

PALMERTON BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
Adopted August 3, 1989

ORDINANCE NO. 481

AN ORDINANCE OF THE BOROUGH OF PALMERTON, CARBON COUNTY, PENNSYLVANIA REGULATING SUBDIVISION AND LAND DEVELOPMENT IN THE BOROUGH, PROVIDING BOROUGH COUNCIL OF THE BOROUGH OF PALMERTON WITH JURISDICTION AND CONTROL OF SUBDIVISION AND LAND DEVELOPMENT WITHIN THE BOROUGH, PROVIDING PROCEDURES FOR REVIEW OF SUBDIVISION AND LAND DEVELOPMENT, SETTING FORTH PLAN REQUIREMENTS, PROVIDING FOR DESIGN STANDARDS, SETTING FORTH REQUIRED IMPROVEMENTS, PROVIDING FOR STORM WATER MANAGEMENT, AND PROVIDING ENFORCEMENT REMEDIES.

ARTICLE I

AUTHORITY, PURPOSE AND JURISDICTION

101 AUTHORITY

The Borough Council of the Borough of Palmerton, by authority of the Ordinance of the Borough Council of the Borough of Palmerton, Carbon County, Pennsylvania, and the Pennsylvania Municipalities Planning Code as amended, has proposed the following regulations governing subdivision and development of land within the Borough of Palmerton, Carbon County, Pennsylvania.

102 TITLE

These regulations shall be known and cited as the "Palmerton Borough Subdivision Regulations".

103 PURPOSE

The regulations are adopted for the following purposes:

1. To assist orderly, efficient, integrated development of land.
2. To provide for the coordination of existing streets, public roadways and other public facilities.
3. To promote thereby the health, safety and general welfare of the residents of Palmerton Borough.
4. To secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance, both by subdividers and the municipality.

104 JURISDICTION

The Borough Council of the Borough of Palmerton shall have jurisdiction and control of subdivision and land development within the Borough. All plans for subdivision, land development and plans, plots and replots of land laid out in building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to public use, or the use of purchasers or owners or lots fronting thereon or adjacent thereto, located within the Borough limits, shall be submitted to the Palmerton Planning Commission. Further, all said plans shall be submitted to the Borough Council of the Borough of Palmerton and approved by them before said plans are recorded.

ARTICLE II

DEFINITIONS

201 INCLUSIONS

201.01 General Terms -- As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as a individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, court, expressway, highway, land, arterial, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The word "may" is permissive; the words "shall" and "will" are mandatory.

202. DEFINITIONS

202.01 Specific Terms -- As used in this Ordinance, terms or words shall be defined as follows:

1. ALLEY - A minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.
2. BLOCK - An area bounded by streets.
3. CARBON COUNTY CONSERVATION DISTRICT - A local unit of government responsible for the management and wise use of natural resources within the County.
4. CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.
5. COMMISSION - The Palmerton Planning Commission, unless otherwise noted.
6. COMMISSION ENGINEER - The engineer or other qualified person designated by the Borough to perform all administrative and/or supervisory duties required of the Engineer by the provisions of these regulations.
7. COMMONWEALTH - The Commonwealth of Pennsylvania unless otherwise noted.
8. COUNTY - Carbon County, Pennsylvania, unless otherwise noted.
9. CUL-DE-SAC - A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.
10. DEDICATION - The deliberate appropriation of land by its owner for any general and public uses, reserving

to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

11. DEPARTMENT OF ENVIRONMENTAL RESOURCES - A department of state government responsible for enforcement of public law 537, with regard to inspections and issuance of permits for on-lot and central sewerage. Local offices are in Pottsville and Reading.
12. DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
13. EASEMENT - A right-of-way granted for limited use of private land for a public or quasi-public purpose.
14. INTERIOR WALK - A right-of-way for pedestrian use extending from a street into a block or across a block to another street.
15. LOT - A tract or parcel of land intended for transfer of ownership, use or improvement.
16. MOBILE HOME - A vehicle, portable structure, or part thereof, used for permanent living or sleeping quarters and standing on wheels, a foundation or on rigid supports.
17. MUNICIPALITY - Shall be construed to mean the Borough of Palmerton.
18. PAVEMENT - The portion of a street or alley intended for vehicular use.
19. PLAN FINAL - A complete and exact subdivision plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.
20. PLAN PRELIMINARY - A tentative subdivision plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.
21. PLAN SKETCH - An informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.
22. REGISTERED PROFESSIONAL ENGINEER - A person registered and licensed to practice engineering within the Commonwealth of Pennsylvania. Wherever an engineer is sighted in this ordinance, it refers to a registered engineer.
23. REVERSE FRONTAGE LOT - A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.
24. RIGHT-OF-WAY - Land reserved for use as a street, alley, interior walk, or for other public purpose.

25. SET-BACK OR BUILDING LINE - The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way or property line of any lot.
26. 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.
27. SOIL CONSERVATION SERVICE - The technical branch of the United States Department of Agriculture that provides assistance to individuals, units and groups of government concerning management of land and water resources.
28. STREET - A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation. Classes of streets are as follows:
 - a. Major traffic streets are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
 - b. Collector streets are those which, in addition to giving access to abutting properties, intercept minor streets and provide route, carrying considerable volumes of traffic, to community facilities and to major traffic streets.
 - c. Minor streets are those used primarily to provide access to abutting property.
 - d. Marginal access streets are minor streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with the major traffic streets.
 - e. Alleys are minor streets providing secondary vehicular access to the side or rear of two or more properties.
29. STREET, PUBLIC - A street dedicated or open to public use.
30. SUBDIVIDER - The owner, or authorized agent of the owner, of a subdivision.
31. 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 subdivision by lease of land for agricultural purposes into parcels of more

than ten acres, not involving any new street or easement of access or residential dwellings, shall be exempt.

32. APPLICANT - A landowner or developer, as hereinafter defined who has filed an application for development including his heirs, successors, and assigns.
33. APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited, to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
34. APPOINTING AUTHORITY - The Borough Council of the Borough of Palmerton.
35. COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.
36. GOVERNING BODY - The Borough Council of the Borough of Palmerton.
37. LAND DEVELOPMENT -
 - a. The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) a group of two or more buildings or
 - (2) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features.
 - b. A division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership, or corporation for the purpose of the erection of buildings by such person, partnership or corporation.
38. LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) a lessee having a remaining term of not less than forty years, or other persons having a proprietary interest in land, shall

be deemed to be a landowner for the purposes of the act.

39. PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type or dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.
40. PLANNING AGENCY - A planning commission, planning department or a planning committee of the governing body.
41. PLAT - The map or plan of a subdivision or land development whether preliminary or final.
42. PUBLIC GROUNDS - Includes:
 - a. Parks, playgrounds, and other public areas;
 - b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
43. PUBLIC NOTICE - Notice given not more than thirty days and not less than fourteen days in advance of any public hearing required by this act. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
44. STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
45. HALF OR PARTIAL STREET - A street generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.
46. INTERIOR WALK - A right-of-way for pedestrian use extending from a street into a block or across a block to another street.
47. VARIANCE - The municipality's authorized departure from the text of this Ordinance in direct regard to a hardship in accordance with the procedure set forth in this Ordinance.

ARTICLE III

PROCEDURE

301 ESTABLISHMENT OF PROCEDURES

301.01 Procedures to be Followed -- The procedures established in this Article shall apply to all subdivisions that require review and approval by the Borough.

301.02 Subdivider Responsible -- The subdivider shall be responsible for observing the procedures established in the Article, and for submitting all plans and documents as may be required herein.

302. ADVISORY MEETING

302.01 Advisory - In order to make the most of the opportunities related to the subdivision and to conserve time, effort, and expense, the developer should consult with the Borough officials prior to the preparation of the tentative plan of the subdivision; this informal review should prevent unnecessary and costly revisions. Requirements for land use and rezoning; thoroughfares; school and recreational facilities; sanitation, water supply and drainage; and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the subdivision plat or land development.

302.02 Sketch Plan -- The subdivider should prepare a sketch plan for informal discussion with the Borough prior to submitting the official preliminary plan for review. The information to be shown on the sketch plan shall include enough detail to show the general layout proposed.

303. SUBMISSION OF PLANS

303.01 Plans to be Filed with Borough -- Preliminary and final plans for all proposed subdivisions of land lying within the Borough shall be filed with the Borough for review or review and approval.

303.02 Plans to be Filed with Carbon County Planning Commission - Preliminary and final plans shall also be concurrently submitted to the Carbon County Planning Commission.

303.03 Additional Copies of Plans Required

a. The Borough will forward a copy of the preliminary plan to the following agencies for review and

comments prior to its review and/or approval:

P. P. & L. Sanitarian
Hazleton Dept. of Environmental
Pennsylvania Resources
Pottsville, Pennsylvania

PennDOT - Planning Section
District 5-0
Allentown, Pennsylvania (if state highways involved)

- b. The Borough will forward a copy of the plan to the Soil Conservation Service for a report of the soils contained in this plan.
- c. Upon receipt of recommendations from the Soil and Water Conservation District and the Department of Environmental Resources, the Borough will comment or approve the plat or development plan proposed in the application subject to its receipt of an acceptable final plat or development plan, or shall conditionally comment, approve, or disapprove of the plat or development plan, setting forth its own records and providing the applicant with a copy. If it is disapproved by the Borough, the developer shall submit a new preliminary plat or development plan. The preliminary plat or development plan shall be effective for three years, unless extended by the Borough.

303.04 If a water dam is involved, a copy should be referred to Pa. Department of Environmental Resources, Water and Power Resources Building, Harrisburg, Pa.

303.05 Plans Considered at Regular Meetings -- Plans will be reviewed at regularly scheduled meeting of the Borough; provided that such plans must be submitted at least two weeks prior to the meeting at which review is desired.

303.06 Borough May Take Final Action -- The initial plan filed with the Borough shall be considered to be the preliminary plan. However, the Borough may proceed to final action at the first consideration of a plan for a small subdivision involving no new streets, provided that the plan and supporting data comply in all respects with the requirements for final plans.

304. PROCEDURES FOR PRELIMINARY AND FINAL PLANS

304.01 Number of Copies -- Six copies of the plan with supporting

data shall be submitted to the Borough and to the Carbon County Planning Commission.

304.02 Data -- Plans and supporting data shall comply in all respects with the requirements of Article IV.

305. PROCEDURES FOR PRELIMINARY PLANS

305.01 Changes and Modification -- The Borough may require or recommend changes and modifications of the preliminary plan precedent to approval of the final plan.

305.02 Approval of Preliminary Plans -- Approval or recommended approval of the preliminary plan, subject to conditions, revisions and modifications as stipulated or suggested by the Borough, shall constitute conditional Borough approval of the subdivision as to the character and intensity of the development, and the general layout and approximate dimensions of streets, lots and other proposed features.

305.03 Fee to be Paid -- To defray a portion of the expense of subdivision review, a fee as follows shall be payable (to order of Palmerton Borough) at filing of the preliminary plan: Ten Dollars (\$10.00) plus one dollar (\$1.00) per lot or dwelling on commercial or industrial building.

306. PROCEDURES FOR FINAL PLANS

306.01 Final Plan to be Submitted -- Within one (1) year after Borough action on the preliminary plan, a final plan with supporting data shall be submitted to the Borough for approval or review, provided that an extension of time may be granted by the Borough upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan.

306.02 Plan May be Submitted in Sections -- The Borough may permit submission of the final plan in sections each covering a portion of the proposed subdivision as shown on the preliminary plan.

306.03 Final Plan Shall Conform with Preliminary Plan -- The final plan shall conform in all important respects with the preliminary plan as previously reviewed by the Borough and shall incorporate revisions and modifications as specified or suggested by the Borough in its conditional approval of the preliminary plan. Otherwise, the plan submitted shall be considered as a revised preliminary plan.

- 306.04 Approval -- The Borough, after said copy of the final plat or land development has been checked and provided that the final plat is found to conform with the preliminary plat as approved, will approve the final plat or land development plan and enter such approval thereon in writing by its Council President and Secretary. The approval of the final or record plat or development plan by the Borough shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way, space, or area shown on the said plat or developmental plan. A public hearing shall not be required on the final plat or development plan, unless it differs substantially from the preliminary plat or plan. The decision of the Borough shall be communicated to the subdivider.
- 306.05 Reasons for Disapproval to be Stated -- Whenever a plan is not approved, or is recommended not to be approved, the Borough shall explicitly state, in writing, its reasons for such action or recommendation.
- 306.06 Recording Plat -- Upon the approval of a final plat, the developer shall within ninety days of such final approval, record such plat in the office of the Recorder of Deeds of Carbon County. Whenever plat approval is required by the Borough, the recorder of deeds of the county shall not accept any plat for recording unless such plat officially notes the approval of the governing body. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

TABLE I
NORMAL OUTLINE OF SUBDIVISION
REVIEW AND APPROVAL PROCEDURES

- STEP 1 Subdivider meets informally with Borough to determine general conformance with the ordinance and to review Sketch Plan.
- STEP 2 Subdivider submits preliminary plan with supporting data to Borough and municipality.
- STEP 3 Borough reviews preliminary plan at a regular meeting after having notified affected municipality of meeting time and place.
- STEP 4 After review, Borough notifies subdivider and municipality in writing either that the plan has been approved, approved with modifications, or disapproved. Subdivider revises plan, if necessary, for Borough approval.
- STEP 5 Within one (1) year, subdivider prepares and submits final plan for Borough review. Subdivider may submit only a portion of the proposed plan as shown on approved preliminary plan.
- STEP 6 Borough reviews final plan at regular meeting after having given proper notice as required for preliminary plans. After review, Borough notifies subdivider and municipality in writing of its action on the final plan. Final plan is submitted to municipality for their review or approval, as required.
- STEP 7 Not later than ninety (90) days after Borough action on the final plan, subdivider files his final plan for recording with the County Recorder of Deeds.

ARTICLE IV

PLAN REQUIREMENTS

401. APPLICATION

401.01 All sketch, preliminary and final plans submitted for approval or review shall meet the requirements outlined in the following Sections.

402. SKETCH PLANS

402.01 If a sketch plan is submitted, it shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions.

- a. Tract boundaries
- b. Name of municipality
- c. North point, scale and date
- d. Significant topographical and physical features
- e. Proposed general street and lot layout
- f. Soils overlay, topography of tract

403. INFORMATION TO BE SHOWN ON PRELIMINARY PLANS

403.01 Preliminary plans will be sent by the developer to the Borough, and the Carbon County Planning Commission, Court House, Jim Thorpe.

403.02 The preliminary plan shall be at a scale of not more than one hundred (100) feet to the inch.

403.03 The preliminary plan shall show:

- a. Proposed name of subdivision.
- b. Name of municipality in which the subdivision is located.
- c. North point, graphic scale, and date the layout was completed.
- d. Name of the record owner and the subdivider.
- e. Name of the registered engineer, surveyor or architect responsible for the plan.
- f. Tract boundaries showing bearings and distances.
- g. Total acreage of the proposed subdivision and soils overlay of the entire tract.
- h. The names of owners of all adjoining property and the names of all abutting subdivisions.
- i. Contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
- j. Datum to which contour elevations refer. Where

reasonably practicable, data shall refer to known, established elevations.

- k. All existing water courses and other significant natural features.
- l. All existing buildings, sewers, water mains, culverts, transmission lines, fire hydrants, and other significant man-made features.
- m. All existing streets, state legislative route numbers, including streets of record (recorded but not physically existing) on or adjacent to the tract, including name, right-of-way width and pavement width.
- n. Location and width of all proposed streets, alleys, right-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.
- o. Where the preliminary plan covers only a part of the subdivider's entire holdings, a sketch shall be submitted of the prospective street layout for the remainder.
- p. Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan.
- q. Where applicable in that portion of the county west of the Lehigh River, a complete report on sub-surface coal and mining conditions which shall indicate conditions of mining, if any, and a statement on the possibility of subsidence.
- r. Building setback or front yard lines, and any rear yard line.
- s. Preliminary profiles and other explanatory data concerning the installation of sanitary and storm sewage systems and water distribution systems.
- t. Areas subject to periodic flooding.
- u. Evidence that the subdivider has a current Penna. Department of Transportation occupancy permit for the subdivisions abutting a state highway.
- v. A small location map at a scale of 1 inch equals 2000 feet accurately traced from municipal base map or the U. S. geological survey map of the area. it shall show the location of the proposed development in relation to major roads and other points of reference.
- w. Tax map sheet and block numbers.
- x. Site amenities such as outstanding views, significant tree masses, major rock outcrops.
- y. The preliminary plan must also be accompanied by a sediment and erosion control plan that complies with Dept. of Environmental Resources regulations title 25 Rules and Regulations, Part 1, Dept. of Environmental

Resources, Subpart C, protection of Natural Resources, Article 2, Water Resources, Chapter 103, Erosion Control; provisions issued under Act of June 22, 1937, P.L. 1987, Sections 5 and 402 (35 P.S. Section 691.5 and 691.402, adopted September 21, 1972).

404. INFORMATION TO BE SHOWN ON FINAL PLAN

404.01 Plan Size and Legibility

- a. The subdivision plan submitted for final approval shall be a clear legible white print or an ink drawing.
- b. Final plans shall be on sheets not larger than 34 inches by 44 inches overall. It is recommended that as far as practicable, final plan sheets shall be held to the following overall sizes: 17 inches by 22 inches; 22 inches by 34 inches; 34 inches by 44 inches. 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 the relative location of the sections.
- c. Corrected and updated material from the preliminary plan.

404.02 Final Plan Review - The final plan shall in all respects conform to the preliminary plan as reviewed by the Borough and to any other requirements the Borough may have indicated at the time of preliminary review as necessary for final review.

404.03 Information -- In addition to the requirements of Section 403, final plans shall show or be accompanied by the following information:

- a. The boundary lines of the area being subdivided. These boundaries shall be determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one (1) foot in five thousand (5000) feet.
- b. Street lines, lot lines, rights-of-way easements, and areas dedicated or proposed to be dedicated to public use.
- c. Sufficient data to determine readily the location, bearings and length of every street, lot, and boundary line and to reproduce such lines on the ground.
- d. The lengths of all straight lines, radii, lengths of curves and tangent bearings for each street.

- e. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- f. Location and width of all private driveways.
- g. Location, size and invert elevation of all sanitary, storm and combined sewers and location of all manholes, inlets and culverts.
- h. All dimensions shall be shown in feet and in hundredths of a foot.
- i. Block and lot numbers.
- j. Names of streets within and adjacent to the subdivision.
- k. Permanent reference monuments shall be shown, and shall be as specified by the Borough Engineer.
- l. Complete curve data for all curves included in the plan.
- m. Easements for utilities and any limitations on such easements.
- n. Restrictions of all types which will run with the land and become covenants in the deeds for lots should be in a separate instrument, referenced to the drawing.

404.04 Documentation -- Final plans shall be accompanied by the following documents:

- 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 acknowledgement 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. Certificate of dedication of streets and other public property where appropriate.
- d. Certification by the municipality or the Borough Engineer (as required) that the subdivider has met the requirements of Article VI of this Ordinance.
- e. Typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; existing (natural) grade along each side of the proposed street right-of-way; proposed finished centerline grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewers mains, inlets, manholes and culverts.
- f. Protective covenants, if any, in form for recording.
- g. Written communication that utilities serving the area

of the proposed subdivision have been consulted with respect to size, location and use of utility easements.

- h. Such private deed restrictions including building set back lines as may be imposed upon the property as a condition to sale.
- i. Developer must submit a copy of letter from the U. S. Department of Housing and Urban Development (HUD) indicating that the developer has satisfied the requirements of HUD in regard to interstate sales.

ARTICLE V

DESIGN STANDARDS

501. APPLICATION

501.01 Standard to be Applied -- The design standards and requirements outlined in this Article will be applied by the Borough in evaluating plans for all proposed subdivisions.

501.02 Planned Unit Development -- The Borough Council shall have flexibility in applying these design standards with regard to planned residential or unit developments if these developments establish design criteria which will preserve the environment, protect the health, welfare and safety of the public and which will not unduly tax the local fiscal-service obligations.

502. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT

502.01 Land Requirements -- Land shall be suited to the purpose for which it is to be subdivided. Land subject to periodic flooding or other hazards to life, health or property, shall not be subdivided for residential purposes unless adequate safeguards against such hazards are provided by the plan. In determining the suitability of land for subdivision, the Borough shall refer to applicable studies completed of the Borough, prepared by competent State and Federal Agencies including the Soil Survey Report prepared by the United States Department of Agriculture, Soil Conservation Service.

502.02 Natural and Historic Feature Preservation -- The Borough shall require that the design and development of all subdivisions shall preserve insofar as possible all natural and historic features which will add attractiveness by providing parks, adequate open space for recreation, light and air for proper distribution of population thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens and for the harmonious development of the municipality. Some of these features are the natural drainage, large trees or groves, water courses and falls, historic areas and structures, exceptional scenic views and other community assets.

Land subject to hazardous conditions such as open quarries, unconsolidated fill, floods, precipices, and water supply shall not be subdivided until the hazards

have been eliminated or will be overcome by the subdivision and proposed construction. Otherwise, this land must be set aside for uses which will not be endangered by such adverse influences.

- a. Tree Removal -- All trees six inches or more in diameter (measured at a height four and one-half feet above original grade) shall not be removed unless they are located within the proposed cartway or sidewalk portion of the right-of-way, or unless they are within 15 feet of the foundation area of the new building.
- b. Topsoil Protection -- No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored separately. Upon completion of the construction, the topsoil must be redistributed on the site.
- c. Lake and Riverfront Protection -- Land subject to flooding and land deemed by the Borough to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but such land may be set aside for park or open space uses.

No building shall be permitted within 60 horizontal feet of the median ordinary high water level or so that its lowest floor is less than three feet above the ordinary high water line. No structure may be erected beyond the wharf or dock line.

502.03 Community Facilities and Master Plan Requirements -- The Borough will consider the adequacy of the existing or proposed community facilities to serve the uses proposed in the subdivision. Where a proposed park, playground, school or other public use shown in a municipal Master Plan is located in whole or in part in a subdivision, the Borough may require the provision or reservation of such area as may be deemed reasonable; provided that such provision or reservation is acceptable to the municipality.

- a. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
- b. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the Master Plan of the municipality in which the subdivision is located.

Water Supply and Sewage Disposal -- All subdivisions and land developments shall be served with an adequate water supply and sewage system, either on-lot public or private central systems acceptable to the appropriate State agency.

a. Public or Private Central Water System -- Subdividers and land developers shall provide connection to a public water system where such system is available, or they may provide their own central system. Whenever public or central water systems are used, fire hydrants shall be provided by the developer so that no structure is more than 500 feet from a hydrant. Every public or central water system shall also be organized in such a manner as to be placed under the jurisdiction of the appropriate State agency.

b. Central Sewers -- Subdividers or land developers shall provide house or mobile home sewer connections to a public sewer system if such sewer system is nearby. If a County Plan or regional plan or subdivision requirement indicates that construction of sanitary sewers may serve the site within a reasonable time in the future, then capped sewers shall be required. When public sanitary sewer systems are not available, then a central sewage, treatment and disposal system (commonly called a package treatment plant) shall be installed by the developer when any one of the following circumstances are interpreted by the Borough Council and the appropriate State agency as requiring central sewers.

- 1) When the water percolation rate of soil exceeds 60 minutes for one inch;
- 2) When soil conditions interpreted by the appropriate State agency and the U. S. Soil Conservation Service indicate seasonally high water table or other factors which would inhibit proper effluent conveyance;
- 3) When more than 100 residential lots with an average size of an acre or less may be subdivided or developed within three to five years in one tract;
- 4) When a subdivision or non-residential development of five or more acres will regularly cause or result in an average density of fifteen or more persons per acre for a period of at least five consecutive hours.

Every sewage collection and treatment system shall be organized in such a way as to be brought under the jurisdiction of the appropriate State agency.

- 502.05 Easements --
- a. Easements with a minimum width of ten (10) feet plus the width of any required pipe or other improvements shall be provided as necessary for utilities.
 - b. To the fullest extent possible, easements shall be centered or adjacent to rear or side lot lines.
 - c. 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.
 - d. Before determining the location of easements, the plan shall be discussed with the local public utilities to assure the proper location of easements for the installation of such service.

- 502.06 Blocks --
- a. The length, width and shape of blocks shall be determined with due regard to the following:
 - 1) Provisions of adequate sites for buildings of the type proposed.
 - 2) Zoning requirements.
 - 3) Topography.
 - 4) Requirements for safe and convenient vehicular and pedestrian circulation.
 - 5) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth except where an interior street parallels a Major Traffic Street, or except where it backs up to a railroad, tree, or other natural barrier, or unsubdivided area.
 - 6) Pedestrian interior walks may be required to assist circulation or provide access to community facilities in blocks over twelve hundred (1200) feet or to provide pedestrian walk-way continuity within a given subdivision. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

502.07 Storm Drainage -- Lots shall be laid out to encourage positive drainage away from proposed building areas and wherever is desirable, natural drainage courses shall be maintained.

- 502.08 Design Standards for Streets --
- a. Street Right-of-Way Widths -- Minimum right-of-way widths for all proposed streets shall conform to the requirements set forth in Table II.

TABLE II
STREET RIGHT-OF-WAY WIDTHS

Type of Street	Right-of-Way Width (Feet)
Major Traffic Street	80
Collector Street	60
Minor Street	40
Marginal Access Street	40
Alley	30

- b. For major traffic streets deemed by the Borough to require wider pavements than the traffic needs of a particular subdivision, the matter of financial arrangement shall be taken up by the subdivider with the officials having jurisdiction.
- c. Geometric Standards -- Geometric design standards for all proposed streets shall conform to the requirements set forth in Table III.

TABLE III
GEOMETRIC STANDARDS FOR STREETS

Standard	Type of Street			
	Major (c)Traffic	Collector	Minor and Marginal Access	Alley
Maximum Grade	5%	7%	10%	10%
Minimum Grade (a)	0.5%	0.5%	0.5%	0.5%
Minimum Sight Distance	600	400	150	--
Minimum Centerline Radius for Horizontal Curves (b)	500	300	100	--

- (a) Vertical curves shall be required at changes of grade exceeding one (1) percent and shall be designed in relation to the extent of the grade change and to provide the minimum sight distance listed above.
- (b) Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves, and a tangent shall be required between reverse horizontal curves.
- (c) Major Traffic Streets which are State Highways shall conform to the applicable requirements of the Pennsylvania Department of Transportation.

Street System Layout

- a. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Borough of Palmerton, and they shall further conform to such County and 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 deems such extension undesirable for specific reasons of topography or design.
- c. Streets shall be logically related to the topography to produce usable lots and reasonable grades.
- d. Minor Streets shall be laid out to discourage through traffic, but provision for street connections into and from adjacent areas will generally be required.
- e. Proposed streets shall be extended to provide access to adjoining property where necessary.
- f. Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision, or if a portion of the tract is not subdivided.
- g. New half or partial streets 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 can be secured.
- h. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- i. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as culs-de-sac to serve residential areas.
- j. New reserve strips, including those controlling access to streets, shall be avoided.
- k. New streets which are extensions of existing streets shall bear the name of existing streets. New streets may be named as follows:

<u>General Direction</u>	<u>Long Streets</u>	<u>Short Streets</u>	<u>(less than 1,000 feet)</u>
North and South	Streets	Places	
East and West	Avenues	Courts	
Diagonal	Roads	Ways	
Curving	Drives	Circles	

502.10

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 sixty (60) degrees.
- 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 of thirty (30) feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.
- d. To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line.
- e. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
- f. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type street, or such greater radius as is suited to the specific intersection.
- g. Minimum right-of-way radii at street intersections shall be 25 feet for all intersections.
- h. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with Table 2 will be required.
- i. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than four (4) percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

502.11

Uses Fronting on Major Traffic Streets

- a. Service Streets -- Where a subdivision fronts or abuts a major street as defined in Article II the Borough may require any of the following measures:
 - 1) A service street approximately parallel to the major street at a distance suitable for the appropriate use of the intervening land.
 - 2) Marginal access streets, rear service alleys,

reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.

- b. Controlled Access -- Entrances and exits to non-residential subdivisions shall be designed so as not to interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than fifty (50) feet, and when combined, shall be restricted to one combined access point per one hundred feet. Access points shall not exceed twenty-four (24) feet in width at any such point.
- c. Building Set-Back Line -- Unless otherwise regulated by appropriate ordinance, non-residential structures shall be set back not less than forty (40) feet from the property line fronting on the major street. Rear set-back lines shall be such that no non-residential structure shall be any closer to the rear property line than twenty (20) feet.

503. RESIDENTIAL DESIGN STANDARDS

503.01 Application -- All subdivision proposed for residential use, except mobile home courts shall conform with the provisions of this section.

503.02 Residential Lot Sizes -- Lot dimensions, areas, yards and building set-back lines shall be not less than specified by the provisions of the zoning and/or subdivision ordinance for Palmerton Borough, except that the provisions of Section 502.03 shall apply in all cases. Where such municipal ordinances are not in force, the requirements listed in Table IV below and in Section 502.03 shall apply.

TABLE IV
LOT STANDARDS FOR RESIDENTIAL SUBDIVISIONS

LOT AREA AND DIMENSIONS	LOTS SERVED WITH PUBLIC OR PRIVATE WATER AND PUBLIC OR PRIVATE SEWERS	LOTS SERVED WITH EITHER PUBLIC OR PRIVATE WATER OR SEWER	LOTS NOT SERVED WITH PUBLIC OR PRIVATE WATER OR SEWER
Minimum Area (Square Feet)	6,500	10,000	20,000
*Minimum Width (Feet)	60	75	100
Minimum Depth (Feet)	100	125	125
Minimum Front Yard (Feet)	25	25	25
Minimum for One Side Yard (Feet)	8	10	15
Minimum for Both Side Yards Combined (Feet)	16	20	30
Minimum Rear Yard (Feet)	30	50	50

*Measured at the building line.

503.03 Design of Residential Lots

- a. All lots shall front upon a public street, existing or proposed.
- b. Side lot lines shall be substantially at right angles or radial to street lines.
- c. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use, if acceptable to the municipality.
- d. Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.
- e. Depth and width of parcels laid out or reserved for non-residential use shall be sufficient to provide satisfactory space for off-street parking and unloading.

503.04 Residential Blocks

- a. Blocks shall have a minimum length of twelve hundred (1200) feet. In the design of blocks longer than one thousand (1000) feet, special consideration shall be

given to the requirements of satisfactory fire protection.

- b. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

503.05 Cul-de-sac Street

- a. Cul-de-sac streets permanently designed as such shall not exceed eight hundred (800) feet in length and shall furnish access to not more than twenty (20) dwelling units. This requirement may be waived where the Planning Commission determines the physical features of the site deem it necessary.
- b. Cul-de-sac streets shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curb line of forty (40) feet.
- c. Unless future extension is clearly impractical or undesirable, a turnaround right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

504. MOBILE HOME PARKS

504.01 Application -- All mobile home courts, as defined in Article II hereof shall conform with the provisions of this section.

504.02 Site Location

- a. All mobile home courts shall be located on high and well drained lands and shall have not less than a total land area of five (5) acres.
- b. All mobile home courts shall have paved access roads to and from any such site and in no instance shall such sites be in conflict with any other ordinance of the Borough.

504.03 Minimum Site Improvements

- a. Minimum site improvements for all mobile home courts shall include, but shall not be limited to the following:
 - 1) Streets -- All streets within any mobile home court shall not be less than fifty (50) feet right-of-way with a paved width of not less than twenty-eight (28) feet and shall meet minimum paving thickness and other requirements as set out in Article VI hereof for minor streets. All streets shall be properly drained and shall be

kept free of debris or other obstructions to provide clear access for fire, police or other emergency access.

- 2) Open Space -- All mobile home courts shall provide not less than ten (10) percent of the total land area for public open space purposes and such lands shall be improved whereby the same will be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes.
- 3) Utility Improvements -- All mobile home courts shall provide to each lot line a continuing supply of safe and potable water as approved by the Pennsylvania State Department of Health as well as a Sanitary sewerage disposal system in accordance with, and as approved by, the Pennsylvania State Department of Health, all such systems being provided to the lot lines of all lots in any such mobile home court.
- 4) Other Site Improvements -- There shall be provided in each mobile home court such other improvements as the Borough may require whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to garbage and trash collection and disposal facilities as approved by the Pennsylvania Department of Health, an adequate park lighting system.

504.04 Minimum Lot and Area Requirements

- a. Lot Sizes -- No lot in any mobile home court shall be less than thirty (30) feet wide and have less than three thousand (3000) square feet of total lot area exclusive of easements of rights-of-way.
- b. Set-Back Requirements -- No structure located on any lot in any mobile home court shall be closer to any front lot line than twenty-five (25) feet; to any side lot line than eight (8) feet; not to any rear lot line than twenty (20) feet.
- c. Lot Requirements -- All lots in any mobile home court shall be well drained and graded to a point where trailers or mobile homes may be parked so that the parking of the same shall result in safety to all concerned. In all instances as much natural growth as is reasonably possible shall be preserved by any mobile home court developer.

505. COMMERCIAL AND INDUSTRIAL SUBDIVISION

505.01 Application -- All commercial and industrial subdivisions shall conform with the provisions of this section.

505.02 Size -- Approval of lot or parcel size will be determined by the following factors:

- a. The total area shall be sufficient to provide adequate space for off-street parking, and loading, landscaping and other facilities. In no instance shall there be less than four (4) square feet of off-street parking for each one (1) square feet of building use.
- b. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developer owned and managed as a unit. In no case will narrow, highway ribbon development be approved.

505.03 Street System

- a. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.
- b. The design of streets, service drives and pedestrian ways should provide for safe and hazard free internal circulation.

505.04 Off-Street Parking

- a. Commercial subdivisions shall provide not less than four square feet of paved parking area inclusive of access lanes, for every one square foot of interior floor area, exclusive of storage areas. In addition, paved truck loading areas shall be provided such that all truck loading, unloading, and maneuvering can be accommodated within the property lines.
- b. Industrial subdivisions shall provide not less than two parking spaces for each three employees (on any one shift) to be normally employed. In addition, paved truck loading areas shall be provided such that all truck loading, unloading and maneuvering can be accommodated within the property lines.

505.05 Front Yard

- a. Building set-back lines shall be as specified by local zoning or subdivision ordinance. If no such ordinance is in force, set-back lines shall be not less than thirty (30) feet.

505.06

Utilities

- a. 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.

505.07

Location

- a. In general, commercial and industrial subdivisions should be located adjacent or close to major highways and transportation facilities.
- b. Commercial and industrial subdivisions may not be located in predominately residential areas or areas that are better suited to residential development. Provided, that a commercial parcel designed as an integral part of a residential subdivision will be permitted and provided that said site shall be in conformance with any zoning ordinances on record in Carbon County wherein such subdivision may be planned.

ARTICLE VI

REQUIRED IMPROVEMENTS

601. INTRODUCTION

Minimum improvements and construction standards required of all subdivisions shall be as set forth in this Article, and as listed in Table 5. Where not set forth, they shall be in accordance with the prevailing standards as established by the Borough Engineer. Alternate improvement standards may be permitted if the Borough deems them equal or superior in performance characteristics to the specified improvements. Additional or higher type improvements may be required in specific cases where the Borough believes it necessary to create conditions essential to the health, safety, morals and general welfare of the citizens of the Borough.

602. MONUMENTS AND MARKERS

Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the 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.

602.01 Monuments shall be readily visible and shall be set at the intersection of all lines forming angles in the boundary of the subdivision.

- a. Cut stone 6" x 4' - 0" long with a drill hole in the center.
- b. Concrete 6" x 4' - 0" long with 1/2" round brass in the center.
- c. The proposed replacement of any existing monuments shall be clearly indicated on the final plan.

602.02 Iron pin markers shall be set at the beginning and endings of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; at all corner lots, markers shall consist of steel pipe at least twenty-four (24) inches long and not less than three-quarter (3/4) inches in diameter.

603. STREET PAVEMENTS, CURBS, AND SIDEWALKS

603.01 Basic Improvement Requirements -- The provision of street pavement, curbs, and sidewalks on all proposed or required public streets shall be as shown on Table 5. All streets

shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles and cross-sections submitted by the subdividers and approved by the Borough. Table V specifies those improvements which are the responsibility of the subdivider. In the case of major traffic streets the Department of Transportation or the municipality may provide additional improvements over and above those required to be installed by the subdivider.

603.02 Prior to placing the street surface, adequate sub-surface drainage for the streets and all sub-surface utilities as acceptable to the Borough shall be provided or installed by the subdivider.

TABLE V

BASIC IMPROVEMENT REQUIREMENTS FOR STREET
PAVEMENTS, CURBS, AND SIDEWALKS (a)

	Type of Subdivision			
	Non-Residential	Residential, by Lot Area (Sq.Ft.) per Unit		
		Under 6000	6000 to 9999	10,000 and over
Major Traffic and Collector Street	36'-A	36'-A	36'-A	18'-C
Pavement Width & Type	D,E	D,E	D,E	--
Curb Type Required	--	--	--	6'
Shoulder Width-Each Side	5'-F	5'-F	5'-F	--
Minor Street				
Pavement Width & Type	32'-A	32'-A	26'-B	18'-C
Curb Type Required	D,E	D,E	D,E	--
Shoulder Width-Each Side	--	--	--	3'
Sidewalk Width & Type	4'-F,G	4'-F,G	4'-F,G	--
Marginal Access Street				
Pavement Width & Type	21'-A	21'-A	18'-B	18'-C
Curb Type Required	D,E	D,E	D,E	--
Sidewalk Width & Type	4'-F,G	4'-F,G	4'-F,G	--
Alley				
Pavement Width & Type	21'-A	21'-A	(b)	(b)

Footnotes: (a) The letters in the Table (A through G) refer to the proposed Construction Standards on the following page.

(b) Alleys not permitted.

Street Pavement

- a. Two and one-half (2 1/2) inches of ID-2 surface course placed over a stone base course, both in accordance with the latest specifications of the Pennsylvania Department of Transportation. The thickness of the stone base course shall be eight (8) inches for major traffic streets, six (6) inches for collector streets and alleys and four (4)

- b. inches for all other streets.
- b. Two and one-half (2 1/2) inches of CP-2 Surface course in accordance with the latest specifications of the Pennsylvania Department of Transportation placed over four (4) inches of run-of-bank gravel in accordance with the specifications of the Borough Engineer.
- c. A shale base material in accordance with the specification of the Borough Engineer.

Curb Types

- d. Plain cement concrete curb; 6" at the top, 8" at the bottom, and 18" in height, and 6" above the pavement.
- e. Stone curb, 6" wide by 22" high by 6' long.

Sidewalks

- f. Concrete sidewalk; 4" in thickness, placed on 4" cinder or crushed stone base.
- g. Bituminous sidewalk (ID-2 material), 2" in thickness placed on 4" cinder or crushed stone base.

604. STREET SIGNS

604.01 Standards -- Street signs shall be provided at the intersections of all streets. The type, height, and design shall be approved by the Borough.

605. WATER SUPPLY

Where the Borough Engineer has made a study and it has been approved by the Department of Environmental Resources, this will satisfy the requirements of the Palmerton Planning Commission.

605.01 All new subdivisions and land developments shall utilize an approved public distribution system for the water supply where geographical location and accessibility to a common water source make this type of public system possible.

605.02 The plans for the installation of the mains of public water supply system shall be prepared by the developer with the cooperation of the applicable water utility company and approved by the engineer. Upon completion of the water supply installation, one (1) copy of the plan for such system as built shall be filed with the Commission and the Borough.

605.03 Within a municipality not having a municipal water system, or within a municipality having a municipal water system which is not reasonably accessible to the subdivision, and where the Borough has received a recommendation that the

subdivision be served by a central water system, other than individual conventional on-lot wells, the developer shall have prepared by an engineer registered to practice in Pennsylvania, a feasibility study for a public water system, which shall indicate whether a public water system is feasible or not. The engineer doing this study shall determine that a public water system shall be installed prior to the erection of homes, or at some future time, or that a public water system is not feasible. The feasibility study shall take into account, but need not be limited to the following:

- a. Size of subdivision as submitted.
- b. Ultimate total anticipated future size of subdivision.
- c. Density of homes reasonably expected to be built in the subdivision within five-year period.
- d. Character and type of the subdivision, e.g., vacation or seasonal dwellings; or year-round permanent dwellings.
- e. Cost of the recommended water system; and
- f. Topography and subsurface conditions of the land.

After due consideration of said feasibility study, the Borough may require a public water system to be installed by the developer or may permit on-lot wells.

606. SANITARY SEWER SYSTEM (SEWAGE DISPOSAL SYSTEM)
Where the Borough Engineer has made a study and it has been approved by the Department of Environmental Resources, this will satisfy the requirements of the Palmerton Planning Commission.

606.01 With a municipality having an approved municipal sewer system, which is in the judgement of the Borough, reasonably accessible to the subdivision or land development and which is of sufficient size, the subdivider shall provide the subdivision or land development with a complete sanitary sewer system to be connected to the municipal sanitary sewer system.

606.02 Within a municipality not having a municipal ¹ sewer system, or within a municipality having a municipal sewer system which is not reasonably accessible to the subdivision or land development, and where the Borough has received a recommendation that the subdivision be served

¹Municipal as used herein means one or more political subdivision, such as a borough, township, or county, or a municipal authority of one or more of such political subdivisions.

by a sewer system other than individual subsurface disposal systems, the developer shall have prepared by an engineer registered to practice in Pennsylvania, a sewage feasibility study which shall indicate whether a public sewage system is feasible or not. The engineer doing this study shall determine that a public sewage system should be installed prior to erection of homes or at some future time, or that a public sewage system is not feasible. This feasibility study shall take into account, but need not be limited to the following:

- a. Size of subdivision as submitted.
- b. Ultimate total anticipated future size of subdivision.
- c. Density of homes reasonably expected to be built in the subdivision within five-year period.
- d. Character and type of the subdivision, e.g., vacation or seasonal dwellings or year round permanent homes.
- e. Cost of the recommended sewer system.
- f. Topography and subsurface conditions of the land.

After due consideration of said feasibility study, the Borough may require the installation of a complete sewer system, should it deem it to be necessary. However, the Borough shall give due consideration to the use of individual conventional septic tanks or aerobic systems, and disposal fields, and/or neighborhood disposal systems, subject to the minimum requirements of Act 537, "The Pennsylvania Sewage Facilities Act", and the standards and regulations adopted pursuant to such Act.

606.03 In the two previous paragraphs, "605 on Water and 606 on Sewers", the phrase "the developer shall provide" shall be interpreted to mean that the developer shall install the facility referred to, or whenever a separate sewage disposal unit or water supply on individual lots is to be provided, that the developer shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lot in accordance with this Ordinance, when a principal building is constructed.

607. STORM SEWERS

607.01 Provisions of Storm Sewers -- Storm sewers shall be installed when, in the opinion of the Borough, it is deemed necessary to provide adequate drainage for the subdivision.

607.02 Purpose of Storm Sewers -- When storm sewers, culverts and related installations are provided, they shall be designed

to:

- a. To permit unimpeded flow of natural water courses.
- b. To insure adequate drainage of all low points along the line of streets.
- c. To intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained, and at all intersecting streets.

607.03 Special Problems -- In the design of storm sewage installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water run-off over adjacent properties.

607.04 Construction Standards -- All drainage structures, culverts, boxes, grates, etc., shall conform to the current specifications of the Pennsylvania Department of Transportation, as approved by the Borough Engineer.

608. OTHER UTILITIES

608.01 Power, Telephone and Television Community Antenna Lines -- All subdivisions shall have easements provided for the installation of power and telephone utility lines to serve each and every lot, and provisions shall be made when necessary, for the location of television community antenna lines to be installed in said easements.

608.02 Gas Transmission Lines -- When any subdivider proposes to provide gas transmission lines within a subdivision, said gas transmission lines shall be installed between the curb line and the property line of any street right-of-way.

609. PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

609.01 Methods to be Followed -- After approval of the preliminary plan, the subdivider shall install the required improvements under the supervision of the appropriate local authority. The subdivider may elect to carry out minimum improvements by any of the following methods.

- a. By installing the required improvements, and obtaining from the municipality a certificate stating that all improvements have been installed in accordance with the standards and specifications contained in this Article.
- b. By posting with the Borough a certified check or bond running to the governing body of the municipality in which the subdivision is located in an amount sufficient to cover the full cost of installing the required improvements as estimated by the appropriate

authority. In case of a bond filed, it shall also:

- 1) Be with surety satisfactory to the Borough.
- 2) Specify the time for the completion of the improvements and installation, such time to be satisfactory with the Borough. In the case of subdivisions with lot sizes of 10,000 square feet or more, the developer may delay the installation of improvements until one-third of the section of the development is sold or for a period of one year.

610. MAINTENANCE BOND

610.10 In submitting the final plan to the Borough, the subdivider shall submit a maintenance bond to guarantee maintenance and repair of the streets in the subdivision for one year after the construction thereof has been approved by the appropriate local authority.

ARTICLE VII

ADMINISTRATION

701. REVISION AND AMENDMENT

701.01 Borough May Amend Ordinance -- The Borough Council may, at its discretion, revise, modify or amend this ordinance, by appropriate action taken at a scheduled public meeting.

701.02 Consideration -- The Borough will give earnest consideration to changes or modifications suggested by any developer when such changes or modifications shall be in the best interest of the general public.

702. LARGE SCALE DEVELOPMENTS

702.01 Standards May be Modified -- The standards and requirements of this ordinance may be modified by Borough Council in the case of plans for complete communities or neighborhood units or other large scale development which have a minimum of one hundred (100) lots and which achieve substantially the objectives of this ordinance contained herein and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

703. HARDSHIP

703.01 Standards May be Varied -- If an applicant has shown that any mandatory provision of this ordinance is unreasonable and cause undue hardships as they apply to his proposed subdivision, the Borough may grant a variance to such applicant from such mandatory provisions so that substantial justice may be done, and the public interest secured; provided, that such variance may be granted only upon the concurrence of a majority of the Borough present at a public meeting, and that such variance will not have the effect of nullifying the intent and purpose of this ordinance.

704. VARIANCES

704.01 Subdivider May Request -- Any subdivider aggrieved by a finding, decision, or recommendation of the Borough may request and receive opportunity to appear before the Borough, present additional relevant information, and request reconsideration of the original finding, decision or recommendation.

706. BOROUGH RECORDS

706.01 Record to be Kept -- The Borough shall keep a record of its finding, decisions, and recommendation relative to all subdivision plans filed with it for review. Such records shall be open to the public for review.

707. VALIDITY

707.01 Should any section, subsection or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole, or of any other part thereof.

708. PENALTIES

708.01 Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding one thousand dollars (\$1,000.00). All fines collected for such violations shall be paid over to the Borough whose ordinance has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

709. APPEALS TO COURT

709.01 The decision of the Borough with respect to the approval or disapproval of plats may be appealed directly to court as provided in Act 247, as amended.

710. ENACTMENT

710.01 This Ordinance shall be in force and effect immediately upon adoption.

ADOPTED this 3RD day of August, 1989.

BOROUGH OF PALMERTON

/S/ *Barry W. Scherer*
Council President

ATTEST:

/S/ *Peter j. Delich*
Assistant Secretary

APPROVED this 3rd day of August, 1989.

/S/ *Guy F. Zern*
Mayor