplain areas.
- (4) Such land set aside shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location and topography and shall be subject to the approval of the Planning Commission, the Recreation Commission and the Borough Council, after having conferred with the Development Review Committee composed of the Mayor, President of Council, Chairperson of Park Commission and the Chairperson of Planning Commission.

- (5) The developer shall satisfy the Borough that there are adequate provisions to assure retention, all future maintenance and upkeep of the dedicated areas. The Borough has the discretion to retain title or some proprietary interest in the premises dedicated or to permit another designated entity to hold the ownership providing deed covenants are stated.

D. Criteria for locating proposed recreation areas.

- (1) The Planning Commission and the Borough Council, in exercising their duties regarding the approval of subdivision and land development plans, shall consider the following criteria in determining whether to approve the proposed location of recreation areas in the developer's subdivision or land development plan:
  - (a) Site or sites should be easily and safely accessible from all areas of the development to be served, handy to good ingress and egress, and have access to a public road; however, no public road shall traverse the site or sites.
  - (b) Site or sites should have suitable topography and soil conditions for use and development as a recreation area.
  - (c) Size and shape for the site or sites should be suitable for development as a particular type of park. Sites will be categorized by the Borough using the standards established by the National Recreation and Parks Association (Publication No. 10005, latest edition).
  - (d) When designing and developing these recreation areas, it shall be done according to the standards established by the National Recreation and Parks Association, copies of which may be obtained from the Borough Office.
  - (e) Site or sites should, to the greatest extent practical, be easily accessible to essential utilities, water, sewer and power.
  - (f) Site or sites should meet minimum size in respect to usable acreage with respect to National Recreation and Parks Association standards, with 75% of such area having a maximum slope of 7%.
  - (g) Site or sites should be compatible with the objectives, guidelines and recommendations as set forth in the Delmont Borough Comprehensive Plan.

E. Dedication to Borough.

- (1) In a case where the developer does not wish to retain the required recreation area, such area may be dedicated to the Borough for public use.
- (2) Such area dedicated to the Borough for public use shall be suitable for recreational purposes by reason of size, shape, location, topography and access.
- (3) The Planning Commission, after having conferred with the Development Review Committee and the Recreation Commission, may find dedication to be impractical because of the size, shape, location, access, topography, drainage or other physical features of the land, such dedication would adversely affect the subdivision of land development and its future residents or occupants or that there is no land area within

the proposed subdivision which is practical for dedication to the public because of size, access, topography or other physical characteristics.

- (4) If and when the Council deems it to be in the public interest to accept dedicated land, such acceptance shall be by means of a signed resolution to which the property description of the dedicated recreation area shall be attached.

F. Fee in lieu of dedication.

- (1) Where the Borough Council agrees with the developer that because of the size, shape, location, access, topography or other physical features of the land that it is impractical to dedicate land to the Borough or set aside a recreation area as required by this chapter, the Council shall require a payment of a fee in lieu of dedication of such land which shall be payable to the Borough prior to approval of each final section of the overall plan by the Council.
- (2) The calculation of the recreation fee shall be as follows: **[Amended 11-12-2002 by Ord. No. 2002-2]**
  - (a) Four hundred dollars shall be due per equivalent dwelling unit. "Equivalent dwelling unit" shall utilize the same or similar definition used in the Borough Sewage Ordinance.<sup>1</sup> Equivalent dwelling unit applies to:
    - [1] Residential equivalent dwelling units.
    - [2] Commercial or industrial equivalent dwelling units.
  - (b) Where there are no proposed dwelling units at the moment of the subdivision approval, each subdivided parcel created shall be counted as one unit, wherein \$400 shall be required for each parcel. In the event dwelling units are thereafter placed on said parcel, then \$400 per equivalent dwelling unit shall be due for each equivalent dwelling unit developed on each created parcel, with credit for each parcel previously paid.
- (3) All moneys must be used within three years from the date such fee was paid. Any person who paid said fee under this section may receive a refund of such fee plus interest accumulated thereon from the date of payment.
- (4) All fees collected by the Borough under this subsection shall upon its receipt by the municipality be deposited in an interest-bearing account, clearly identifying the specific recreational facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such an account shall be expended only in proper allocable portions of the cost incurred to construct the specific recreational facilities for which the funds were collected.

G. Requirements for recreational plan approval. The plan for the recreation areas must be shown on a drawing 24 inches by 36 inches, and a reproducible tracing shall be furnished together with four prints. The plan shall include location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with approximate dimensions, proposed minimum setback line for each street, locations of all proposed active and

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<sup>1</sup> Editor's Note: See Ch. 100, Sewers, § 100-1, Definitions.

passive recreation areas and development to include types of equipment, facilities and approximate dimensions of such facilities.

**§ 115-16. 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 watercourses.
  - (2) To ensure adequate drainage of all low points along the line of streets.
  - (3) To intercept stormwater 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 that may arise from concentration of stormwater runoff over adjacent properties.
- D. Stormwater management shall conform with the requirements specifically adopted and/or followed by the Westmoreland Conservation District, as may be amended. **[Amended by Ord. No. 97-2]**
- E. **[Amended by Ord. No. 97-2]** All stormwater management plans and/or developments and/or systems shall conform to the stormwater management plans for the specific stormwater management districts existing within the borough. All land development occurring within the Turtle Creek Watershed Stormwater Management District within the Borough of Delmont shall comply with the requirements of the specific district watershed stormwater management requirements as set forth in Chapter 105, Stormwater Management, incorporated herein by reference, being known as the "Borough of Delmont Watershed Stormwater Management Plan."
  - (1) The stormwater management districts are as follows:
    - (a) The Turtle Creek Watershed Stormwater Management District.
    - (b) The Beaver Run Watershed Stormwater Management District.
- F. All developments shall limit the rate of stormwater 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 borough storm sewer specifications. (Also see Chapter 110, Streets and Sidewalks, the Delmont Road Ordinances.) 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.

- I. Catch basins and pipes shall conform with § 110-23 of the Delmont Road Ordinances.

**§ 115-17. 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. Aboveground 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's 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 watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse 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.

**§ 115-18. Water supply and sewage 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 sewage system.
- B. The sewer system shall meet the requirements of the Official Plan for Sewage Systems adopted by the borough as required by the Pennsylvania Sewage Facilities Act, as amended,<sup>3</sup> and by the requirements of the Pennsylvania Department of Environmental Protection. Such facilities shall be designed in accordance with requirements of the Pennsylvania Department of Environmental Protection, the borough and the 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 DEP 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.

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<sup>3</sup> Editor's Note: See 35 P.S. § 750.1 et seq.



- 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.

**§ 115-19. Other utilities.**

- A. A plan for providing all necessary utility services to the 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 television 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 the regulatory flood elevation.
- F. Maps of utility location will be provided to Borough Council after utilities are placed.

**§ 115-20. Classification and ownership of streets.**

All streets shall be classified as "major," "collector," "local" or "nonresidential" streets as defined herein.

- A. All streets shall be public streets suitable for dedication to the borough as per this chapter and the Borough Road Ordinance<sup>4</sup> except for the following which may be designated as private streets:
- (1) Industrial park, office park or shopping center nonresidential streets, specifically permitted as private streets by Borough Council;
  - (2) Other streets previously constructed but not dedicated and accepted by the borough;  
or
  - (3) Specifically designated and permitted as private streets (there is a two-EDU limitation for private streets).
- B. 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

<sup>4</sup> Editor's Note: See Ch. 110, Streets and Sidewalks.

abutting parcel and the borough does not imply any acceptance of responsibility for improvement or maintenance of private streets.

- C. 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 Delmont has no responsibility for ownership, construction or continued maintenance of said streets.

**§ 115-21. Design standards for streets.**

Street dimensions and design standards shall be in accordance with Table 1<sup>5</sup> and with the Delmont Road Ordinance.<sup>6</sup>

**§ 115-22. Street system layout.**

- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and approved 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 or street widths 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.

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<sup>5</sup> Editor's Note: Table 1 is included at the end of this chapter.

<sup>6</sup> Editor's Note: See Ch. 110, Streets and Sidewalks.

- 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 cul-de-sacs to serve residential areas.
- J. New reserve strips, including those controlling access to streets, shall be prohibited.

**§ 115-23. 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 are 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.

**§ 115-24. Uses fronting on major streets.**

- A. Service streets. Where a subdivision fronts or abuts a major street as defined in Article VIII, 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 street, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections 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. Every effort will be made to maintain entrances and exits on collection streets before constructing entrances and exits on major streets.

- 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.

**§ 115-25. Residential standards.**

- A. Application. All subdivisions proposed for residential use, except mobile home parks, shall conform with the provisions of this section.
- B. Residential lot sizes. Lot dimensions, areas, yards and building setback lines shall be not less than specified by the provisions of the Zoning Ordinance<sup>7</sup> except where the provisions of this chapter shall apply.
- C. Design of residential lots.
- (1) 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.
  - (2) Side lot lines shall be substantially at right angles or radial to street lines.
  - (3) 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.
  - (4) Double frontage lots are to be discouraged.
  - (5) 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.
- D. Residential blocks.
- (1) The length, width and shape of blocks shall be determined with due regard to the following:
    - (a) Provision of adequate sites for buildings of the type proposed.
    - (b) Zoning requirements.
    - (c) Topography.
    - (d) Requirements for safe and convenient vehicular and pedestrian circulation.
    - (e) Any other required requirement by state, county or borough statutes, regulations or ordinances.

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<sup>7</sup> Editor's Note: See Ch. 130, Zoning.

- (2) Blocks shall normally have a minimum length of 600 feet or maximum 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.
- (3) Residential blocks shall be of sufficient depth to accommodate the following:
  - (a) Two tiers of lots, except where reverse frontage lots bordering a major traffic street are used;
  - (b) Where special superblock, cluster design, planned unit or other large-scale developments are proposed or where topographic or other conditions prevent such a design.
- (4) 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 a paved walk of not less than four feet.

E. Cul-de-sac street.

- (1) Cul-de-sac streets permanently designed should not normally exceed 800 feet in length unless specific consideration for emergency response and other fire prevention and problems are resolved to the satisfaction of the borough.
- (2) Any plan showing a street as a cul-de-sac shall state whether the cul-de-sac is temporary or permanent.
- (3) No cul-de-sac street shall be narrower than 26 feet on a "T" cul-de-sac and not less than a thirty-three-foot minimum radius on a paved circular cul-de-sac.

**§ 115-26. Commercial and industrial subdivision design standards.**

A. Application and general requirements.

- (1) All commercial and industrial subdivisions shall conform with the provisions of this section.
- (2) 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.

B. Size. Approval of lot or parcel size will be determined by the Borough Zoning Ordinance.<sup>8</sup> 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.

C. Street system.

- (1) 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.

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<sup>8</sup> Editor's Note: See Ch. 130, Zoning.

- (2) The design of streets, service drives and pedestrian ways should provide for safe and hazard free internal circulation.
  - (3) 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.
- D. Front yard. Building setback lines shall be as specified by the Borough Zoning Ordinance.<sup>9</sup>
- E. 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.
- F. Location.
- (1) In general, commercial and industrial subdivisions should be located adjacent or close to major highways and transportation facilities.
  - (2) 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 is designed in conformance with the Borough Zoning Ordinance.<sup>10</sup>

#### ARTICLE IV

#### Mobile Home Parks and Mobile Homes

##### § 115-27. Design standards for mobile home parks.

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.

- A. 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.<sup>11</sup>
- B. Except where affected by access roads or other functional design reasons, all mobile home parks shall provide and maintain a landscaped buffer area as provided by the Borough Zoning Ordinance.<sup>12</sup>
- C. A mobile home shall be located at least 40 feet from any abutting land that is not part of the mobile home park.
- D. 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

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<sup>9</sup> Editor's Note: See Ch. 130, Zoning.

<sup>10</sup> Editor's Note: See Ch. 130, Zoning.

<sup>11</sup> Editor's Note: See Ch. 130, Zoning.

<sup>12</sup> Editor's Note: See Ch. 130, Zoning.

any part of a mobile home and the adjoining pavement, any other mobile home, parking lot, street or other common area.

- E. (Reserved)
- F. Off-street parking places shall be provided for each mobile home in accordance with the parking requirements of the Zoning Ordinance.<sup>13</sup>
- G. 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.
- H. 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 90 days after placement of a mobile home unit.
- I. All mobile home parks shall be served with adequate sewer and water facilities and shall meet all the requirements of this chapter and the Borough Zoning Ordinance.<sup>14</sup>
- J. Each mobile home lot shall be provided with a sewage connection as required by the Borough of Delmont's Sewage Ordinances and Regulations.<sup>15</sup> 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 waterproof catch basin.
- K. 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.
- L. (Reserved)
- M. The Borough Council will give special consideration to any unique design features required or provided by the mobile home park, including such factors as:
  - (1) Lots laid out at an angle to streets to facilitate the movement of mobile homes.
  - (2) One-way streets.
  - (3) Design to facilitate vehicular circulation and vehicular access to each lot.
  - (4) Common vehicle parking areas.
  - (5) Provision of adequate and secure storage space and buildings to service the mobile home park.

<sup>13</sup> Editor's Note: See Ch. 130, Zoning, § 130-15A(9)(g).

<sup>14</sup> Editor's Note: See Ch. 130, Zoning.

<sup>15</sup> Editor's Note: See Ch. 100, Sewers.

**§ 115-28. Design standards for mobile home (not in a park).**

All subdivision and land developments occurring where there may be a mobile home improvement shall comply with the requirements set forth by the Commonwealth of Pennsylvania and/or the United States of America, in addition to the following standards:

- A. Lot requirements. All individual mobile homes shall be on one lot without any other dwelling units on the same lot and shall have minimum lot size, setback area and side yard as is required by the Borough Zoning Ordinance as specifically outlined in the single-family residential section set forth in the Borough Zoning Ordinances.<sup>16</sup>
- B. See § 115-27E.
- C. Off-street parking places shall be provided for each mobile home in accordance with the parking requirements of the Zoning Ordinance.<sup>17</sup>
- D. Mobile homes shall comply with the Borough Zoning Ordinance<sup>18</sup> and this chapter, in addition to Sewage Ordinances and regulations<sup>19</sup> and any other ordinances then and there applicable.
- E. See § 115-27H.
- F. No exterior pipes or tanks shall be visible from off the lot.
- G. See § 115-27L.

ARTICLE V  
**Required Improvements**

**§ 115-29. Application.**

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 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 borough citizens.

**§ 115-30. Summary of required improvements.**

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

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<sup>16</sup> Editor's Note: See Ch. 130, Zoning, § 130-14.

<sup>17</sup> Editor's Note: See Ch. 130, Zoning, § 130-15A(9)(g).

<sup>18</sup> Editor's Note: See Ch. 130, Zoning.

<sup>19</sup> Editor's Note: See Ch. 100, Sewers.



Type of Improvement Required	Medium- Density Residential and Non- residential 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
Streetlighting	X	X	X
Fire hydrants	X	X	X
Electric and telephone	X	X	X
Central water sewer	X	X	X

## NOTES:

- (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 stormwater.

X Indicates that the improvement is required.

**§ 115-31. Required improvements details.****A. Street and shoulder construction standards.**

- (1) 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.
- (2) 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.

- (a) The finished road surface, both tangent and curve, shall be crowned at  $\frac{1}{4}$  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.
  - (b) 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 measure perpendicular to the center line of the street shall be 2 to 1 for fills and  $1\frac{1}{2}$  for cuts.
- (3) 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.
- (a) 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.
  - (b) If the material has adequate bearing capacity and is well drained, the subbase may be omitted, if approved by the Borough Council.
- (4) The portion of the cartway designated as a shoulder shall be improved as follows:
- (a) In high- and medium-density areas, shoulders may not be used. They shall meet Table No. 2 Diagram Specifications (design date – November 23, 1988).<sup>20</sup>
  - (b) 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.
- (5) The specifications required by this chapter and the Delmont Borough Street and Road Ordinance, being §§ 110-12 through 110-29, and illustrative attachments to said Article II, and any other borough ordinances shall be required in addition to any other applicable standard requirements of the Pennsylvania Department of State, Department of Transportation, applicable to the type of construction anticipated.
- (6) Driveway entrances or aprons within the street right-of-way shall be improved to their full width.

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<sup>20</sup> Editor's Note: Said diagram, Typical Section – Delmont Borough Streets, is included at the end of this chapter.

- (7) Design standards shall comply as per the attached Table No. 2 Diagram (design date – November 23, 1988).<sup>21</sup>
- B. Curbs and gutters. Curbs where required shall be valley gutters, vertical cement, vertical stone or rolled curb and gutter cement as follows:
- (1) 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.
  - (2) Rolled cement concrete curb and/or valley-type cement concrete gutter: 24 inches wide by 12 inches high from top to bottom. Gutters, where required, shall be of vertical stone, rolled curb and gutter 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.
- C. Sidewalks and crosswalks.
- (1) 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 right-of-way line, nor closer than three feet from the curb or shoulder line.
  - (2) 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.
  - (3) All sidewalks shall be designed in accordance with established engineering practice and subject to the approval of the Borough Council.
- D. Streetlights.
- (1) Streetlights, where 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.
  - (2) Such systems shall provide a safe level of illumination and shall be reviewed by the appropriate utility company.
  - (3) The appropriate places for the construction or placement of streetlights shall be built into the subdivision. The developer shall be responsible for the actual placement of any streetlighting systems, and either the developer or the adjacent property owner(s) to the light shall be responsible for the monthly rental and/or utility fees related thereto.
- E. Water and sewer facilities. Water and sewer facilities shall meet the requirements of Section 3.207 and shall also conform with the following:
- (1) Public water lines and sanitary sewer lines shall be required in all cases;

<sup>21</sup> Editor's Note: Said diagram, Typical Section -- Delmont Borough Streets, is included at the end of this chapter.

- (2) Sanitary sewers shall have a minimum inside diameter of eight inches and a minimum grade of 0.4%. The sanitary sewer shall be designed in accordance with accepted specifications approved by the Borough Council;
  - (3) 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; and
  - (4) Shall comply with any other borough sewer and/or water ordinances then and there in force.
- F. Storm drainage and other utility facilities. These shall be provided as per §§ 115-16, 115-18 and 115-19 of this chapter, shall be provided in accordance with sound engineering practices, shall comply with the Pennsylvania Stormwater Management Act<sup>22</sup> and related statutes and be subject to the approval of the Borough Council and any other borough ordinances then and there applicable. The said plan under this subsection shall be approved by the Westmoreland Conservation District and compliance will be made with any recommendations made from this organization.
- G. Monuments and markers.
- (1) Monuments shall be of concrete or stone with a minimum size of six inches by six inches by 36 inches and shall be marked on top with one-half-inch round brass pin or a drilled hole. Markers shall consist of iron pipes or iron or steel bars at least 24 inches long and not less than  $\frac{3}{4}$  inch in diameter.
  - (2) 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 the elevation permanently recorded on at least one monument.
  - (3) 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.
  - (4) Markers shall be set:
    - (a) At the beginning and ending of all curves along the street property lines;
    - (b) At all points where lot lines intersect curves, either front or rear;
    - (c) At all angles in property lines of lots;
    - (d) At all other lot corners.
  - (5) Any monuments or markers that are removed shall be replaced by a competent engineer at the expense of the person removing them.
- H. Other improvements.

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<sup>22</sup> Editor's Note: See 32 P.S. § 680.1 et seq.

- (1) Other required improvements shall be provided in accordance with borough standards where available at developer's expense and shall include at least the following:
    - (a) Street name signs conforming with the type of street signs used in the borough shall be installed at all street intersections.
    - (b) Streetlighting 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. The borough will determine where to place the hydrants.
  - (2) Where borough standards are not available, the above improvements are to be installed in accordance with the requirements of the Borough Council. The signs, lighting and fire hydrants will then become the responsibility of the borough to maintain, replace and restore, etc.
- I. Concrete, paving or stone chip improvements. The construction of new concrete, new construction or aggregate materials or new paved areas:
- (1) Exceeding 100 square feet shall require a permit; and
  - (2) Exceeding 200 square feet shall be reviewed by a public hearing and comply with all of the terms of this chapter and the Delmont Zoning Ordinance requirements.<sup>23</sup>

**§ 115-32. Flood-prone area requirements.**

(Reserved)

**ARTICLE VI  
Plan Requirements**

**§ 115-33. Sketch plan.**

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 United States Geological Survey topography if available, the name of the landowner and other data considered essential by the subdivider in presenting his proposal.

**§ 115-34. Preliminary plan.**

- A. Scale. The preliminary plan shall be at a scale of not more than 100 feet to the inch.
- B. Plan information.
- (1) The preliminary plan shall show or be accompanied by the following information:

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<sup>23</sup> Editor's Note: See Ch. 130, Zoning.

- (a) Proposed subdivision name or identifying title.
- (b) North point, scale and date.
- (c) Name of the owner of the property and of the subdivider if different from the owner.
- (d) Name of the registered engineer, surveyor, architect or planner responsible for the plan.
- (e) Tract boundaries with bearings and distances and total number of acres being subdivided.
- (f) Where new street construction or other facilities are proposed, contours at vertical intervals of from two feet to five feet or at such lesser intervals as may be necessary for satisfactory study and planning of the tract.
- (g) Where reasonably practicable, data shall refer to known, established elevations.
- (h) If on-lot sewage is proposed, soils information as mapped by the United States Soil Conservation Service or by another competent qualified soils scientist.
- (i) All existing watercourses, tree masses and other significant natural and environmental features.
- (j) All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
- (k) All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
- (l) 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 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, proposed lots and sites, fills, flood or erosion protective facilities.
- (m) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
- (n) 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.
- (o) Wherever practicable, the preliminary plan shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.

- (p) Where the preliminary plan covers only a part of the subdivider's entire holdings, a sketch shall be submitted of the new prospective street layout for the remainder.
- (q) Copies of proposed deed restrictions, if any, shall be attached to the preliminary plan.
- (2) The preliminary plan shall include therein or be accompanied by:
  - (a) All required permits and related documentation from the Department of Environmental Protection and any other commonwealth agency or borough where any alteration or relocation of a stream or watercourse is proposed.
  - (b) Documentation indicating that all affected adjacent municipalities, the Department of Community and Economic Development and the Federal Insurance Administrator have been notified whenever any alteration or relocation of a stream or watercourse is proposed.

**§ 115-35. Final plan.****A. Plan size and legibility.**

- (1) The subdivision plan submitted for final approval shall be a clear, legible, white print of an ink drawing or suitable equivalent.
- (2) Final plans shall be on sheets not larger than 36 inches by 48 inches overall. It is recommended that as far as practicable, final plan sheets be held to the sizes required by the Westmoreland County Recorder's office. Where necessary to avoid sheets larger than the maximum size prescribed above, final plans shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.

**B. Plan scale and required information.**

- (1) 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:
  - (a) Subdivision name or identifying title.
  - (b) North point, scale, date.
  - (c) Name of the record owner and subdivider.
  - (d) Name and seal of the registered professional engineer and/or other qualified professional responsible for the plan.
  - (e) Boundaries of the tract.
  - (f) Street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
  - (g) 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, including notations of lot square footage figures.

- (h) The length of all straight lines, radii, lengths of curves, tangent bearings and deflection angles for each street.
  - (i) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
  - (j) The proposed building setback line for each street or the proposed placement of each building.
  - (k) 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.
  - (l) All dimensions shall be shown in feet and in hundredths of a foot.
  - (m) Lot numbers.
  - (n) Names of streets within and adjacent to the subdivision.
  - (o) Location of permanent reference monuments shall be shown.
  - (p) Wherever practicable, names of any adjoining subdivisions shall be shown.
  - (q) Wherever practicable, names of the owners of any unplotted land shall be shown.
  - (r) A letter of intent from the municipality indicating willingness or conditions for acceptance of dedication of streets and other public property.
  - (s) Certificate of approval and signature of the President of Borough Council and attesting Borough Secretary with seal; with space for acknowledgment of receipt of the plan by the county planning agencies and the County Recorder of Deeds when it is presented for recording.
- (2) The final plan shall include thereon or be accompanied by:
- (a) An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
  - (b) A statement duly acknowledged before an officer 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.
  - (c) Certification by the Pennsylvania Department of Environmental Protection when individual sewage disposal or water systems are to be installed as required by Article III of this chapter.
  - (d) Certification by the Borough Engineer that the subdivider has met the requirements of Articles III, V and VII of this chapter. However, if it is subsequently discovered that violation of these articles has occurred, developer shall be liable for any necessary actions for compliance.
  - (e) Construction plans for all required improvements, including topical 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 lists and shall be in a form suitable to serve as a basis for documenting all improvements to be installed.

- (f) 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.
- (g) Protective covenants, if any, in form for recording.
- (h) Any other special plans required by the Borough Council in accordance with §§ 115-14, 115-15, 115- 18 and 115-19 of this chapter.
- (i) A development agreement and financial security as required herein.

#### ARTICLE VII

#### Installation of Required Improvements

##### **§ 115-36. Improvements to be provided by subdivider.**

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.<sup>24</sup>

##### **§ 115-37. Method of providing improvements.**

No plan shall be approved by the Borough Council until provision has been made by the subdivider for the proper installation of required improvements in either of the following ways.

##### **A. Construction of improvements.**

- (1) The subdivider may elect to physically install, prior to final plan approval, all of the required improvements in accordance with the standards and specifications contained in this article and with the final plan submitted to the Borough Council, provided that such final plan has been conditionally approved by Borough Council subject to the construction of improvements as required herein and subject to the execution of the development agreement set forth in § 115-39.
- (2) Upon completion of all improvements, the Borough Engineer and the Borough Subdivision Officer shall be authorized by the Borough Council to inspect said improvements and shall certify if all improvements have been installed in accordance with this chapter or any other applicable ordinances. Upon receipt of such a certification, the Borough Council may then proceed to final approval of the final plan.

<sup>24</sup> Editor's Note: See 53 P.S. §§ 10509 and 10510.

- B. Financial security. In addition to § 115-37A above, the subdivider shall deposit with the borough sufficient financial security to secure to the public the completion of all of the required improvements within one year of the proposed completion date which is set forth in the subdivision plan and in the development agreement referred to below.
- (1) Said financial security shall be provided by posting a bond with a bonding company or another type of financial guarantee with a federal or commonwealth chartered lending institution. The amount of said financial security shall be equal to 110% of the cost of the required improvements. Said costs shall be established by an estimate prepared by the Borough Council Engineer or by submission to the Borough Council of a bona fide bid or bids.
  - (2) Said amount of security may be increased by 10% for each yearly period beyond the first anniversary date for the initial posting of the financial security.
  - (3) Notwithstanding the submission of said financial security as required herein, no occupied structure within the proposed subdivision and land development shall be without suitable street access improved with at least the required base, curbs, gutters and utilities for a period of time longer than six months.

**§ 115-38. Financial security for maintenance.**

- A. Where the borough in which the final plan is located accepts dedication of any required improvement, the Borough Council may require the posting of financial security to secure the structural integrity and functioning of said improvements in accordance with the design and specifications approved in the final plan for a term not to exceed 18 months from the date of acceptance of dedication.
- B. Financial security for maintenance shall be posted as required by § 115-37B and the amount shall not exceed 15% of the actual cost of the installation of said improvements.
- C. 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.

**§ 115-39. Development agreement.**

All subdividers proposing any subdivision or land development requiring the installation of 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:

- A. The construction authorized by the approved final plan or, in the case where § 115-37A applies, in accordance with conditionally approved final plan.
- B. Construction of streets with any other required improvements.
- C. Installation of utility lines.

- D. Installation of underground streetlighting cable and streetlighting poles.
- E. Dedication of streets, transfer of storm drainage systems and sewer lines and easements to the borough.
- F. Prevention of erosion and water damage to adjacent properties.
- G. Developer's responsibilities for damage to other property.
- H. The responsibility for providing necessary inspections to ensure compliance with this chapter shall be clearly identified.
- I. A work schedule, beginning and ending date, for improvements contained herein.
- J. 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.
- K. Posting of the required financial security to ensure completion of all of the required improvements in accordance with § 115-37B if applicable.
- L. 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 § 115-38.
- M. 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.
- N. Provisions for violation of the development agreement.
- O. The subdivider shall secure or maintain public liability insurance and provide the borough with evidence of said insurance.
- P. A save harmless clause.
- Q. Liability of developer during warranty period.
- R. 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 § 115-37B if applicable.
- S. Other requirements to assure compliance with this chapter.

**§ 115-40. Release from financial security for improvements.**

The financial security provided by the subdivider shall be released as follows:

- A. When the subdivider has completed all of the necessary and approved improvements, he shall so notify the borough in writing by certified or registered mail and send a copy to the Borough Engineer.
- B. Within 10 days of receipt of such notice, the borough shall direct and authorize the Borough Engineer to inspect all of the improvements.

- C. The Borough Engineer shall then file a written report with the Borough Council and shall mail a copy to the subdivider by certified or registered mail within 30 days after his receipt of authorization to inspect all improvements from the borough. Said reports shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, with a statement of reasons for any non-approval or rejection.
- D. The borough shall notify the subdivider in writing by certified or registered mail of its action in relation to the improvements provided.
- E. If the Borough Council or the Borough Engineer fails to comply with the above time limits, all improvements will be deemed to have been approved and the subdivider shall be released from all liability pursuant to its financial security.
- F. Any improvements not approved or rejected by the borough shall be expeditiously completed by the subdivider and upon completion, the same notification procedure as above shall be followed.
- G. If any required improvement has not been installed as required by this chapter, by the approved final plan or by the executed development agreement, then the borough shall enforce the financial security posted by appropriate legal and equitable remedies. If the proceeds of such financial security are insufficient to pay the cost of installing or making repairs or corrections to the required improvements, the borough may, at its option, install part of such improvements and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder.
- H. The municipality, upon the recommendation of the selected engineer on behalf of the municipality, may refuse to accept the certification of completion from the subdivider/developer. The estimate shall then be recalculated and recertified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by the municipality and the applicant developer/subdivider. The financial security bond may be adjusted accordingly based upon the mutually selected engineer's recommendation.
- I. In the event acceptance of the development is made in part or in whole, the borough may require financial security for maintenance for said premises to be in place as per § 115-41.

**§ 115-41. Release from financial security for maintenance.**

- A. The financial security for maintenance shall remain in effect for a period of 18 months after acceptance of dedication by the borough or other appropriate agency. Said release shall be effected utilizing the same notification procedures set forth in § 115-40.
- B. The municipality may prescribe that the applicant developer/subdivider shall reimburse the municipality for reasonable and necessary expenses incurred for the inspection of improvements. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services within the community.
- C. If any portion of said improvements shall not be approved or shall be rejected by a municipal governing body, the developer shall proceed to complete the same and, upon

completion, the same procedure of notification as outlined here in this section and the previous section shall be followed.

## ARTICLE VIII

### Definitions

#### § 115-42. Word usage.

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:

#### § 115-43. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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 serviceray 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.

BONA FIDE BID — A bona fide bid is a bid secured by:

A. The subdivider, from a contractor or contractors, for the purpose of establishing the estimated cost to complete the required improvement or maintenance which is the responsibility of the subdivider to provide under the terms of this chapter. Said bona fide bid shall include all costs and activities, as determined by the borough, which will guarantee the completion of all of the required improvements or maintenance, without any obligations to be assumed by the borough in the case of a default by the subdivider or the contractor. Said guaranties shall be included in the contract between the subdivider and the contractor, which shall include the following provisions and stipulations:

(1) The contract shall include a clause which states that the contract may be assigned to the borough in the event of a default on the part of the subdivider. This clause should indicate that the borough will not incur any obligations or liabilities of the contractor, other than to tender payment for work satisfactorily completed in accordance with the specifications of this chapter.

(2) The contract should contain a not-to-exceed total contract price.

- (3) An estimated rock excavation quantity should be included where applicable.
  - (4) The bid price must also include the cost and provision of a performance bond.
  - (5) The contract should include a waiver of right to file mechanics lien, which shall be duly filed with the appropriate courts.
  - (6) The contractor must provide and maintain an acceptable level of comprehensive liability insurance.
  - (7) All material and work submitted as part of the bona fide bid must comply with the appropriate borough specifications.
- B. Or may be estimates provided by Borough Council on the most recent road or sewer construction projects wherein within the last 12 months they have estimates for road work and improvements; or
- C. Estimates obtained from the Borough Engineer estimating costs within 150% of actual fair market costs of said construction.

**BOROUGH COUNCIL** — The Borough Council of the Borough of Delmont, 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 SUBDIVISION OFFICER** — The borough official who has been authorized to implement the terms of this chapter.

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

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

**COMPREHENSIVE PLAN** — The complete plan, or any part of its plan, for the Borough of Delmont 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 owner, 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.

**DWELLING/EQUIVALENT DWELLING UNIT:**

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

- B. **EQUIVALENT DWELLING UNIT** — Any dwelling unit as defined by the Municipal Sanitary Sewer Ordinance.<sup>25</sup>

**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.

**FRONTAGE** — The portion of a parcel or 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:**

- A. Includes the improvement of one lot, two or more contiguous lots, tracts or parcels of land for any purpose, including but not limited to:
- (1) The development of a second or more building(s), whether for inhabitation or the storage of business inventory, equipment or other appurtenances, for the storage of motor vehicles or anything other than nonhazardous/flammable residential materials; or
  - (2) Any improvements where construction upon or under covers more than 20% of any lot area of any given lot or tract or parcel of ground; or
  - (3) Division or allocation of land or open space, streets, common areas, leaseholds, condominiums, building groups between two or more existing buildings or to-be-created parcels of land; or
  - (4) The construction of roof without side enclosures over existing or to be constructed patio area.

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<sup>25</sup> Editor's Note: See Ch. 100, Sewers.

- B. The mere improvement of an existing driveway or parking area no greater enlargement than 12 square feet of surface area shall not be considered land development by this chapter.
- C. Paving covering more than 20% of the land surface area is a land development.
- D. "Land development" shall not include any improvements that only result in a singular improvement of the following:
  - (1) Construction of fence, hedges, vegetation or patios without roof or sides;
  - (2) Any fences not higher than 4½ foot and totally within one's boundaries;
  - (3) The temporary placement of any signs, not being affixed to the land, nor subject to another part of this chapter or the Zoning Ordinance.<sup>26</sup>
  - (4) Improvement or refinishing or concreting of presently existing sidewalks and wherein any new sidewalks shall not be greater than four feet in width.

LOT — A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership use or for development.

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

MEDIUM DENSITY RESIDENTIAL — Includes 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 vehicle or movable dwelling structure, containing no more than one dwelling unit, so designed that it can be transported on a highway and used for permanent living or sleeping quarters and standing on wheels or on rigid supports or on a 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 PARK — Any lot, parcel or tract of land upon which three or more mobile homes are located for occupancy and used by persons of different families other than members of one household.

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

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).

<sup>26</sup> Editor's Note: See Ch. 130, Zoning.



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

**PLAN** — A map or chart, 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 to approvals of the Borough Council and which is intended to be recorded with the County Recorder of Deeds, as required by this chapter.

**PLANNING COMMISSION/BOROUGH COUNCIL COMMITTEE** — the Planning Commission of the Borough of Delmont or any other government body designated by Borough Council to perform all administrative, review, approval, supervisory and other duties required by this chapter.

**PUBLIC NOTICE** — Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. 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 or 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.

**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** — A strip of land designed for use by the public, including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation.

- A. "Public streets" are streets offered for dedication to the borough and accepted by the borough to ensure permanent public ownership and maintenance by the borough.

- B. "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.
- C. Classes of streets according to use, function and width shall be designated in the Comprehensive Plan or, if not so designated, shall conform with the following:
- (1) 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 55 miles per hour or more.
  - (2) 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 36 miles to 45 miles per hour.
  - (3) LOCAL STREETS (also called "minor streets") — 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.
  - (4) NONRESIDENTIAL STREETS — Streets designed to serve and give access to commercial, industrial, public and other nonresidential uses.
  - (5) MARGINAL ACCESS STREETS — Local streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with major traffic streets.

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, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purpose into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

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

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.

**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.

**VERY-LOW-DENSITY RESIDENTIAL** — Includes developments having a net project density of less than one dwelling unit per acre.

## ARTICLE IX

### Administration and Enforcement

#### § 115-44. Administrative action.

- A. Subdivision Officer. The Subdivision Officer, as designated by Borough Council, shall:
- (1) Act as administrative officer of the borough for the clarification and/or enforcement and administration of this chapter;
  - (2) Receive and examine copies of all such plans and applications to the appropriate borough agencies or officials;
  - (3) Refer copies of all such plans and applications to the appropriate borough agencies or officials;
  - (4) Oversee the Borough Secretary's maintenance and preservation of borough records, applications and plans, review Borough Council's written responses and timeliness of responses;
  - (5) Assist the borough in providing the appropriate notices required under the circumstances and by ordinance;
  - (6) Provide notice to any developers, subdividers or violators of any violations of the ordinances known or discovered.
- B. Borough Council.
- (1) 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.
  - (2) 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.
- C. 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.

- D. 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.

**§ 115-45. Modifications, variances, appeals and amendments.**

- A. Variances and modifications. The Borough Council, after public notice and public hearing, may grant the following modifications and variances subject to such conditions which will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.
- (1) Variance. The Borough Council may grant a variance to the provisions contained herein for reason of the size or exceptional shape of a specific piece of property or of exceptional topographic conditions, where the strict application of this chapter would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may only be granted without detriment to the public good and without substantially impairing the intent and purposes of this chapter.
  - (2) Modification of required improvements. The Borough Council may, subject to appropriate conditions, waive the provisions of any or all of the required improvements specified in Article V to ensure the proper completion of the subdivision in accordance with the intent and objectives of this chapter and which are not required in the interest of the public health, safety and general welfare or which are inappropriate because of the inadequacy of connecting facilities.
  - (3) Modification to permit large-scale or planned unit developments (see Borough Zoning Ordinance, Article VII).<sup>27</sup>
- B. Reconsideration and appeals to Borough Council. Any subdivider aggrieved by a finding, decision or recommendation of any official may request and receive opportunity to appear before the Borough Council, present additional relevant information and request reconsideration and/or appeal of the original finding, decision or recommendation.
- C. Procedure for applying. Applications for modification, variance and appeal to the Borough Council shall be submitted in writing. The application shall state fully the grounds and all the facts relied upon by the applicant. The Borough Council shall act upon such applications within a period of 45 days.
- D. Appeals to court. The decisions of the Borough Council with respect to the approval or disapproval of plans may be appealed directly to court as provided for in Pennsylvania Act 247, as amended, the Pennsylvania Municipalities Planning Code.<sup>28</sup>
- E. Revision and amendment. The Borough Council may, from time to time, amend this chapter by appropriate action taken after a public hearing on said proposed revisions. Public notice shall give together with a brief summary setting forth the principal provisions

<sup>27</sup> Editor's Note: See Ch. 130, Zoning.

<sup>28</sup> Editor's Note: See 53 P.S. § 10101 et seq.

for such amendments, indicating the place and time where copies of the proposed amendments may be examined. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such amendment.

**§ 115-46. Violations and penalties; enforcement.**

- A. Any person, entity or group of persons who violates the terms of this chapter or fails to comply with its terms, conditions and regulations adopted hereunder shall be responsible for such violation, and each day that the violation continues to occur may be found liable by a civil enforcement brought by a municipality to pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the municipality as a result thereof. The District Justice shall have jurisdiction pursuant to 53 P.S. § 10515.2. The District Justice may determine the date of violation and impose judgment as of said date pursuant to 53 P.S. § 10515.3. If the defendant neither pays or timely appeals the judgment, the municipality may enforce the judgment pursuant to the Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation but only one violation; a continuing violation shall be deemed by statute after the fifth day following the date of determination of violation by the District Justice, and each day that a violation continues shall constitute a separate violation.
- B. Other preventive remedies permitted at law. Any other remedy permitted by law, including but not limited to the following:
- (1) The municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations of this chapter, including but not limited to unlawful construction, recovery of damages, the prevention of illegal occupancy of any buildings, structures or premises contrary to the terms of this chapter.
  - (2) The municipality may refuse to issue any permit or approval necessary for further improvement or development of any real property which has resulted from a subdivision of real property in violation of this chapter. The authority to make such denials shall apply to any of the following categories of persons who may be deemed in violation of this chapter:
    - (a) The owner of record at the time of the violation;
    - (b) Lendee or lessee of the owner of record at the time of said violation without regard to whether such lendee or lessee had actual constructive knowledge of violation;
    - (c) Current owner who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of a violation;
    - (d) Lendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard to whether such lendee or lessee had actual or constructive knowledge of the violation.

- (3) Any other remedies permitted at law, equity or contract applicable to the circumstances. (See 53 P.S. §§ 10515.1 and 10515.3.)
- C. The terms of this chapter shall be enforceable by the action of any borough official, the Borough Solicitor, borough police officer, the Subdivision Enforcement Officer or the Borough Zoning Officer, acting as authorized agents on behalf of the borough when said person is authorized by resolution of the Delmont Borough Council.

**§ 115-47. Conflict and validity.**

- A. Conflict with other ordinances. Wherever there is a difference between minimum standards or dimensions specified herein and those contained in any Zoning Ordinance<sup>29</sup> or other official regulations, the stricter standard shall apply against the developer or person making the subdivision. Also refer to Section 3.201.
- B. 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.
- C. 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 subdivider shall hold Borough Council harmless in any action by any such person, firm or corporation.

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<sup>29</sup> Editor's Note: See Ch. 130, Zoning.

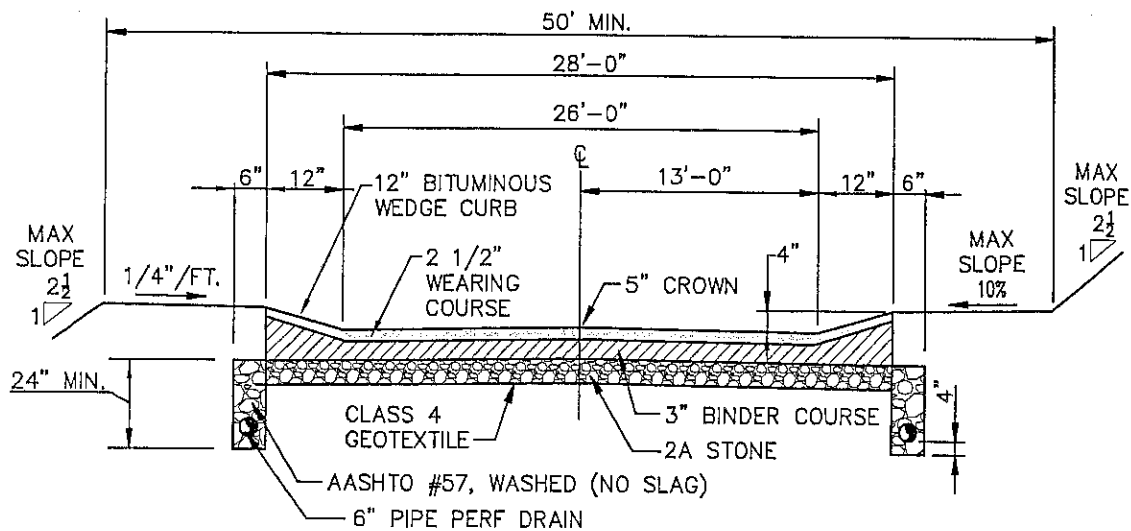
TABLE 1  
MINIMUM DESIGN STANDARDS FOR STREETS (a)

## TYPE OF STREET

	Major Street	Very-Low-Density Residential or Recreational Area (f)		Low-Density Residential Area (g)		Medium-Density Residential Area (h)		Nonresidential Street
		Collector	Local	Collector	Local	Collector	Local	
A. Right-of-way width (ft.)	60	50	40	50	50	60	50	50
B. Cartway width (ft.) (gutter to (gutter) Minimum improved portion	44	28	24	24	24	24	24	24
Curbs required everywhere	46	30	26	26	26	26	26	30
C. Minimum center-line radii for horizontal curves (ft.) (c)	--	--	--	--	--	--	--	4 (b)
D. Minimum sight stopping distance (ft.) (d)	700	400	200	200	200	200	100	--
E. Minimum corner intersection sight distance (d)	475	350	235	350	350	350	235	350
F. Maximum grade	950	500	350	500	500	500	300	500
G. Minimum grade	5%	12%	12%	12%	12%	12%	12%	7%
H. Sidewalk width (ft.)	1.0%	1.0%	1.0%	1.0%	1.0%	0.75%	0.75%	0.75%
	(e)	(e)	(e)	(e)	(e)	4	4	(e)

## NOTES:

- (a) These standards are the minimum requirements for all subdivisions. Designers should refer to PennDOT publication entitled "Guidelines for Design of Local Roads and Streets - Publication 70" and the Borough of Delmont Road Ordinance for more detailed design criteria. Low-Density 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. For private streets, refer to Section 3.209.
- (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 5°, connection shall be made by horizontal curves. Except on local streets, a one-hundred-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 pedestrianway.
- (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.



SECTION IS SYMMETRICAL ABOUT CENTERLINE

PAVEMENT SECTION CONSISTS OF THE FOLLOWING:

- GEOTEXTILE CLOTH – PENNDOT CLASS 4 (6 OUNCE MIN).
- 8" – PENNDOT 2A AGGREGATE LIMESTONE BASE COURSE (NO SLAG) OR 6" AASHTO #1 PENNDOT APPROVED CHOKED WITH PENNDOT 2A (NO SLAG). TOTAL THICKNESS OF SUBBASE TO BE 2 – 4" LAYERS COMPACTED.
- 3" HMA BINDER COURSE.
- 1" HMA BITUMINOUS WEARING COURSE, SRL–H–INITIAL.
- 1 1/2" HMA BITUMINOUS WEARING COURSE, SRL–H–FINAL.

NOTES:

1. ALL DEPTHS INDICATED ARE AFTER COMPACTION. SUBGRADE TO CONFORM TO SAME CROWN AS SURFACE.
2. BITUMINOUS WEDGE CURBS SHALL BE 12" WDE x 4" HIGH. FORM CURB AS PART OF PAVING OPERATION. MACHINE–FORMED CURBS ARE NOT ACCEPTABLE.
3. PREPARATION FOR AND INSTALLATION OF THE FINAL 1 1/2" OF WEARING SURFACE, INCLUDING ALL REPAIRS TO PAVEMENT SECTION REQUIRED BY THE BOROUGH, SHALL BE COMPLETED IN CONFORMANCE WITH THE DEVELOPER'S AGREEMENT. THIS WORK ALSO INCLUDES BITUMINOUS LEVELING COURSE TO PROVIDE SMOOTH SURFACE FOR FINAL WEARING SURFACE TO BE INSTALLED. ALL MANHOLE LIDS, GRATES, VALVES SHALL BE ADJUSTED TO GRADE PRIOR TO INSTALLATION OF FINAL 1 1/2" WEARING COURSE.
4. ALL MATERIALS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS SET FORTH IN PENNDOT PUBLICATION 408. ALL CONSTRUCTION PROCEDURES SHALL BE IN ACCORDANCE WITH BULLETIN 15 AND THE STANDARDS SET FORTH IN PENNDOT PUBLICATIONS 70, 72M, AND 408.
5. LOCATION AND INSTALLATION OF ALL STREET SIGNS (STREET IDENTIFICATION, STOP, SPEED LIMIT, ETC.) SHALL BE IN ACCORDANCE WITH THE CURRENT MUTCD REQUIREMENTS AND AS DIRECTED BY THE BOROUGH. DEVELOPER TO PROVIDE A SIGNAGE PLAN FOR REVIEW AND APPROVAL OF BOROUGH.
6. SIDEWALK, CROSSWALK, AND CURB RAMP INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE CURRENT ADA STANDARDS FOR ACCESSIBLE DESIGN.
7. DEVELOPER'S TRAFFIC ENGINEER TO PROVIDE TRAFFIC COUNTS AND ESALs FOR MIX DESIGN WITH SHOP DRAWING SUBMITTAL.

## Typical Pavement Section

SCALE: N.T.S.

DATE: May 14, 2013 FILE: Typical Pavement Section.dwg

Delmont Borough  
Westmoreland County, Pennsylvania  
77 Greensburg Street  
Delmont, PA 15026

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