

**AVONDALE BOROUGH
SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE #171**

Adopted December 17, 1996

MAYOR

Henry U. Walker

BOROUGH COUNCIL

Robert McCue, President

Ann Bush, Vice President

John Botkin

Tina DiFonzo

Jerry Poe

Dr. Peter Rizzotte

Steve Tallman

PLANNING COMMISSION

Lou Kirkaldie, Chairman

Elizabeth Jones

Constance Reid

Tina DiFonzo

Steve McKee

Steve Tallman

BOROUGH SECRETARY

Karen Eckard

PREPARATION AND FUNDING

This Ordinance was prepared by Avondale Borough and is a product of the Borough. Technical assistance and partial funding were provided by the Chester County Planning Commission through the Planning Grants Program of the Chester County Commissioners.



TABLE OF CONTENTS

<u>Subject</u>	<u>Page</u>
Part 1 General Provisions	1
Section 1.1. Title.	1
Section 1.2. Purpose.	1
Section 1.3. Community Development Objectives.	1
Section 1.4. Jurisdiction and Application.	2
Section 1.5. Interpretation.	2
Section 1.6. Amendment.	2
Section 1.7. Challenges and Appeals.	3
Section 1.8. Validity and Severability.	3
Section 1.9. Repealer.	3
Section 1.10. Effective Date.	3
Part 2 Procedures	4
Section 2.1. Intent.	4
Section 2.2. Plan Classifications and Requirements.	4
Section 2.3. Application Submission and Review Period.	5
Section 2.4. Application Requirements.	6
Section 2.5. Sketch Plan.	6
Section 2.6. Preliminary Plan.	7
Section 2.7. Final Plan.	12
Section 2.8. Recording of Final Plan.	16
Part 3 Plan Requirements	17
Section 3.1. Intent.	17
Section 3.2. Sketch Plans.	17
Section 3.3. Preliminary Plans.	18
Section 3.4. Final Plans.	26
Section 3.5. As-Built Plans.	30
Part 4 Design Standards	31
Section 4.1. Intent.	31
Section 4.2. Application and General Standards.	31
Section 4.3. Streets.	31
Section 4.4. Blocks.	37
Section 4.5. Lots and Parcels.	38
Section 4.6. Pedestrian Facilities.	39
Section 4.7. Sanitary Sewage Disposal.	40
Section 4.8. Water Supply.	40
Section 4.9. Erosion and Sediment Controls.	41
Section 4.10. Storm Drainage.	42
Section 4.11. Open Space and Public Use Areas.	45
Section 4.12. Utility Easements.	46
Section 4.13. Monuments and Markers.	46
Section 4.14. Fire Hydrants.	47
Section 4.15. Street Lights.	47
Section 4.16. Shade Trees.	47

<u>Subject</u>	<u>Page</u>
Part 5 Manufactured Home Park Standards	48
Section 5.1. Intent.	48
Section 5.2. Application Submission and Review.	48
Section 5.3. Administration	49
Section 5.4. Discontinuance of Use.	50
Section 5.5. Area and Bulk Regulations.	50
Section 5.6. Park Construction Requirements.	51
Section 5.7. Water Supply.	52
Section 5.8. Sewage Disposal.	52
Section 5.9. Refuse Disposal	52
Section 5.10. Electrical Distribution System.	53
Section 5.11. Lighting Standards.	53
Section 5.12. Fuel Supply and Storage.	53
Section 5.13. Fire Protection.	54
Section 5.14. Service Buildings and Community Facilities.	55
Section 5.15. Maintenance of Common Areas and Facilities.	55
Section 5.16. Structural Requirements for Individual Home Sites.	55
 Part 6 Improvements Specifications	 57
Section 6.1. Intent.	57
Section 6.2. General Requirements.	57
Section 6.3. Subdivision and Land Development Agreement.	57
Section 6.4. Performance Guarantee.	58
Section 6.5. Release of Performance Guarantee.	60
Section 6.6. Dedication and Acceptance of Public Improvements	60
Section 6.7. Maintenance Guarantee.	61
 Part 7 Administration and Amendment	 63
Section 7.1. Intent.	63
Section 7.2. Fees, Charges and Collection.	63
Section 7.3. Modifications	64
Section 7.4. Challenges.	64
Section 7.5. Enforcement	64
Section 7.6. Keeping of Records.	65
Section 7.7. Responsibility.	65
Section 7.8. Revision and Amendment.	65
 Part 8 Definitions	 67
Section 8.1. Definitions and Interpretation	67

Part 1

General Provisions

Section 1.1. Title. This Chapter of the Avondale Borough Code, including all Parts, and amendments thereto, shall be known and may be cited as The Subdivision and Land Development Ordinance of the Borough of Avondale of 1996, hereinafter within this Chapter of the Borough Code referred to as "ordinance".

Section 1.2. Purpose.

- A. The purpose of this ordinance shall be to provide uniform standards to guide the subdivision and re-subdivision of land of the Borough of Avondale in order to promote the public health, safety, convenience and general welfare of the Borough. It shall be administered to insure orderly growth and development, the conservation, protection and proper use of land; the proper distribution of population; and to provide adequate provisions for traffic circulation, recreation, light and air, utilities and services.
- B. It is not intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provision of other laws or ordinances except those specifically repealed by this ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement.
- C. Grant of Power by the Pennsylvania Municipalities Planning Code, Act 247.

As granted by the Pennsylvania Municipalities Planning Code (MPC), Act 247, The Borough Council of Avondale Borough may regulate subdivision and land development within the municipality by enacting a subdivision and land development ordinance. The ordinance shall require that all subdivision and land development plats of land situated within the Borough shall be submitted for approval to the governing body or in lieu thereof to a planning agency designated in this ordinance for this purpose. All powers granted herein to the governing body or the planning agency shall be exercised in accordance with the provisions of the subdivision and land development ordinance. In the case of any development governed by planned residential development provisions adopted pursuant to Article VII of the MPC ordinance, however, the applicable provisions of the subdivision and land development ordinance shall be as modified by such provisions and the procedures which shall be followed in the approval of any plat, and the rights and duties of the parties thereto shall be governed by Article VII of the MPC and the provisions adopted thereunder. Provisions regulating mobile home parks shall be set forth in separate and distinct articles of any subdivision and land development ordinance adopted pursuant to Article V or the MPC, or any planned residential development provisions adopted pursuant to Article VII of the MPC.

Section 1.3. Community Development Objectives. This ordinance shall remain consistent with the Community Development Objectives established in the Comprehensive Plan (1994) and Zoning Ordinance of Avondale Borough (1996). The following Community Development Objectives represent the broad intent of this Ordinance:

- A. Provide for development within the Borough that is compatible with the existing character of the community;
- B. Provide opportunities for suitable and compatible commercial, business and industrial activities within the scale of existing land use patterns, support services, transportation networks, and environmental concerns of the Borough;

- C. Provide opportunity for a variety of attractive residential housing types within the natural and service constraints of the Borough;
- D. Protect the natural resources of the Borough.

Section 1.4. Jurisdiction and Application

A. Compliance with Regulations Required.

After the effective date of this ordinance, no subdivision or land development or any lot, sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provision of this ordinance.

B. Exceptions to Regulations.

The provision of this ordinance shall not apply to a subdivision recorded prior to the effective date of this ordinance except in accordance with the provisions of the MPC, Section 508(4). The provisions of this ordinance shall apply to and control all other land subdivisions within the Borough of Avondale, except as provided for in Section 1.4.D.

C. Resubdivision or Replatting.

Any replatting or resubdivision of land, including a change of a recorded plan, shall be considered a new subdivision and shall comply with the provision of this ordinance.

D. Effect of Prior Subdivision Regulations.

If an applicant for approval of a plan, whether preliminary or final, is pending approval or disapproval at the time of the effective date of this ordinance, no provision of this ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time the application was filed.

When an applicant has had an application for approval of a preliminary or final plan approved prior to the effective date of this ordinance, no provision in this ordinance shall be applied to affect adversely the right of the applicant to commence and complete any aspect of the approved preliminary or final plan in accordance with the terms of such approval within five (5) years from the date of such approval. When approval of a final plan has been preceded by approval of a preliminary plan, the five (5) year period shall be counted from the date of preliminary approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provision of the governing ordinances or plans as they stood at the time when approval was given.

Section 1.5. Interpretation. In interpreting and applying the provisions of this Ordinance, all requirements shall be held to be minimum requirements for promoting the objectives of this ordinance. Where the provisions of this ordinance differ from those of any other statute, ordinance, or regulation, the more restrictive regulations shall be controlling.

Section 1.6. Amendment. In accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, the Borough Council may amend this ordinance from time to time through the appropriate action in conformance with the law.

Section 1.7. Challenges and Appeals. Appeals from the actions or decisions of the Borough Council regarding any application for subdivision or land development approval shall be governed by the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, or any successor legislation thereto.

Section 1.8. Validity and Severability. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such a decision shall not affect the validity of the ordinance as a whole or of any other part thereof.

Section 1.9. Repealer. The ordinance known and cited as "The Subdivision and Land Development Ordinance of the Borough of Avondale of 1976" is hereby repealed upon the adoption of this ordinance.

Section 1.10. Effective Date. This ordinance shall become effective five (5) days after its adoption by the Borough Council.

**Part 2
Procedures**

Section 2.1. Intent.

It is the intent of this Part to:

- A. Establish a uniform process by which subdivision and land development plans shall be reviewed by the Borough Planning Commission, the County Planning Commission and other Borough, State or County officials as deemed necessary, and shall be approved or disapproved by the Borough Council in accordance with the procedures specified in this Part and in other sections of this ordinance.
- B. For all subdivisions, except those considered minor subdivisions, a preliminary plan and a final plan shall be submitted. It is strongly encouraged that a sketch plan be submitted prior to the submission of the preliminary plan.
- C. All the rules and regulations of the County Health Department and the Pennsylvania Department of Environmental Protection shall be complied with regarding the submission of subdivision and land development plans and a planning module for land development.

Section 2.2. Plan Classifications and Requirements .

All Subdivision and Land Development application submissions shall be classified as one of the following:

A. **Minor Subdivision Applications.**

- 1. An application shall be considered Minor when:
 - a. no more than two parcels, lots, or tracts of land are created from the original tract that are intended for residential use;
 - b. the newly created parcels, lots, or tracts are not capable of further subdivision; and
 - c. the land fronts on an existing, improved Borough or State owned road in which no new public improvements, including streets and alleys are proposed.
- 2. An applicant requesting approval for a minor subdivision shall submit the following:
 - a. a sketch plan (optional), according to Section 2.5,
 - b. a final plan (mandatory), according to the requirements of Section 2.7.

B. **Major Subdivision or Land Development Applications .**

- 1. Any subdivision not classified as a minor subdivision, as defined above, with the exception of the construction of one (1) single family residence on a single lot shall be considered a major subdivision or land development unless otherwise stated by this ordinance.
- 2. All land development proposals shall be processed under this category.

3. An applicant requesting approval of a Major subdivision or land development proposal shall submit the following:
 - a. a sketch plan (optional), according to Section 2.5,
 - b. a preliminary plan (mandatory), according to Section 2.6, and
 - c. a final plan (mandatory) according to Section 2.7.

C. Re-subdivision. Any re-plotting or re-subdivision of land, including changes to recorded plans, shall be considered a subdivision and shall comply with the regulations of this ordinance, except that:

1. Lot lines may be changed from those shown on a recorded plan in making such changes:
 - a. No lot or tract of land shall be created or sold with dimensions required by the Borough Zoning Ordinance.
 - b. Easements or rights of way reserved for drainage shall not be changed, and
 - c. Street locations and block sizes shall not be changed.
 - d. No lot shall be created which does not abut a street.
 - e. The character of the area shall be maintained and dimensions and proportions relatively preserved.
2. In every case wherein lot lines are changed as provided in this section, the application shall be considered a minor plan and shall only be required to be approved by the Borough Council upon approval in accordance with Section 2.7.

Section 2.3. Application Submission and Review Period. All subdivision or land development applications, whether preliminary or final, shall be acted upon by the Borough Council, and such decision shall be communicated to the applicant no later than ninety (90) days following the date the application was officially submitted according to the following:

- A. All applications shall be submitted to the Borough Secretary and shall include all supporting information and required fees.
- B. The official date of the application shall be determined as the date of the next regular meeting of the Planning Commission following the receipt of the application and all required supporting information, provided that:
 1. The application is received by the Borough Secretary a minimum of fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission to allow the application submission to be placed on the Planning Commission agenda.
 2. If the said next regular meeting should occur more than thirty (30) days following the filing of the application, the said 90 day period shall be measured from the 30th day

following the day the application was filed.

- C. The decision of Borough Council shall be made in writing and shall be communicated personally or by mail to the applicant to his or her last known address no later than 15 days following the decision.
- D. If the application is not approved, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

Section 2.4. Application Requirements. In order to be considered complete, all applications shall be required to contain the following information:

- A. A completed application form as provided by the Borough;
- B. The required number of plan copies and supporting documentation as defined by this ordinance;
- C. The required application and review fees in accordance with Section 7.2.

Section 2.5. Sketch Plan.

Any proposed subdivision or land development within the Borough is encouraged to first submit a sketch plan in order to provide a basis for informal discussion relating to issues associated with the site and type of development proposed.

- A. A sketch plan submitted to the Borough Planning Commission for unofficial review should comply with the suggestions of Section 3.2.
- B. **Submission.** The applicant shall submit four (4) black-on-white or blue-on-white paper prints of the sketch plan, unless more are requested by the Borough, to the Borough Secretary. The Borough Secretary will distribute the copies as follows:
 - 1. Two copies to the secretary of the Borough Planning Commission.
 - 2. One copy to the County Planning Commission.
 - 3. One copy retained for the permanent files and use of the Borough Council.
- C. **Review.** After a sketch plan has been submitted, the plan shall be reviewed by the Borough Planning Commission at the Commission's next regularly scheduled meeting, provided the sketch plan is submitted no less than fourteen calendar days prior to the scheduled meeting. If the plan is not submitted at least fourteen days prior to the next regularly scheduled meeting, the Planning Commission may decline to review the plan at the next regularly scheduled meeting and review the plan at the following regularly scheduled or a special meeting, subject to the provisions of Section 2.3.
- D. At a regular or special meeting, the Borough Planning Commission shall discuss the sketch plan with the applicant to determine its conformance to the requirements of this ordinance and suggest any modifications of the plan which are deemed advisable and necessary to secure conformance to the applicable regulations of this ordinance. It is the intent of the discussion(s) to provide guidance to

the applicant prior to preparing and filing an official submission under this ordinance.

- E. Within seven (7) calendar days after the meeting at which the sketch plan is discussed, the Planning Commission secretary shall send the applicant written notice of the Planning Commission's recommended modifications in the sketch plan and may list prerequisites to review of the preliminary plan by the Borough Planning Commission.
- G. Borough Council may review sketch plan applications at their discretion. No official action shall be taken on sketch plan applications.

Section 2.6. Preliminary Plan.

- A. **Submission.** When preliminary plan approval is required according to Section 2.2, an application with all required plan and supporting information in accordance with Section 3.3 shall be submitted in person by the applicant or his agent to the Borough Secretary. The review of said preliminary plan shall be completed in accordance with the provisions of Section 2.3. The Borough Secretary shall not accept a plan from the applicant or his agent if the plan is not submitted in compliance with this provision.
- B. **Application Requirements.** Official submission of a Preliminary Plan Application shall comprise:
 - 1. Submission of five completed copies of Application for Review of Preliminary Subdivision Plan (Form LSR-2).
 - 2. Submission of a sufficient number of blue-on-white or black-on-white prints on paper of the preliminary plan to comply with the requirements of Section 2.6.C. If a subdivision is located in or is adjacent to another municipality, one (1) additional print shall be submitted for each additional municipality involved.
 - 3. Five (5) copies of all other information and plans as required by Section 3.3.
 - 4. Payment of the filing fee, which shall be charged in order to cover the cost of reviewing the subdivision plan.
 - 5. An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
- C. **Distribution.** The Borough Secretary shall distribute submitted information as follows:
 - 1. To the Borough Planning Commission
 - a. Two (2) copies of the plan;
 - b. One (1) copy of Application for Review of Preliminary Subdivision Plan; and
 - c. One (1) copy of all other required information and plans.
 - 2. To the Borough Engineer
 - a. One (1) copy of the plan;

- b. One (1) copy of Application for Review of Preliminary Subdivision Plan; and
 - c. One (1) copy of all other required information and plans.
 3. To the Borough Zoning Officer
 - a. One (1) copy of the plan.
 4. To the President of the Borough Council
 - a. Two (2) copies of the plan;
 - b. One (1) copy of Application for Review of Preliminary Subdivision Plan; and
 - c. One (1) copy of all other required information and plans.
 5. To be retained by the Borough Secretary
 - a. One (1) copy of the plan;
 - b. One (1) copy of Application for Review of Preliminary Subdivision Plan; and
 - c. One (1) copy of all other required information and plans.
 6. To the Chester County Planning Commission:
 - a. One (1) copy of the preliminary plan;
 - b. One (1) copy of the Chester County Planning Commission Referral Form; and
 - c. One (1) copy of all other required information.
 - d. Required fee.
 7. One (1) additional print of the preliminary plan in each of the following circumstances:
 - a. Whenever the property being subdivided abuts a State owned road, and
 - b. Whenever a proposed subdivision is located in or adjacent to more than one municipality in which case one additional print shall be submitted for each additional municipality involved.
 7. Whenever erosion and sediment controls are required the following shall be submitted to the Chester County Soil and Water Conservation District Office for review:
 - a. Two (2) prints of the Plan;
 - b. One (1) copy of Application for Review of Preliminary Subdivision Plan; and
 - c. One (1) copy of all other required information and plans.

- D. **Review.** When a preliminary plan has been officially accepted for review by the Borough Planning Commission it shall be reviewed by the Borough Planning Commission at its next regularly scheduled meeting, in accordance with Section 2.3., provided that the written report of the County Planning Commission regarding the plan in question has been received prior to that regularly scheduled meeting and the Borough Planning Commission determines that it will be able to adequately study the preliminary plan before the regularly scheduled meeting.
1. If the Borough Planning Commission has not received such written report from the County Planning Commission, the Borough Planning Commission may decline to review the plan at its regularly scheduled meeting and review the plan at a special meeting or at another regularly scheduled meeting.
 2. No official action should be taken by the Borough Planning Commission with respect to a preliminary plan until the Commission has received written reports regarding the plan in question from the County Planning Commission, and, where applicable, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation and the Chester County Conservation District. If the aforementioned reports are not received within thirty days after such agencies receive the request to review the preliminary plan, the Borough Planning Commission should proceed to take official action on the plan in question.
 3. If the Borough Planning Commission determines that it cannot adequately study the preliminary plan before the regularly scheduled meeting, it may decline to review the plan at the regularly scheduled meeting and review the plan at a special meeting or at another regularly scheduled meeting.
 4. At a regularly scheduled or special meeting the Borough Planning Commission shall review the preliminary plan to determine its conformance to the standards contained in these regulations and shall recommend such changes and modifications as it shall deem necessary or advisable to assure compliance with this ordinance.
 5. The Borough Engineer shall review each plan to ascertain whether the plan meets the requirements of this ordinance and if the plan does not meet these requirements recommended what modifications in the plan are required to secure compliance with the requirements of this ordinance.
 6. When reviewing a plan at a regularly scheduled or special meeting the Borough Planning Commission should consider, in addition to its own comments, written reports regarding the subdivision in question from the following:
 - a. The Borough Engineer
 - b. The Borough Zoning Officer
 - c. The County Planning Commission
 - d. When the property being subdivided abuts a State legislative route or when preliminary highway design would affect the property, the report of the Pennsylvania Department of Transportation on the effect of the proposed subdivision on existing or proposed State highway facilities.

- e. Whenever sediment controls may be needed, the report of the Chester County Conservation District.
7. Within five calendar days after the meeting at which the preliminary plan is reviewed and a recommendation has been made by the Borough Planning Commission, the Planning Commission shall notify the following of its recommendation:
- a. The Borough Secretary
 - b. The President of the Borough Council
 - c. The applicant or his agent
- E. Report to Borough Council
- 1. Within five calendar days after the meeting at which a recommendation on the preliminary plan has been made, a report regarding the recommendation shall be sent to the President of the Borough Council. If all the requirements of this ordinance are met and the review of the plan is favorable, the chairman of the Borough Planning Commission shall note such fact on one copy of the preliminary plan and one copy of all supporting data and forward these to the Borough Council together with a recommendation for approval of the plan.
 - 2. If the review of the Borough Planning Commission is unfavorable because the requirements of this ordinance have not been met or because the Commission deemed modifications of the plan as submitted desirable or necessary, the recommended modifications in the plan and/or the specific provision of this ordinance which have not been met shall be noted on one copy of the preliminary plan and one copy of all supporting data and these shall be forwarded to the Borough Council together with a recommendation that the plan not be approved.
- F. Review by Borough Council. When a preliminary plan has been submitted to the Borough Council by the Borough Planning Commission, the plan shall be reviewed at a regularly scheduled meeting of the Council or at a special meeting.
- 1. The Borough Council shall review the preliminary plan and the written reports of the Borough Planning Commission, the Borough Engineer, the Borough Zoning Officer, and all other reports which may have been received from County and State agencies. The Borough Council shall either approve or disapprove the plan. No official action shall be taken by the Borough Council with respect to a preliminary plan until the Borough has received the written report of the County Planning Commission, and where applicable, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and the Chester County Conservation District, provided that such reports are received within thirty days after the County Planning Commission receives a request to review the preliminary plan. Failure of the County Planning Commission to act within forty-five days shall constitute approval of the plan as submitted and the Borough Council may officially act on the basis of such approval.

Within five days after the meeting at which the plan is reviewed, the Borough Secretary shall notify in writing the following of the action taken by the Borough Council regarding the preliminary plan:

- a. Borough Planning Commission
 - b. Borough Engineer
 - c. Borough Zoning Officer
 - d. Applicant or his agent
2. The Borough Council shall within ninety days after the date the Borough accepted a preliminary plan for review notify the applicant or his agent of the action taken by the Council.
- a. A special meeting of the Borough Council may be scheduled prior to a regularly scheduled meeting in order to comply with the time requirements.
 - b. Before acting on a preliminary plan, the Council may arrange for a public hearing on the plan, pursuant to public notice.
3. The Borough Council may decide one of the following on an application:
- a. The action of the Council may be favorable, approving the preliminary plan application;
 - b. The action of the Council may be unfavorable, disapproving the application of which the plan forms a part. The findings and reasons upon which the Council's action is based shall be given in writing to the individuals and groups listed in 2.6.F.1, and stated in the minutes of the meeting at which the Council reviews the plan.
 - c. When the plan as submitted is not approved, the report shall specify the requirements of this ordinance which have not been met.
4. The approval of a preliminary plan does not authorize the recording of the plan or the sale or transfer of lots.
5. Approval Stipulations. The approval of a preliminary plan shall assure an applicant that:
- a. The general layout of streets, lots and other features shown on the preliminary plan is approved and shall be the basis for the preparation of detailed improvement plans and the final plan, provided that the final plan is submitted within one year of the date of the approval of the preliminary plan or submitted within an extended period of time if such an extension is approved by the Borough Council.
 - b. The general terms and any special conditions under which the approval of the preliminary plan was granted will not be changed. The applicant should note that a final plan not submitted within one year of the date of approval of a preliminary plan, or within an extended period of time if such an extension is granted by the

Borough Council, may be considered a new preliminary plan.

Section 2.7. Final Plan.

- A. **Submission.** In the case of Major Applications, within twelve (12) months after approval of the preliminary plan, a final plan with all necessary supplementary data as specified in Section 3.4 shall be submitted in person to the Borough Secretary. An extension of time may be granted by the Borough Council upon written request, provided that the extension of time shall not exceed one year. Failure to meet this time limitation may result in a determination by the Commission that it will consider any plan submitted after twelve (12) months as a new preliminary plan.
1. Final plans and required supplementary data for all proposed subdivisions shall be submitted in person by the applicant to the Borough Secretary. Such submission shall occur not less than fourteen (14) days prior to a regularly scheduled meeting of the Borough Planning Commission. The Borough Secretary shall not accept a plan from the applicant or his agent if the plan is not submitted in compliance with this provision.
 2. The Borough Council shall within ninety (90) days after an application for review of a final plan is filed review the plan and notify the applicant of its action regarding the plan in accordance with Section 2.3.
 3. Official submission of a final plan to the Borough shall comprise:
 - a. Submission of (5) five completed Application for Review of Final Subdivision Plan (Form LSR-3).
 - b. Submission of fourteen (14) black-on-white or blue-on-white prints on paper of the final plan, which shall fully comply with Section 4.3 of these regulations.
 - c. Whenever a proposed subdivision is located in or adjacent to more than one (1) municipality one (1) additional print shall be submitted for each additional municipality involved.
 - d. Submission of five (5) copies of all other supplementary data and plans as outlined in Section 3.3.
 - e. All filing fees and charges according to Section 7.2.
 4. The Borough Planning Commission may permit submission of the final plan in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan.
 5. The final plan shall conform in all important respects to the approved preliminary plan and shall incorporate all modifications required by the Borough Council in their approval of the preliminary plan. Failure to comply with past reviews shall result in non-approval of the plan. The Commission may accept a final plan modified to reflect any substantial changes on the site of the proposed subdivision or in its surroundings which occurred after the preliminary plan review. If substantial changes on the site do occur, the Borough Council shall determine whether a modified final plan will be accepted or whether a new preliminary plan shall be submitted.

- B. Distribution. Distribution of final plans and supporting data submitted to the Borough Secretary shall be made as follows:**
- 1. To the Borough Engineer:**
 - a. One (1) copy of the plan.**
 - b. One (1) copy of Application for Review of final Subdivision Plan.**
 - c. One (1) copy of all supplementary data and plans.**
 - 2. To the Borough Zoning Officer:**
 - a. One (1) copy of the plan.**
 - 3. To the Borough Planning Commission:**
 - a. Two (2) copies of the plan.**
 - b. One (1) copy of Application for Review of Final Subdivision Plan.**
 - c. One (1) copy of all supplementary data and plans.**
 - 4. To the President of Borough Council:**
 - a. Six (6) copies of the plan.**
 - b. One (1) copy of Application for Review of Final Subdivision Plan.**
 - c. One (1) copy of all supplementary data and plans.**
 - 5. To be retained by the Borough Secretary:**
 - a. One (1) copy of the plan.**
 - b. One (1) copy of Application for Review of Final Subdivision Plan.**
 - c. One (1) copy of all supplementary data and plans.**
 - 6. To the County Planning Commission, if the Borough Planning Commission determines that the County Planning Commission should review the final plan, or in the case of all minor plans:**
 - a. One (1) copy of the plan.**
 - b. One (1) copy of the County Referral form .**
 - c. One (1) copy of all required supplementary data and plans.**
 - d. Required fee.**

7. When the property being subdivided is in or adjacent to more than one (1) municipality, one (1) additional copy of the plan for each additional municipality involved.
 8. When the property being subdivided abuts a State-owned road, one (1) additional copy of the plan.
- C. Review of Final Plan. When a final plan has been officially accepted for review by the Borough Planning Commission, it shall be reviewed by the Planning Commission at its next regularly scheduled meeting, provided that the written report of the County Planning Commission regarding the plan in question has been received prior to that regularly scheduled meeting and that the Borough Planning Commission determines that it will be able to adequately study the final plan before the regularly scheduled meeting.
1. If the Borough Planning Commission has not received such a written report from the County Planning Commission, the Borough Planning Commission may decline to review the plan at its regularly scheduled meeting and review the plan at a special meeting or at another regularly scheduled meeting.
 2. If the Borough Planning Commission determines that it cannot adequately study the final plan before the regularly scheduled meeting, it may decline to review the plan at its regularly scheduled meeting and review the plan at a special or another regularly scheduled meeting.
 3. At the meeting at which the final plan is reviewed the Borough Planning Commission shall review the plan to determine its conformance with the requirements of this ordinance. At this meeting written reports regarding the subdivision in question from the Borough Zoning Officer and the Borough Engineer shall be reviewed. If any reports regarding the subdivision in question from the County Planning Commission or other County or State agencies have been received prior to the meeting, these reports shall also be reviewed at the meeting.
 4. If the County Planning Commission has been asked to review a final plan, no official action should be taken by the Borough Planning Commission with respect to a final plan until the Commission has received a written report regarding the plan in question from the County Planning Commission and, where applicable, the Pennsylvania Department of Transportation, provided such reports are received within thirty (30) days after the County Planning Commission received a request to review the final plan.
 5. Within five (5) calendar days after the meeting at which the final plan is reviewed by the Borough Planning Commission, the Planning Commission secretary shall notify in writing the following regarding the recommendation of the Planning Commission :
 - a. Borough Secretary
 - b. Borough Engineer
 - c. Borough Zoning Officer
 - d. Applicant, or his agent
 - e. President of Borough Council

6. If all the requirements of this ordinance are met and the review is favorable, the Planning Commission shall authorize its chairman to place on the plan "Reviewed and Approved by the Borough Planning Commission," together with the date of such action, and forward the plan to the Borough Council.
 7. If the review of the Borough Planning Commission is not favorable, the Planning Commission shall recommend that the plan not be approved and explicitly state the reasons for such action. Any modifications in the plan which the Planning Commission feels should be prerequisites to approval of the final plan shall also be noted. Copies of these statements shall be distributed to the person listed under Section 2.7.C.5 of this Part.
- D. Review by Borough Council. When a final plan application has been submitted to the Borough Council by the Planning Commission, the plan shall be reviewed by the Council at a regularly scheduled meeting or at a special meeting.
1. At a regularly scheduled or a special meeting the Borough Council shall review the final plan and any written reports regarding the plan from the Borough Planning Commission, the County Planning Commission, the Borough Engineer, the Borough Zoning Officer and, where applicable, the Pennsylvania Department of Transportation.
 2. If the County Planning Commission has been asked to review a final plan, no official action shall be taken by the Borough Council with respect to a final plan until the Borough has received the written report of the County Planning Commission and, where applicable, the Pennsylvania Department of Transportation, provided that such reports are received within thirty (30) days after the County Planning Commission received a request to review the final plan. If the County Planning Commission fails to respond within thirty (30) days, the Borough Council may officially act on the application without an official county review.
 3. Before acting on a final plan, the Council may arrange for a public hearing on the plan, giving public notice as defined in Act 93 of 1972.
 4. Within fifteen (15) days after the meeting at which the final plan is reviewed by the Council, the Borough Secretary shall notify in writing the following of the action taken by the Council regarding the final plan:
 - a. Borough Planning Commission
 - b. Borough Engineer
 - c. Borough Zoning Officer
 - d. Applicant or his agent
 5. Action by the Council may be favorable, approving the final plan, or the action may be unfavorable, giving disapproval to the application of which the plan forms a part. The findings and reasons upon which the Council's action is based shall be given in writing to the persons listed in Section 2.7.D.4. and also stated in the minutes of the Borough Council. Any modifications in the plan required as prerequisites to approval of the final plan shall be stated.

6. The Borough Council shall within ninety (90) days after the date the Borough accepts a final plan for review notify the applicant or his agent of the action taken by the Council in accordance with Section 2.3.
7. A plan which has been granted final plan approval shall not be recorded until the requirements of Section 2.8, Recording of Final Plan, have been met.

Section 2.8. Recording of Final Plan.

- A. Within thirty (30) days after a plan has received final approval and before a plan may be recorded and before the issuance of any building permits, the applicant shall deliver to the Borough Council a performance guarantee in accordance with the provisions of Section 6.4.
- B. After a plan has been granted final approval and after receiving necessary performance guarantees, according to Section 6.4, the Council and the Planning Commission shall place their endorsements on the record plan page(s). The record plan of the application which has secured final approval shall be signed by the President of the Borough Council and the Borough Seal shall be affixed to the plan. No subdivision or land development plan may be legally recorded unless it bears Borough approval indicated by the signature of the President of the Borough Council and the Borough Seal.
- C. The record plan shall be a clear and legible black-on-white print on linen.
- D. No subdivision or land development plan shall be legally recorded unless it has been endorsed by the County Planning Commission. After an applicant has received final approval from the Borough Council and five (5) copies of the recorded plan have need endorsed according to Section 2.8.B., the applicant shall submit the copies of the plan to the County Planning Commission for endorsement.
- E. After the record plan has been endorsed by the County Planning Commission in accordance with Section 2..D., the copies of the record plan shall be filed with the County Recorder of Deeds within ninety (90) days of the date of the meeting at which final approval of the plan was granted by Borough Council. If the applicant fails to record the final plan within such period, the action of the Borough shall be null and void. The applicant shall provide the Borough with satisfactory evidence that he has filed the record plan with the County Recorder of Deeds prior to issuance of any zoning or building permits.
- F. The Borough shall receive one (1) copy of the final plan as approved by the Borough.
- G. All streets, parks, or other improvements shown on the subdivision plan shall be deemed private until such time as the same have been offered for dedication to the Borough and accepted by resolution of the Borough Council. If any improvement is to be dedicated to the Borough, such offer of dedication shall be submitted to the Borough for acceptance prior to the recording of the final plan. The acceptance of any improvements shall be by a separate action of the Borough Council.

**Part 3
Plan Requirements**

Section 3.1. Intent. It is the intent of this Part to establish the requirements that applicants must meet during each phase of the plan application process.

Section 3.2. Sketch Plans. The sketch plan may be submitted by the applicant as a basis for informal discussion with the Planning Commission as to the intended use and arrangement of a proposed subdivision and land development. Data furnished is at the discretion of the applicant. However, it is beneficial to include sufficient information so that the Planning Commission may be able to identify potential areas of concern. It is suggested the following information, at a minimum, be included with a sketch plan submission to facilitate discussions concerning its design:

A. Suggested Drafting Standards.

The scale and sheet size of the sketch plan is suggested to be those listed in Section 3.3.A for preliminary plans to provide consistency and eliminate duplication of effort between sketch and preliminary stages.

B. Suggested Information.

The sketch plan is suggested to contain at least the following data, legibly drawn to scale but not necessarily showing precise dimensions:

1. Tract boundaries, accurately labeled;
2. North arrow;
3. Date of plan preparation;
4. Written and graphic scales (approximate);
5. Location of existing structures, utility easements, railroad tracks, and all other man-made features;
6. Significant topographical and physical features (i.e., water bodies, quarries, floodplains, wetlands, tree masses, geologic features, etc.); also a soil overlay of the proposed subdivision based upon the most recent United States Department of Agriculture Soil Survey of Chester and Delaware Counties should be submitted;
7. Proposed general streets layout, proposed rights-of-way, and lot layout;
8. Location of proposed buildings, structures, parking facilities, recreational areas, and open spaces;
9. Appropriate zoning district(s);
10. A location map, drawn to a scale of 1" = 800', with sufficient information to enable the Planning Commission to locate the property being subdivided;

11. Name and address of the current owner of record;
12. Name of the applicant, if different than the owner of record;
13. Name of the engineer, surveyor, or land planner preparing the subdivision or land development when applicable;
14. A statement telling what methods of water supply and sewage disposal will be used to serve the subdivision;
15. A statement describing all the existing land uses on the tract;
16. A statement of intent containing the general concept, major planning assumptions, and objectives of the subdivision or land development and a statement describing the proposed land use for each lot indicated on the plan;
17. If the proposal is to be a phased development, the proposed phasing.

Section 3.3. Preliminary Plans.

A. Drafting Standards.

1. Scale.

The preliminary plan shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot except that:

- a. If the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100'); or
- b. If the subdivision proposes lots with an average frontage of less than fifty feet (50'), the plan may be drawn to a scale of one inch (1") equals twenty feet (20'); or
- c. If the subdivision contains more than two hundred (200) acres, the plan may be drawn to a scale of one inch (1") equals two hundred feet (200').
- d. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to one quarter (1/4) of a minute. 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 foot (1') in ten thousand feet (10,000'); provided, however, that the boundary(s) adjoining additional unplatted land of the subdivided (example, between separately-submitted final plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided.

2. Sheet size.

The original drawing, and all submitted prints thereof, shall be made on sheets:

- a. no smaller than seventeen (17) inches by twenty-two (22) inches and
- b. no greater than thirty-four (34) inches by forty-four (44) inches.

3. If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

B. General Information. The following information shall accompany every preliminary plan submission :

- 1. Name of the proposed subdivision or other identifying title other than the name of the property owner;
- 2. North arrow, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision;
- 3. Name of record owner (and applicant) with a statement, signed and notarized by the owner, authorizing the said subdivision or land development;
- 4. Name and seal of registered engineer, surveyor or land planner responsible for the subdivision plan, or any part thereof, including the persons official registration number and address;
- 5. Names of all abutting subdivisions, if any, with the book and page numbers where recorded and the names of the owners of all adjacent unplatted land, if any, and the book and page numbers where recorded;
- 6. A location map for the purpose of identifying the property being subdivided, drawn to a scale of one inch (1") equals eight hundred feet (800') and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads and municipal boundaries within one thousand feet (1,000') of the proposed subdivision.
- 7. Total tract boundaries of the property subdivided, showing bearings, distances, and a statement of total acreage of the property; and
- 8. Zoning district lines, existing and proposed, shall be provided. If the subdivision or land development is located in or adjacent to another municipality, then the same information is required for the adjacent municipality's zoning district. A separate print of the plan shall be submitted showing this information. Bulk and use regulations shall be provided on Form LSR-2.

C. Site Analysis Plan.

1. Content

The Site Analysis Plan shall map selected resources located on the tract of the proposed subdivision

or land development, including the location of all natural features, developed areas, and land reserved as right-of-ways or under easement. The following information shall be included within the Site Analysis Plan:

- a. Contour lines at vertical intervals of no more than two feet (2') for land with average natural slope of eight (8) percent or less and at intervals of no more than five feet (5') for land with average natural slope exceeding eight (8) percent ;
- b. Location and elevation of the datum to which contour elevations refer; where reasonably practical, datum used shall be a known established bench mark. Contours plotted from the United States Geologic Survey (Quadrangle Maps) will not be accepted;
- c. Degree of slope in the following ranges: eight percent (8%) to fifteen percent (15%), fifteen percent (15%) to twenty-five percent (25%), and greater than twenty-five percent (25 %);
- d. The boundaries of the one-hundred (100) year floodplain as defined by Section 10.3 of the Zoning Chapter of the Borough Code;
- e. Watercourses, both perennial and seasonal;
- f. Wetlands, as inventoried by the U.S. Fish and Wildlife Service for the National Wetlands Inventory and any other known wetlands on the site, and the fifty foot (50') buffer areas around those wetlands;
- g. Generalized soil types as mapped in the Soil Survey of Chester and Delaware Counties, including and highlighting those hydric and alluvial soils as defined by this ordinance;
- h. Geologic formations including the underlying geology and the presence of rock outcroppings.
- i. Existing vegetation denoted as to type, including tree masses, tree lines, and hedgerows; individual trees over six inch (6") caliper; wetland vegetation; meadow, pasture, or cropland; cultivated areas; etc;
- j. All existing buildings, structures, sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroad, watercourses, floodplain areas based on a one hundred (100) year storm and other significant man-made or natural features within the proposed subdivision and within fifty feet (50') from the boundaries of the proposed subdivision;
- k. All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades;
- l. The location, and where applicable, the dimensions of existing easements, rights-of-way, public lands, and utility lines; and

- m. **Known hazardous sites, dumps, underground tanks, and any other artificial land condition.**

2. Use of Site Analysis Plan

The site analysis plan shall be used in the preliminary plan phase for the following purposes:

- a. **As a discussion tool between an applicant and the Borough Planning Commission to identify issues associated with a particular tract of land;**
- b. **To identify the various features of a given site;**
- c. **To identify the most appropriate use and locations for buildings, structures and other land cover; and**
- d. **To identify protective measures required to accommodate subdivision or land development.**

D. Site Design and Layout Plan.

The Site Design and Layout Plan shall consider protection of the resources identified in the Site Analysis Plan. The Plan shall indicate the design and layout of the proposed subdivision or land development. The following information shall be submitted for this plan:

- 1. **Location and width of all streets and rights-of-way with a statement of any conditions governing their use;**
- 2. **Suggested street names and all public utility and private easement locations;**
- 3. **Building reserve (setback) lines along each street, and the proposed placement of each building;**
- 4. **Lot lines with approximate dimensions;**
- 5. **A statement of the intended use of all nonresidential lots and parcels;**
- 6. **Block and lot numbers, in consecutive order (e.g. Block "A", Lots 1 through 10; Block "B", Lots 11 through 22, etc.) and a statement of the total number of lots and parcels;**
- 7. **In the case of a land development, the location and configuration of proposed buildings, parking lots, streets, access driveways, and all other significant planned facilities;**
- 8. **Parks, playgrounds, and other areas to be dedicated to the Borough shall be noted. Areas to be reserved for public use, but not to be dedicated shall be noted and any conditions governing such use and the arrangements to be made for the maintenance of these areas shall also be noted;**
- 9. **The location of all easements within a tract along with a description of each easement identifying the type of easement(s) and the owner of such easement(s); and**

10. If land to be subdivided or developed lies partly in an adjacent municipality or if any proposed streets of the subdivision will directly connect with streets from an adjacent municipality, the applicant shall submit information concerning the location and design of streets, layout, and size of lots, and provisions of public utilities on land subject to his control within the adjacent municipality. The design of public improvements shall provide for a smooth transition where specifications vary between municipalities. Evidence of review of this information by the appropriate officials of the adjacent municipality shall also be submitted.

E. Improvements Construction Plan.

The Improvements Construction Plan shall only be required for major subdivisions and shall show the design of the proposed improvements to the site, and shall include the following information:

1. Street construction.
 - a. Typical street cross-section drawing(s) for all proposed streets;
 - b. Profiles along the centerline of cartway along the top of curbs for both sides of each proposed street and along the right-of-way lines shown on the plan. Such profiles shall show natural and finished grades at one (1) of the following sets of scales or any combination thereof:
 - (1) One inch (1") equals ten feet (10') horizontal and one inch (1") equals one foot (1') vertical; or
 - (2) One inch (1") equals twenty feet (20') horizontal and one inch (1") equals two feet (2') vertical; or
 - (3) One inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical; or
 - (4) One inch (1") equals fifty feet (50') horizontal and one inch (1") equals five feet (5') vertical.
2. Storm water management and drainage facilities.
 - a. A plan for managing surface drainage of the tract to be subdivided or developed. Such plan shall include storm water runoff calculations for the entire property being subdivided and all property at a higher elevation in the same watershed when fully developed and shall show the proposed method of accommodating the anticipated runoff;
 - b. Location of manholes or inlets with grade between and elevation of flow lines and top of each manhole or inlet;
 - c. Location and size of storm sewer line and laterals;
 - d. Property lines and ownership, with details of easements where required; and

- e. **Location of all other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.**
 3. **Other facilities.**
 - a. **Water mains and sanitary sewer (and other drainage) facilities, with the size and material of each indicated, and any proposed connections with existing facilities;**
 - b. **Designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Water and Power Resources Board and/or the Pennsylvania Department of Transportation;**
 - c. **Where a plan shows the proposed subdivision of only a part of the applicant's total property, the plan shall be accompanied by a plan of the proposed street system for the remainder of the property so that the street system in the submitted portion can be considered in relation to future connections with the unsubmitted portion. In the case of extremely large properties, the Borough Planning Commission may delimit the area for which a perspective street system on adjacent property needs to be shown. The applicant shall also include a statement indicating the proposed future land use for the unsubmitted portion of his property; and**
 - d. **Typical location, size, and depth of any underground utilities that are to be installed in the right-of-way where such information is available.**
 4. **Lighting Plan in accordance to the requirements set forth in Section 11.3 of the Avondale Borough Zoning Ordinance.**
- F. **Conservation Plan. The Conservation Plan shall only be required for land developments and shall demonstrate how erosion, sedimentation, and storm water will be managed and controlled during the construction process and upon completion of the land development. The Conservation Plan shall contain the following information:**
1. **The site features identified in the Site Analysis Plan, required in Section 3.3.C;**
 2. **Location and elevation to which contour elevations refer; where reasonably feasible, the datum used, shall be a known established benchmark;**
 3. **Notations indicating:**
 - a. **All trees or portions of tree masses proposed to be cleared as part of the proposed subdivision or land development plan, together with reasons for such clearing;**
 - b. **All proposed alterations of the natural grade, whether by cut or by fill, exceeding two (2) feet, together with reasons for such alteration; and**
 - c. **Compliance with all applicable erosion and sedimentation control standards.**
 4. **A separate Erosion and Sediment Control Plan, which meets the criteria outlined in Section 4.9. The plan shall also include all proposed earthmoving and grading, including devices and**

measures to control erosion during land disturbance, as well as stabilization and site restoration measures;

G. Traffic Impact Study.

1. Applicability

A traffic impact study shall be required for any land development that will generate either an average of fifty (50) evening peak hour trips per day or five-hundred (500) average daily trips. Trip generation rates shall be determined through the use of the most current edition of the Trip Generation Report published by the Institute of Transportation Engineers.

2. General Information.

The traffic impact shall be prepared in accordance to the following requirements:

- a. The traffic impact study shall be prepared under the supervision of a qualified, experienced, and registered or certified traffic/transportation engineer or a traffic/transportation planner. The name and signature of the preparer and listing of certifications shall be included within the traffic impact study;
- b. The traffic impact study shall contain a description of the study area. The study area shall be defined as all roads that the subdivision or land development is proposed to access and the first key intersection in each direction. If an intersection of Gap/Newport Pike (Route 41) and State Road is within one-thousand (1000) feet of any access point to the site, then the study area shall include all intersections between and including the access of the site and the intersection of Gap/Newport Pike (Route 41) and State Road. Additional intersections shall be mutually agreed upon by the Borough Planning Commission and the applicant;
- c. A description of the proposed development including the location, proposed land use and the number of total units and/or square footage of non-residential uses;
- d. All sources of the standards used and the data presented within the traffic impact study shall be included within the study; and
- e. All maps, tables, and schematic drawings of data and analyses collected and calculated as a result of this study shall be included and/or submitted with the traffic impact study.

3. Existing Conditions.

The traffic impact study shall identify current traffic and intersections conditions within the identified study. The following information, at a minimum, shall be included within a traffic impact study:

- a. Existing twenty-four (24) hour and peak hour traffic volume data shall be included for all identified streets and intersections within the study area;
- b. Existing level of service of all identified intersections within the study area. Level

of service shall be computed in accordance with the 1985 Highway Capacity Manual, Special Report 209, published by the Transportation Research Board, or any subsequent revision of such manual; and

- c. Accident levels, categorized by type, within the past five (5) years at all intersections within the study area.

4. Site Traffic Forecast.

The estimation of the amount of traffic and its impact on the streets and intersections of the study shall be required for the traffic impact study. The following information, at a minimum, shall be included within a traffic impact study:

- a. Twenty-four (24) hour peak and peak hour traffic volume data shall be included within the traffic impact study for the design year of the project for all streets and intersections identified within the study area. The design year shall be the point in time when the development is completed and shall be determined in accordance with the accepted engineering practices. In the event of a dispute as to the design year, the determination of the Borough Engineer shall be final;
- b. Estimates of the total number of vehicle trips to be generated by the proposed development for the typical morning and evening peak periods;
- c. Assignments of design year a.m. and p.m. peak hour volumes to the identified streets within the study area based upon the projections of increased trip generation identified in Section 3.3.G.4.b, above. In making these estimates assignments, consideration shall be given to other developments approved but not constructed and to development trends;
- d. Projected morning and evening peak hour turning movements data for all access points proposed for the development;
- e. Projected levels of service projected for the design year of the identified streets and intersections within the study area without including the traffic of the proposed development for which this plan has been submitted. Level of service shall be computed in accordance with the 1985 Highway Capacity Manual, Special Report 209, published by the Transportation Research Board, or any subsequent revision of such manual; and
- f. Capacity and level of service analysis of all identified streets and intersections within the study area, including design year capacity and level of service and degradation of capacity and level of service.

5. Traffic Mitigation Improvements.

In order to maintain the current flow and level of service, the traffic impact study will identify improvements necessary to mitigate the impacts that the proposed development will have on the streets and intersections of the study area. The traffic impact study shall, at a minimum, identify the following traffic mitigation improvements:

- a. Descriptions of street improvements and traffic control devices that will be required to provide an acceptable level of service of "C" or better on all identified streets and intersections within the study area;
- b. If the level of service on an identified street or intersection within the study area is presently less than "C" or is projected to be less than "C" in the design year and the traffic impact study determines that the level of service shall be reduced, a description of the street improvements and control devices shall be required to restore the level of service to that level of service projected for the design year without including the development of the tract for which this plan has been submitted;
- c. Description of street improvements and traffic control devices that will be required to:
 - (1) mitigate traffic congestion which will be caused by the proposed development;
 - (2) mitigate traffic safety hazards which will be caused by the proposed development; and
 - (3) avoid problems of traffic congestion and/or safety.
- d. Cost estimates of the street improvements and traffic control devices and an outline of who shall install and maintain said improvements; and
- e. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.

Section 3.4. Final Plans.

A. General Requirements.

The following information shall be included with all final plan submissions:

1. Drafting Standards.

a. Scale.

The final plan shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50') with dimensions shown in feet or hundredths of a foot; except that:

- (1) If the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100'); or
- (2) If the subdivision proposes lots with an average frontage of less than fifty feet (50'), the plan may be drawn to a scale of one inch (1") equals twenty feet (20').

b. Sheet size.

The original drawing, and all submitted prints thereof, shall be made on sheets:

- (1) no smaller than seventeen (17) inches by twenty-two (22) inches and
- (2) no greater than thirty-four (34) inches by forty-four (44) inches.

c. If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

d. Accuracy Tolerances

The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to one quarter (1/4) of a minute. 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 foot (1') in ten thousand feet (10,000'); provided, however, that the boundary(s) adjoining additional unplatted land of the subdivided (example, between separately-submitted final plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided.

2. General Information.

The information required for the final plan shall be the same as the requirements for the preliminary plan in accordance with Section 3.3.B, above. In addition, the following requirements shall be met:

- a. The source(s) of title to the land being subdivided, as shown by the records of the County Recorder of Deeds, including the deed book and page references;
- b. A certificate of ownership, acknowledgment of plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the property before an officer authorized to take acknowledgment of deeds.
- c. Certificate for approval of the plan by the Borough Council;
- d. A blank space measuring four (4) inches wide by two (2) inches high shall be left, adjacent to the Borough certification in which the appropriate stamp of the County Planning Commission may be applied;
- e. A blank space measuring three inches (3") square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented; and

3. Approvals, Certificates, and Documents.

- a. A deed or agreement of sale showing that the legal or equitable ownership is vested in the applicant;

- 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 or land development shown on the final plan is made with his or their free consent and in accordance with his or their desires;
- c. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency;
- d. A copy of such private deed restrictions, including building setback lines, as may be imposed upon the property as condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided. Such restrictions shall be satisfactory to the Borough Council;
- e. Certification of the engineer, land surveyor, landscape architect, or land planner who prepared the plan, that the plans are in conformity with zoning, building, sanitation, subdivision, and other applicable Borough ordinances and regulations. In any instance where such plans do not conform, avoidance shall be presented that an exception or modification has been authorized; and
- f. A copy of all applicable permits from other agencies that may have jurisdiction, including, but not limited to:
 - (1) Pennsylvania Department of Transportation's Highway Occupancy Permit; or
 - (2) Pennsylvania Department of Environmental Protection's Stream Crossing Permit, Earth Disturbance Permit. etc.; or
 - (3) Any permit required by the Chester County Conservation District; or
 - (4) Any permit required by the Chester County Health Department; or
 - (5) Any other similar or applicable agency.

B. Minor Subdivision and Land Development Applications.

In addition to the general requirements for Final Plan Applications as identified in Section 3.4.A., all Minor Subdivision Applications shall also include a Conservation Plan according to Section 3.3.F.

C. Major Subdivision and Land Development Applications.

The following requirements shall be submitted as part and required for major subdivisions and land development proposals:

1. Site Analysis Plan.

A Site Analysis Plan shall be submitted and shall be consistent with the terms of preliminary plan approval. All of the information required in Section 3.3.C of this ordinance shall be included.

2. Site Design and Layout Plan.

A Site Design and Layout Plan shall be submitted and shall be consistent with the terms of preliminary plan approval. All of the information required in Section 3.3.D of this ordinance shall be included in addition to the following information:

- a. All proposed and existing streets shall be shown in plan view with their name (or number) and cartway width;
- b. All lot lines shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. All angles of each lot shall be shown in degrees, minutes and seconds. Each lot shall be balanced to an accuracy of 1:10,000. All internal angles within the lots shall be designed to the closest second. The area of each lot should be listed on the plan either within the proposed lot or in a table format on the plan;
- c. All restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number of the County Deed Book;

3. Improvements Construction Plan.

An Improvements Construction Plan shall be submitted and shall be consistent with the terms of preliminary plan approval. All of the information required in Section 3.3.E of this ordinance shall be included in addition to the following information:

- a. Sets of final improvement plans and Improvements Agreement (Form LSR-4);
- b. Street construction.
 - (1) The following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets within the property:
 - (a) The length--in feet to the second decimal point-- of all straight lines and any two functions of a chord of all curved lines; and
 - (b) The width (in feet) of the cartway, right-of-way, and (in degrees, minutes and seconds) of the delta angle of all curved lines, including curved lot lines.
 - (2) The location (and elevation, if established) of all existing and proposed street monuments as required by Section 4.13;
 - (3) Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
 - (a) Existing (natural) profile along both cartway edges of each street;

- (b) Proposed finished grade at the top of both curbs or proposed finished grade at both cartway edges; and
 - (c) The length of all vertical curves.
- (4) The profile sheets required by Section 3.4.C.3.b.(3) above, shall be legibly drawn at one of the scales listed in Section 3.3.E.1.;

c. Other facilities.

- (1) Location, size and invert elevation of all sanitary and storm sewers, and location of all manholes, inlets and culverts (this data may be submitted as a separate plan). All manholes, inlets and culverts shall be separately numbered in consecutive order. The location and size of all water mains shall also be shown.
- (2) Profile sheets for all proposed facilities within the tract. Such profiles shall show at least the following information, properly labeled:
 - (a) Existing and proposed sanitary sewer mains and manholes
 - (b) Existing and proposed storm sewer mains, inlets, manholes, and culverts
- (3) The profile sheets required by Section 3.4.C.3.c(2) above, shall be legibly drawn at one those listed in Section 3.3.E.1.

4. Conservation Plan.

A Conservation Plan shall be submitted and shall be consistent with the terms of preliminary plan approval. All of the information required in Section 3.3.F of this ordinance shall be included.

Section 3.5. As-Built Plans.

Within thirty (30) days after the completion of improvement construction and prior to the release of the Performance Guarantee, the applicant shall submit to the Board a corrected copy of the final approved plan showing the actual, as-built, dimensions and conditions of streets and all other improvements, certified by a professional engineer, to be in accordance with actual construction. The As-Built Plans shall be reviewed by the Borough Engineer and the review of said plans shall be included in the Engineer's report in accordance with Section 6.5.A.1.

**Part 4
Design Standards**

Section 4.1. Intent.

It is the intent of this Part to:

- A. Establish uniform, minimum standards for the design and construction of public and common facilities that will protect the health, safety and welfare of Borough residents;
- B. Assure that new subdivision and land development activity is coordinated with past development;
- C. Protect surface and ground water resources from contamination from erosion, run-off, and waste water;
- D. Establish standards to ensure adequate coordination of subdivision and land development activities; and
- E. Implement the recommendations of the Borough Comprehensive Plan.

Section 4.2. Application and General Standards.

When applicable, all Subdivision and Land Development Application shall comply with the regulation of this Section and shall comply with the following general standards:

- A. Land posing hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- C. Subdivision and land development plans shall give due recognition to the Avondale Borough Comprehensive Plan and the Open Space, Recreation and Environmental Resource Plan which have been adopted pursuant to statute.

Section 4.3. Streets.

A. General Standards

- 1. The location of all streets shall conform to the official plans or to such parts thereof as may have been adopted by the Borough or the State .
- 2. The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets if these streets meet the standards of Section 4.3.C. If the existing or recorded streets do not meet the standards of Section 4.3.C, the proposed street extensions shall meet the standards of Section 4.3.C.
- 3. Where, in the opinion of the Borough Council , it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.
- 4. New minor streets shall be so designed as to give adequate consideration of providing the

extension and continuation of existing street patterns and extensions of major and collector streets into and from adjoining properties.

5. Where a subdivision abuts an existing street of improper width or alignment, the Borough Council may require the dedication of land sufficient to widen the street or correct the alignment.
6. Private streets are prohibited, unless they meet the design standards of this Section.

B. Partial and Half Streets

New half or partial streets shall not be permitted.

C. Street Widths

1. Subdivisions abutting an existing street shall be required to provide the minimum right-of-way width of that road based on its functional classification as determined by the Borough Comprehensive Plan.
2. Minimum street right-of-way and cartway (pavement) widths of new streets shall be determined by the following, and shall be based on the functional classification of the road:

<u>Street Type</u>	<u>Required Widths (in feet)</u>
Arterial Street	
right-of-way	80
cartway	36
Major Collector Street	
right-of-way	50
cartway	30
Minor Collector Street	
right-of-way	50
cartway	24
Permanent Cul-de-sac	
right-of-way	50
cartway	24
Local Street	
right-of-way	36
cartway	24
Alley	
right-of-way	26
cartway	16

3. For the purpose of promoting the public safety and convenience, or to provide sufficient on-

street parking in commercial and industrial areas and in areas of high-density residential development, additional right-of-way and cartway widths may be required by the Borough Council.

D. Street Construction

All materials entering into the construction of streets and the methods of construction and drainage shall be in accordance with the applicable requirements of the Pennsylvania Department of Transportation as identified in the PennDOT specifications Publication 408, dated 1987, or the latest revision thereof. Whenever Borough regulations impose more restrictive standards and requirements, such shall prevail.

E. Restriction of Access

1. Whenever a subdivision abuts or contains an existing or proposed arterial street, the Borough Council may require restriction of access to the arterial street through the use of:
 - a. Reverse frontage lots;
 - b. Alleys along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets; or
 - c. Marginal access streets, provided that the reserve strip establishing a marginal access street shall be dedicated to the Borough under an agreement meeting the approval of the Borough Council.
2. Except as specified by this Section, reserve strips shall be prohibited.

F. Street Grades

1. There shall be a minimum centerline grade of three-quarter percent (3/4%).
2. Centerline grades shall not exceed the following:
 - a. Local street: eight (8) percent
 - b. Collector street: six (6) percent
 - c. Arterial street: six (6) percent
 - d. Within fifty (50) feet of street intersection and within cul-de-sac turnarounds: five (5) percent
3. Grades up to ten (10) percent may be permitted on a through local street where access to the street is possible over streets with grades of ten (10) percent or less.

G. Horizontal Curves

1. Whenever street lines are deflected in excess of two (2) degrees, connection shall be made by horizontal curves.

2. To ensure adequate sight distance minimum centerline radii for horizontal curves shall be as follows:
 - a. Local streets: one hundred fifty (150) feet
 - b. Collector streets: three hundred (300) feet
 - c. Arterial streets: five hundred (500) feet
3. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collectors and arterial streets.
4. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

H. Vertical Curves

1. At all changes in street grades where the algebraic difference in grade exceeds one (1) percent, vertical curves shall be provided to permit the following minimum sight distances:
 - a. Local streets: two hundred (200) feet
 - b. Collector streets: three hundred (300) feet
 - c. Arterial streets: four hundred (400) feet

I. Intersections

1. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy (70) degrees, or more than one hundred twenty (120) degrees.
2. No more than two (2) streets shall intersect at the same point.
3. Where a proposed street is to intersect a street at a location opposite of an existing intersecting street, the street shall either intersect directly opposite to the other, or shall be separated by at least one hundred fifty (150) feet between center lines, measured along the center line of the street being intersected.
4. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5) percent within fifty (50) feet of the intersection of the nearest right-of-way lines.
5. Intersections with arterial streets shall be located not less than one thousand (1,000) feet apart, measured from centerline to centerline, along the centerline of the arterial street.
6. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - a. Twenty (20) feet for intersections involving only local streets;

- b. Thirty (30) feet for all intersections involving a collector street;
 - c. Forty (40) feet of all intersections involving an arterial street.
7. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

J. Sight Distances at Intersections

1. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstruction object shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:
- a. Seventy-five (75) feet from the point of intersection of the center lines, except that
 - b. Clear sight triangles of one hundred and fifty (150) feet shall be provided for all intersections with arterial streets.
2. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building setback line, such portion shall be shown on the final plan of the subdivision, and shall be considered a building setback line.

K. Cul-de-sac Streets

1. Dead-end streets shall be prohibited except under the following circumstances:
- a. Where the natural conditions of the site do not permit for design and construction of a through street without significant environmental degradation; or
 - b. Where existing built conditions surrounding the site will not permit the design and construction of a through street at present time or in the future.
2. Where the Borough Council identifies that a through street is not feasible at the present time or in the future, such street shall be designed as a cul-de-sac street.
3. Where the Borough Council has identified that a through street is feasible in the future, such street shall be designed for future access to adjoining properties.
4. Any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
5. Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length and shall not furnish access to more than twenty (20) dwelling units.
6. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

7. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround: minimum radius to the pavement edge or curb line shall be forty (40) feet, and minimum radius of the right-of-way line shall be fifty (50) feet. The sidewalk area within the right-of-way line should conform to the straightway portion of the street and the curvature of the street.
8. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.

L. Street Names

1. Proposed streets which are in direct alignment with existing and named streets, shall bear the names of the existing streets.
2. In no case, shall the name of a proposed street duplicate an existing street name in the Borough and in the postal district, irrespective of the use of the suffix "Street," "Road," "Avenue," "Boulevard," "Drive," "Way," "Court," "Lane," etc.
3. All street names shall be subject to the approval of the Borough, the postmaster having jurisdiction, and the Chester County 911 coordinator.

M. Alleys

1. Alleys are encouraged in residential areas where their use would be an extension of the existing street and alley pattern.
2. Alleys may be permitted in other types of residential development, provided that the applicant produces evidence satisfactory to the Borough Planning Commission of the need for such alleys, provided such are not the primary means of access.
3. Where permitted, alleys in residential developments shall have a minimum paved width according to Section 4.3.C., except that where alleys serve dwellings on only one side, the Borough Planning Commission may permit a paved surface of not less than twelve (12) feet.
4. No part of any dwelling garage or other structure shall be located within ten (10) feet of the edge of the cartway, and in no instance shall any structure be located within the right-of-way.
5. Except where other adequate provisions are made for off-street loading and parking consistent with the use proposed, alleys shall be required in commercial and industrial districts and shall have a minimum paved width of twenty-four (24) feet.
6. Dead-end alleys shall be prohibited
7. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

N. Curbs.

Curbs shall be installed along the edge of any street or cartway. Curbs shall be either the vertical type or a combination curb and gutter. The transition from one type of curb to another shall be made only

at a street intersection.

Section 4.4. Blocks.

A. **Layout** The length, width and shape of blocks shall be determined with due regard to:

1. Provision of adequate sites for buildings of the type proposed;
2. Zoning requirements;
3. Topography and natural features;
4. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets; and
5. The pattern of surrounding existing development.

B. **Length**

1. Blocks shall have a maximum length of one thousand two hundred (1,200) feet and a minimum length of three hundred (300) feet; **provided**, however, that the Borough Planning Commission or Borough Council may decrease the maximum or minimum lengths of blocks if, in the opinion of either body, the topography of the land in question or surface drainage conditions warrant such a decrease.
2. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
3. Where practicable, blocks along arterial and collector streets shall not be less than one thousand (1,000) feet long.

C. **Depth** Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

- a. Where reverse frontage lots are required along an arterial street, or
- b. Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Borough Council may approve a single tier of lots.

D. **Commercial and Industrial Blocks**

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

Section 4.5. Lots and Parcels.

A. General Standards

1. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated, and in accordance with the provision of the Borough Zoning Ordinance.
2. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
3. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
4. Where possible, lot lines shall follow streams.
5. Generally, the depth of residential lots shall be not less than one (1) nor more than two and one-half (2-1/2) times their width.
6. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
7. If, after subdividing, there exist remnants of land, they shall be either:
 - a. Incorporated in existing or proposed lots, or
 - b. Legally dedicated to public use, if acceptable to the Borough.
8. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.

B. Lot Frontage

1. All lots shall have direct access to an existing or proposed public street, or to an approved private street, provided it meets the requirements of these regulations.
2. Double or reverse frontage lots shall be avoided except where required to provide separation of access to lots from arterial streets or to overcome specific disadvantages of topography or orientation.
3. All residential reverse frontage lots shall have a rear yard with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least ten (10) feet in width, across which there shall be no right of access.

C. Driveways and Off-Street Parking

1. Parking requirements for residential uses shall comply with the regulations of the Zoning Ordinance and shall also comply with the following:

- a. All off-street parking shall be provided behind the street right-of-way line and may be as an attached or separate garage(s), carport(s) or driveway(s).
 - b. In the case of multi-family uses, required off-street parking may be provided in the form of a parking compound(s) located adjacent to or near the multi-family building. Parking compounds shall include adequate aisles for maneuvering and movement of vehicles and adequate facilities for safe pedestrian travel. The grade of such parking areas shall not exceed five (5) percent.
2. Commercial and industrial subdivision shall meet the off-street parking requirements of the Borough Zoning Ordinance.
 3. Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street curb lines.
 4. In order to provide a safe and convenient means of access, grades on private driveways should not exceed twelve (12) percent.
 5. All driveways shall be paved, except for residential driveways serving one (1) unit, then only the portion of the driveway within the right-of-way is required to be paved.
 6. In order to provide safe and convenient ingress and egress, private driveway entrances should be rounded at a minimum radius of six (6) feet, or should have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curb line).

D. Lot Size

Lots shall meet or exceed the minimum lot size and width requirements as established in the Borough Zoning Ordinance.

Section 4.6. Pedestrian Facilities.

A. Sidewalks

1. Sidewalks shall have a minimum width of four (4) feet, except in the case where the proposed sidewalk will be connected to an existing sidewalk in which case the proposed sidewalk shall be equal in width to the existing sidewalk.
2. Sidewalks shall be installed as required by the Borough except that:
 - 1) Where required, sidewalks shall be installed on only one (1) side of marginal access streets; and
 - 2) No sidewalks shall be required along alley .
3. Wherever sidewalks are required, curbs shall also be required, in accordance with the specifications of Section 4.3.N.
4. Sidewalks shall be located within the required street right-of-way line and shall be separated from the edge of the paved street by a grass strip with a minimum depth of two (2) feet,

except that where a proposed sidewalk will be connected to an existing sidewalk, the separation from the street shall conform to that of the existing sidewalk.

5. When provided, sidewalks shall be constructed of concrete with a minimum twenty-eight (28) day strength of three thousand (3,000) psi with a minimum width of four (4) feet and a thickness of four (4) inches except at driveway crossing when the sidewalk thickness shall be increased to six (6) inches with reinforcement, and except in industrial and commercial development for which the Borough may vary from the above design specifications if required by the nature of the use.
6. Sidewalk slope between curb and building line shall be .03 feet per foot.
7. Where curb grades meet at intersection, sidewalk slope may vary between a minimum of .005 feet per foot and a maximum of .06 feet per foot. Change in slope between the curb line and the standard .03 feet per foot shall be accomplished in a distance equal to three (3) times the sidewalk width.

B. Crosswalks

1. Crosswalks shall be required at all intersections and wherever the Borough Council deems necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over one thousand (1,000) feet in length.
2. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.
3. Crosswalks at intersections shall be provided with ramps connecting the street with the sidewalk to accommodate the disabled.

Section 4.7. Sanitary Sewage Disposal.

- A. In order to properly dispose of public waste water and sewage, each property shall connect to the Borough Sewage Disposal System.
- B. Sanitary sewers shall conform in all respects to the minimum requirements of the Pennsylvania Department of Environmental Protection and all ordinances, rules and regulations of the Borough and Sewer Authority. All sanitary sewers shall be inspected by the Borough Engineer or Sewer Authority representative.
- C. Sanitary sewers shall not be used to carry storm water.

Section 4.8. Water Supply.

- A. For the purpose of supplying a safe and adequate supply of water, each property shall connect to the Borough water system.
- B. The water distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrant locations to meet the specifications of the Middle Department Association of Fire Underwriters. A copy of approval of such system by the appropriate public agency or utility company shall be submitted with the final plan. Suitable agreement shall also

be established for the ownership and maintenance of such distribution system.

Section 4.9. Erosion and Sediment Controls.

- A. Land proposed for subdivision or land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sediment are identified in an Erosion and Sediment Control Plan, and reviewed and approved by the appropriate authorities .
- B. A plan for erosion and sediment control shall be prepared and submitted to the Borough according to Section 3.2.F, and installations necessary to implement this plan shall be made by the developer as required improvements.
- C. The plan for erosion and sediment control shall meet the standards and specifications of the Chester County Conservation District as adopted from the USDA Soil Conservation Service standards and specifications, as well as, the regulations of the Pennsylvania Department of Environmental Protection, as designated by the Pennsylvania Clean Streams Law. Development cannot proceed without an approved Erosion and Sediment Control Plan. Such a plan shall be submitted as part of the preliminary plan.
- D. The following guidelines shall be applied as needed in accordance with the requirements of the Borough Engineer and the Chester County Conservation District Office in developing erosion and sediment control measures:
 - 1. Stripping of vegetation, grading, filling, excavating or other alteration of the landscape shall be done in such a way that will minimize erosion.
 - 2. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 - 3. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - 4. Disturbed soils shall be stabilized as quickly as practicable.
 - 5. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - 6. The permanent vegetation and mechanical erosion control and drainage measures shall be installed as soon as practical in the development.
 - 7. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development in accordance with Section 4.10. Where necessary the rate of surface water runoff will be mechanically retarded.
 - 8. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similarly measures.
- E. The following guidelines shall be applied as needed in excavation and fills as part of erosion and sediment controls and shall meet the approval of the Borough Engineer and the Chester County Conservation District Office:

1. All lots, tracts, or parcels shall be graded to provide positive drainage away from the building, without ponding.
 2. Grading and cut-fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard, and to adequately handle the surface runoff.
 3. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Borough Council when handled under special conditions.
 4. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
 5. Cut and fills shall not endanger adjoining property.
 6. Fills shall be placed and mechanically compacted to minimize sliding or erosion of the soil.
 7. Fills shall not encroach on natural watercourses or constructed channels.
 8. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
 9. Grading will not be done in such a way so as to divert water onto the property of another landowner.
 10. During grading operations, necessary measures for dust control shall be exercised.
 11. Grading equipment will not be allowed to cross live streams without approval from the Pennsylvania Department of Environmental Protection.
- F. The period of storage on the land being developed of materials used in grading operations shall be kept to a minimum. Such storage shall not be continued after the completion of all grading activities and may be stored for only short periods before the commencement of grading activities.
- G. The development shall agree to the granting and recording of easements for drainage facilities, including acceptance of the discharge of water on the property of others, provisions for maintenance of slopes, retention barriers, and swales, and access for the maintenance of anti-erosion facilities.
- H. Any increase in runoff associated with a site development shall be handled in accordance with Section 4.10.

Section 4.10. Storm Drainage.

- A. Storm water facilities shall be provided as necessary to:
1. Encourage groundwater recharge;
 2. Retain pre-development levels of storm water run-off in terms of volume and rate;
 3. Limit the erosion of soil;

4. **Protect against changes in storm water flow created by land development both during and after construction;**
5. **Permit unimpeded flow of natural watercourse;**
6. **Ensure adequate drainage of all low points along the line of streets; and**
7. **Intercept storm water runoff along streets at intervals related to the extent and grade of the area drained.**

B. Unless impractical due to limited space, topography, soil conditions, or other natural constraints, storm water shall be handled on-site according to the following:

1. Run-off control

The rate of storm water run-off from any proposed subdivision or land development shall not exceed the rate of run-off prior to development. This standard shall be maintained for all storms (i.e. both high frequency and low frequency)

2. Distribution and quantity of run-off

The distribution of run-off from the developed property onto adjacent properties shall, to the maximum extent possible, be the same in the direction and quantity as that which existed before development. No new concentrations of storm water discharge shall be permitted.

3. Run-off Design

The increased run-off which may result from the subdivision or land development shall be controlled by permanent stormwater control measures that will provide the required runoff control specified in this ordinance. All run-off control devices and measures will be evaluated for the effectiveness to maintain the standard for all storms within a return period of up to one-hundred (100) years. Furthermore, stormwater control facilities shall be developed and evaluated on their effectiveness to control the run-off created by storms of varying degrees including the run-off created by a 2, 5, 10, 25, 50 and 100 year storm.

C. Storm water control practices

All subdivision or land development projects shall be required to control increases in runoff associated with storm water in one of the following ways. The following storm water management practices are listed in order of decreasing preference with the first choice on the list being the most desirable:

1. Infiltration of run-off on site

Whenever possible, storm water shall be managed in such a manner as to facilitate its infiltration through the use of, but not limited to the following;

- a. **Minimum disturbance/minimum maintenance techniques.**
- b. **Limited impervious surface area coverage.**

- c. Porous or pervious pavement with underground recharge beds.
 - d. Infiltration facilities such as seepage pits, seepage trenches, or infiltration beds.
 - 2. Retention of storm water run-off

Where soil conditions, limited space, or other conditions do not permit sufficient infiltration, methods shall be employed which retain storm water on-site and shall include, but not limited to;

 - a. Cisterns and underground reservoirs.
 - b. Retention basins
 - 3. Flow attenuation
 - a. Routed flow over open vegetated swales and natural depressions
 - b. Filter strips
 - 4. Other practices and control methods, including the existing Borough storm sewer system, which meet the criteria and purpose of this ordinance upon review by the Borough Engineer and approval of the Borough Council.
- C. Where it can be adequately demonstrated that it is physically unfeasible to manage storm water on-site, storm water can be directed to public storm sewer facilities according to the following:
 - 1. Storm sewers and related installations shall be permitted only when the runoff of storm water cannot be satisfactorily handled within the street cartway. The Borough Engineer shall determine whether the runoff can be or cannot be satisfactorily handled within the street cartway.
 - 2. Where existing storm sewers are reasonably accessible, and of adequate capacity, proposed subdivisions shall, if necessary, connect to the existing storm sewers.
 - 3. In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of storm water runoff onto adjacent development or undeveloped properties.
 - 4. Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increased runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.
 - 5. Storm sewers, as required, shall be placed out of the street paving, when parallel to the street within the right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by the Borough Engineer. Open ditches shall be avoided and graded finished drainage swale shall be provided where piping is impractical or undesirable. 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 and

provide sufficient width for maintenance.

6. Storm sewers shall have a minimum diameter of fifteen (15) inches and a minimum grade of one-half percent (1/2%). Changes in alignment shall be by straight sections connected by inlets or manholes. Storm sewer sizes shall be selected in accordance with normal engineering standards and practice to provide for a minimum storm frequency of five (5) years. Inlets, manholes, covers and frames shall conform to Pennsylvania Department of Transportation Specifications.
7. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
8. The slope of the crown on proposed streets shall be not less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot.
9. Adequate facilities shall be provided at low points along streets and at street intersections where necessary to intercept runoff. Crossing gutters will not be permitted.
 - a. Downspouts shall be connected to storm sewers or directed laterally to the curb. Where directed to the curb, the bottom of the opening within the curb shall be a minimum of one inch (1") above the finished grade of the street.

E. Responsibility and Maintenance

The developer shall be solely responsible for the maintenance of all storm water management facilities until such time as:

1. Improvements are complete and the land owner accepts ownership;
2. The Borough accepts an easement for such facilities; or
3. A homeowners association, established and approved by the Borough, accepts responsibility for such facilities.

Section 4.11. Open Space and Public Use Areas.

A. Public Grounds

1. In reviewing subdivision plans, the Borough Planning Commission shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such report thereon as it deems necessary in the public interest.
2. An applicant shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods, including libraries, schools, and other public buildings; parks, playgrounds and playfields. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the uses proposed. Prior to the preparation of plans, applicants should review the minimum standards for various community facilities applicable to the tract being subdivided with the staff of the Borough Planning Commission.

B. Open Space and Recreation in Land Development Projects

1. When, in accordance with the Borough Zoning Ordinance, a portion of a tract of land is required to be dedicated as Open Space or for recreational use, it shall be the responsibility of the developer to identify such areas on the Plan prior to receiving preliminary approval from the Borough.
2. Maintenance of required open space or recreation areas shall be the sole responsibility of the owner of such facilities, or homeowners association where one has been created and approved by the Borough.

C. Resource Protection

Consideration shall be shown for all natural features, such as large trees, which if preserved, will add attractiveness and value to the remainder of the subdivision. Trees shall be preserved wherever possible in accordance with the provisions of Section 3.3.F.

Section 4.12. Utility Easements.

- A. A fifteen (15) foot easement shall be provided for poles, wires, conduits, storm and sanitary sewers, water and other utility lines intended to serve the abutting lots. No structures or trees shall be placed within such easements.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. There shall be a minimum distance of twenty (20) feet from the right-of-way line, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision or lot.
- D. Where gas or petroleum transmission lines are a part of the proposed development, either existing within or requiring relocation, a fifty (50) foot easement shall be provided and construction shall comply to the applicable requirements of the Pennsylvania Public Utilities Commission regulations.
- E. Underground electric distribution lines are to be installed in all new subdivisions. Underground telephone lines and television cable lines shall be installed in all new subdivisions. In existing subdivisions with five or more unimproved lots any extensions of the electric distribution lines shall be placed underground. It is desirable that all new service laterals from existing overhead distribution lines shall be placed underground. An approved plan for the utilization of an electric distribution system shall be submitted to the Borough prior to the recording of a final plan.

Section 4.13. Monuments and Markers.

- A. Permanent stone, concrete or steel monuments shall be accurately placed at the intersection of all lines forming angles and at changes in direction of lines in the boundary (perimeter) of the property being subdivided.
- B. All monuments shall be placed by a registered professional engineer or surveyor so that the center of the monument shall coincide exactly with the point of intersection of the lines being monumented.
- C. All monuments located at corners and angle points of the boundary of the original tract shall be

permanently marked with a proper inscription on top that permanently identifies the precise location being marked.

- D. Monuments and markers shall be set with their tip level with the finished grade of surrounding ground, except:
1. Monuments which are placed within lines of existing or proposed sidewalks shall be so located (preferably beneath sidewalks) that their tops will not be affected by lateral movement of the sidewalk; and
 2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
 3. Where sidewalks are existing, a stone point (a four-inch (4") square chisel cut with a drill hole in center) may be substituted for a monument.
 4. All streets shall be monumented (preferably on the right-of-way line) at the following locations or on the five (5) feet range line:
 - (a) At least one (1) monument at each street intersection;
 - (b) At changes in direction of street lines, excluding arcs at intersections;
 - (c) At each end of each curved street line, excluding curb arcs at intersections;
 - (d) An intermediate monument wherever topographical or other conditions make it impossible to sight between two (2) otherwise required monuments;
 - (e) At such other places along the line of streets as may be determined by the Borough Engineer to be necessary so that any street may be readily defined in the future.

E. Markers shall be placed at all angles in property lines of lots being subdivided.

Section 4.14. Fire Hydrants. Fire hydrants shall be installed within 600 feet of all existing and proposed structures, measured by way of accessible streets and connected to the Borough Water System (as specified by the Middle Department Association of Fire Underwriters).

Section 4.15. Street Lights. In accordance with the conditions to be agreed upon by the applicant, the Borough, and the appropriate public utility, street lights are to be installed in all subdivisions.

Section 4.16. Shade Trees. The applicant shall preserve existing shade trees. In addition, deciduous hardwood trees with a minimum caliper of one and one-half (1-1/2) inches shall be provided as part of the proposed subdivision or land development, in accordance with conditions to be agreed upon by the Borough, and if necessary, the appropriate public utility. Where provided, such trees should be planted between the sidewalk and the building reserve (setback) line at least five (5) feet from the sidewalk or between the curb and sidewalk, provided the planting strip is a minimum of ten (10) feet wide.

**Part 5
Manufactured Home Park Standards**

Section 5.1. Intent. This Part supplements the provisions of the Zoning Ordinance, other sections of this ordinance, and other Chapters of the Code of Avondale Borough by providing provisions specifically designed for manufactured home park developments. To the extent that this Part does not provide regulations on a subject, the general provisions of this ordinance, the Zoning Ordinance, and any other applicable Code of Avondale Borough shall apply.

Section 5.2. Application Submission and Review. Manufactured home park development plans shall be submitted in accordance with the provisions set forth within this ordinance. No construction of any manufactured home park shall commence without first having all necessary plans submitted and approved by the Borough Council of Avondale Borough. The plans shall be prepared and processed in accordance with Part 2, Procedures, and Part 4, Design Standards, of this Ordinance. The plans shall be submitted in accordance with the requirements set forth in Part 3, Plan Requirements, of this Ordinance; in addition, the plans shall contain the following information:

A. Site Analysis Plan.

The Site Analysis Plan for any manufactured home park development shall contain, at a minimum, the information required in Part 3, Plan Requirements, of this ordinance.

B. Site Design and Layout Plan.

The Site Design and Layout Plan for any manufactured home development shall contain, at a minimum, the information required in Part 3, Plan Requirements, of this ordinance. The following features shall also be contained on the plan:

1. Size, location, and type of facilities and planned improvements for all recreation and open space areas;
2. The number of manufactured home spaces contained within and location of common parking facilities; and
3. Location and purpose of all service buildings; location of refuse storage areas with a description of proposed disposal methods.

C. Improvements Construction Plan.

The Improvements Construction Plan for any manufactured home development shall contain, at a minimum, the information required in Part 3, Plan Requirements, of this ordinance. The following features shall also be contained on the plan:

1. The location of all sewer, water, electric, gas, telephone, and cable lines and proposed locations of connection with each manufactured home site shall also be indicated on the plan;
2. A detailed lighting plan of the proposed lighting of the streets and pedestrian ways within the manufactured home park; and
3. Plans of the typical manufactured home pad showing the size of the pad, the location of the

utility connections, and the location and construction of anchors used to secure the manufactured home.

D. Conservation Plan.

The Conservation Plan for any manufactured home development shall contain, at a minimum, the information required in Part 3, Plan Requirements, of this ordinance.

Section 5.3. Administration.

A. Permits Prior to Construction.

It shall be unlawful for any person to construct, alter, extend, or operate a manufactured home park within Avondale Borough unless and until the applicant obtains a permit from:

1. The Chester County Health Department in the name of the Operator in accordance with the Rules and Regulations enacted by the Commonwealth of Pennsylvania Department of Health.
2. A building permit for the construction or extension of a manufactured home park. The building permit shall be granted upon meeting the following requirements:
 - a. An application has been submitted and reviewed in accordance with Part 2, Procedures, of this ordinance;
 - b. The final plan of the manufactured home park has been approved by the Borough Council; and
 - c. The approved plan of the manufactured home park has been recorded by the Chester County Recorder of Deeds.
3. A copy of all other applicable permits required within Part 3, Plan Requirements, of this ordinance.

B. Use and Occupancy Permit.

Upon completion or extension of the manufactured home park, the applicant shall request that the Borough Code Enforcement Officer perform a final inspection and issue a Use and Occupancy Permit.

1. If all the facilities, including but not limited to the street, water, sanitary sewage, electrical and stormwater are completed to service at least two (2) manufactured home lots, and to the satisfaction of the Code Enforcement Officer, or any other duly appointed Borough official or advisors, a Use and Occupancy Permit shall be issued for the manufactured home park with a limitation to those home sites which have complete services provided thereto.
2. As additional home sites become ready for inspection, the Zoning Officer shall be requested to make additional inspections. Upon a satisfactory review by the Code Enforcement Officer, or any other duly appointed official or advisor, the scope of the previously issued Use and Occupancy Permit for the park shall be expanded to include any newly approved manufactured home site or sites.

3. The Code Enforcement Officer, or any other duly appointed official of advisor, is hereby authorized to stop all work or activity which he finds to be in violation of the provisions of this ordinance or any other applicable ordinance or Code of Avondale Borough.
4. A fee shall be charged for applying for any permit and all inspections which the Code Enforcement Officer, or any other agent of the Borough, undertakes according to the fee schedule established by the Borough Council by resolution.

C. Appeals.

Where the Code Enforcement Officer, or any other agent of the Borough, has failed to follow procedure or has misinterpreted or misapplied any provisions of this Ordinance in the review of an application for a manufactured home park or issuance of a Use and Occupancy Permit for said park, the applicant may appeal such action to the Zoning Hearing Board of Avondale Borough in accordance to Part 15, Zoning Hearing Board, of the Zoning Chapter of the Borough Code and Section 909.1 of the Municipalities Planning Code, Act 247, as amended and reenacted.

D. Limitations.

1. No permit issued under this ordinance shall be transferable to a different location.
2. No person, holding a permit under this ordinance shall extend or reduce the area of any manufactured home park, add any new facility or structure, until written notice of such proposed changes shall have been given to the Code Enforcement Officer who shall have ascertained, after investigation, as in the case of an original application for a permit, that such proposed changes are in accordance with all requirements of this ordinance, the zoning ordinance and other applicable Code of Avondale Borough, and shall have signified that fact by his approval.
3. Every person holding a certificate, license, and/or permit in order to operate a manufactured home park shall file written notice to the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection, whichever is applicable, and the Borough Code Enforcement Officer within ten (10) days after having sold, transferred, given away, or otherwise disposed of, interest in or control of any manufactured home park. If the certificate, registration, license, or permit is transferred by the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection, proof of such transfer shall be furnished to the Borough Code Enforcement Officer.

Section 5.4. Discontinuance of Use. In the event a manufactured home park intends to discontinue operations of the park, the operator shall notify park residents and the Borough a minimum of six (6) months in advance of the intended closing date.

Section 5.5. Area and Bulk Regulations. Regulations governing the density of the dwelling units in any manufactured home park and the dimensions of any manufactured home park, or individual home site therein shall be specified in Section 5.3.D, Area and Bulk Regulations--Manufactured Home park, of the Zoning Chapter of the Borough Code.

Section 5.6. Park Construction Requirements.

A. Site drainage.

1. The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts and related facilities shall be provided to permit the unimpeded flow of natural water courses and to insure the adequate drainage of all locations within the park.
2. A storm water management plan shall be submitted with any plan for a manufactured home park. The storm water management plan shall be in accordance with Section 4.10, Storm Drainage, and Section 3.3.E., Improvement Construction Plan.

B. Soil and ground cover requirements.

1. Ground surfaces in all parts of a manufactured home park shall be paved, covered with stone or other acceptable material, or planned with a vegetative growth that is capable of preventing soil erosion and the blowing of dust during dry weather.
2. Manufactured home parks grounds shall be maintained free of vegetative growth that is poisonous, noxious, or which may harbor rodents, insects, or pests.
3. An Erosion and Sedimentation Control Plan shall be submitted with any plan for a manufactured home park. The Erosion and Sedimentation Control Plan shall be in accordance with Section 4.9., Erosion and Sedimentation Controls, of this ordinance.

C. Street System.

1. A safe and convenient vehicular access shall be provided from abutting streets or roads.
2. The construction of all manufactured home park streets shall be in accordance with the street design regulations set forth in Section 4.3., of this ordinance.
3. On-street parking shall be prohibited;
4. A minimum paved width of eighteen (18) feet shall be provided for all manufactured home park roads.
5. All parks shall be furnished with lighting units so spaced, and equipped with luminaries placed at such mounting heights, as will provide average levels of illumination for the safe movement of pedestrians and vehicular traffic at night.

D. Parking Facilities.

1. Each manufactured home site shall be designed with two (2) off-street parking spaces.
2. Common parking facilities shall be required for all manufactured home park facilities. The common parking facilities shall meet the following requirements:
 - a. All design and construction requirements required in Part 4, Design Standards, of

this ordinance;

- b. More than one (1) parking facility may be provided so long as the combined minimum number of parking spaces in all the facilities shall be equal to the number of individual home sites within the manufactured home park; and
- c. Every manufactured home site shall be within three-hundred fifty (350) feet of a common parking facility.

E. Pedestrian Ways.

1. The requirements for sidewalks within Section 4.6. shall be applicable for the construction of pedestrian ways within manufactured home parks.
2. Pedestrian ways shall be located along at least one (1) side of all streets and between the park streets and all community or service facilities provide for park residents.

F. Recreation Areas.

1. In all manufactured home parks, recreational areas with suitable facilities including, but not limited to, playground areas, paved surface area adequate in size for various court sports, and other similar facilities approved by Borough Council, shall be provided and maintained within the park for the use by all park residents.
2. Land required for such recreational areas shall not be less than ten (10) percent of the gross area of the manufactured home park, but in no case less than one-half (1/2) acre. Recreational areas may be included within the open space requirement for manufactured homes within the open space requirement for manufactured home parks within the Zoning Chapter of the Borough Code.

G. Outdoor Living Areas. An outdoor living and service space shall be provided on each individual home lot as follows:

1. Such space shall be located to provide maximum privacy and convenient use;
2. The minimum size of such space shall not be less than three-hundred (300) square feet, but at least fifteen feet (15') wide; and
3. Visual barriers such as walls, fences, or plantings shall be of a size and character to assure reasonable privacy and visual appeal.

Section 5.7. Water Supply. All manufactured home parks shall connect to Borough Water System and provide water connections to the individual home sites according to the provisions of Section 4.8.

Section 5.8. Sewage Disposal. All manufactured home parks shall connect to the Borough Sewer System and provide connections to the individual home sites according to the provisions of Section 4.7.

Section 5.9. Refuse Disposal

- A.** The manufactured home park operator shall be responsible for the proper storage, collection, and

disposal of refuse;

- B. The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution and shall comply with the Pennsylvania Department of Environmental Resources regulations governing manufactured home parks;
- C. All refuse shall be stored in insect tight, watertight, and rodent-proof containers. Sufficient number and capacity of containers shall be provided to properly store all the residents' refuse; and
- D. Refuse storage areas shall be located not more than two-hundred (200) feet from any manufactured home site and no less than fifty (50) feet from the tract boundary or any individual home site.

Section 5.10. Electrical Distribution System.

- A. Every manufactured home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and any other related or similar component which shall be installed and maintained in accordance with PECO Energy's specifications regulating such systems and other local codes.
- B. Any other applicable requirements of Part 5, Design Standards, of this ordinance shall be followed.

Section 5.11. Lighting Standards. Standards for lighting shall conform to the provisions set forth in Section 11.3, Lighting, of the Zoning Chapter of the Borough Code.

Section 5.12. Fuel Supply and Storage.

A. Natural Gas System.

- 1. Natural gas piping systems, when installed in manufactured home parks, shall be designed and maintained according to accepted engineering practices and to the requirements of the company servicing the park.
- 2. Each manufactured home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

B. Liquefied Petroleum Gas (LPG) Systems.

- 1. The design, installation and construction of containers and pertinent equipment for the storage and handling of LPG shall conform to the Act of Pennsylvania Legislation 1951, December 27, P.L. 1793, as amended, and to the regulations therefor promulgated by the Pennsylvania Department of Labor and Industry, or its successor.
- 2. LPG systems provided for manufactured homes, service buildings, or other structures, when installed, shall be maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:
 - a. Systems shall be provided for safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location;
 - b. Systems shall have at least one (1) accessible means for shutting off gas. Such means

shall be located outside of the manufactured home and shall be maintained in effective operating condition;

- c. All LPG piping outside of the manufactured home shall be well supported and protected against mechanical injury. Undiluted LPG in liquid form shall not be conveyed through piping equipment or systems in manufactured homes;
- d. Cylinders of at least twelve (12) U.S. gallons and less than sixty (60) U.S. gallons gross capacity shall be maintained in vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning;
- e. No LPG cylinder shall be stored or located inside or beneath any storage cabinet, carport, manufactured home, or any other structure; and
- f. No LPG cylinder shall be placed any closer than ten (10) feet of a door or within five (5) feet of a window.

C. Fuel Oil Supply Systems

- 1. All fuel oil supply systems provided for manufactured homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.
- 2. All piping from outside fuel storage tanks or cylinders to manufactured homes shall be securely, but not permanently, fastened in place.
- 3. All fuel oil supply systems provided for manufactured homes, service buildings, and other structures shall have shut-off valves located within five (5) inches of storage tanks.
- 4. No fuel combustion unit shall be used in any manufactured home without being vented to the outside of the unit.
- 5. Storage tanks located in areas subject to traffic shall be protected against physical damage.
- 6. Storage tanks shall be screened from view by utilizing either fencing or landscape treatments.

Section 5.13. Fire Protection. The manufactured home park shall be subject to any Borough or Avondale Fire Company fire protection rules and regulations. In addition, the following regulations shall be followed:

- A. The manufactured home park shall be kept free of litter, rubbish and other flammable materials;
- B. Portable hand-operated fire extinguisher of a type suitable for use on oil fires, and approved by the Avondale Fire Company, shall be kept in each service building under park control;
- C. A minimum of one (1) fire extinguisher of a type approved by the Fire Underwriter Laboratories (a BC classification type) bearing the label, shall be readily accessible within each manufactured home;
- D. All manufactured home parks shall be provided with fire hydrants to meet the satisfaction of the Middle States Department Association of Fire Underwriters, but in any case in sufficient number to be within six hundred (600) feet of all structures, measured by way of accessible streets; and

- E. Where the water supply does not provide at least a six (6) inch main, there shall be provided a two (2) inch frost-protected water riser within three hundred (300) feet of each manufactured home or building.

Section 5.14. Service Buildings and Community Facilities. No part of any manufactured home park shall be used for non-residential purposes, except for recreational uses and such uses that are required for direct servicing, management or maintenance of the park and its residents.

- A. Every manufactured home park shall have a structure clearly designated as the office of the manufactured home park manager.
- B. At least one hundred fifty (150) cubic feet of enclosed storage space shall be provided for each manufactured home lot. Such space shall be provided in a common storage building located in the manufactured home park.
- C. Service and accessory buildings located in manufactured home park shall be used only by the residents of the manufactured home park.
- D. Construction of service buildings shall be in compliance with all applicable building codes, and other applicable regulations of Avondale Borough and shall be maintained in a clean, sanitary, and structurally safe condition.

Section 5.15. Maintenance of Common Areas and Facilities.

- A. The operator and licensee of a manufactured home park shall be responsible for maintaining all common facilities, including but not limited to roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems, and service buildings, in a condition of proper repair and maintenance in accordance with all applicable codes and regulations of Avondale Borough.
- B. The operator/licensee of a manufactured home park shall, prior to issuance of use and occupancy permit, post with the Borough a maintenance guarantee in a form acceptable to the Borough Solicitor in an amount sufficient to cover for a period of two (2) years, the costs of maintenance of all common areas and facilities described in Section 6.6, during their construction, said costs to be estimated by the Borough Engineer or other representatives.

Section 5.16. Structural Requirements for Individual Home Sites.

- A. **Manufactured Home Stand.**
 - 1. Each manufactured home shall be placed on a permanent foundation consisting of:
 - a. A minimum of eight (8) poured concrete or masonry pillars set on a concrete base at least eight (8) inches thick. The pillars shall be spaced no more than ten (10) feet apart with the end piers being no farther than five (5) feet from the ends of the unit. The pillars shall be at least one (1) foot by two (2) feet in size and at least thirty six (36) inches below grade. Each pillar shall have installed a tie-down ring to which the manufactured home shall be secured; or
 - b. A concrete pad at least six (6) inches in thickness with at least six (6) tie-downs.

2. Each anchor and tie-down connection shall be able to withstand a tension force of at least five thousand (5000) pounds.
 3. In no event shall a manufactured home be erected on jacks, loose blocks, or other temporary materials.
 4. Each manufactured home stand shall be at least equal in length and width to the dimensions of the manufactured home placed thereon.
 5. The material used in constructing the stand shall be durable and capable of supporting the expected load regardless of the weather.
 6. The manufactured home stand shall be graded to obtain adequate surface for drainage, but never in excess of one (1) percent grade. The grade of the stand and its accessway shall be such as to allow easy placement of the manufactured home.
- B. No permanent additions shall be built onto or become part of any manufactured home in a manufactured home park.
- C. Each manufactured home shall, prior to its occupancy or other use, have a skirt installed which is designed to complement the appearance of the manufactured home and is coordinated with other units throughout the park. Skirting material shall be specifically designed for this purpose and adequately vented and allow for access to all utility connections. In no instance shall the area beneath the manufactured home be used for storage.
- D. Patios, car ports, and other accessory structures shall be in compliance with all ordinances and codes of Avondale Borough.
- E. The hitch or tow bar attached to a manufactured home for transport purposes shall be removed from the manufactured home when it is placed on its manufactured home pad.

**Part 6
Improvements Specifications**

Section 6.1. Intent. It is the intent of this Part to establish uniform specifications to guarantee the completion of quality improvements associated with subdivision and land development.

Section 6.2. General Requirements.

- A. Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the record plan, in accordance with the requirements of the Borough.
- B. Prior to final plan approval by the Borough Planning Commission, the applicant shall agree with the Borough as to installations of all improvements shown on the plan and required by these regulations according to Section 6.3., Subdivision and Land Development Agreement.
- C. Supervision of the installation of improvements, required by the Subdivision and Land Development Agreement, shall in all cases be the responsibility of the Borough or of the appropriate State regulatory agency. If such supervision reveals that work is not in accordance with approved plans and specifications or that construction is not being done in a workmanlike manner, said representative is empowered to stop work and/or to require corrections to be made. The developer shall notify the Borough of the schedule of anticipated road or other improvement construction.
- D. The applicant shall guarantee completion of all improvements by means of a type of financial security acceptable to the Borough as specified in Section 6.4., Performance Guarantee.
- E. The applicant shall be released from the performance guarantee in manner described in and upon meeting the terms of Section 6.5., Release of Performance Guarantee.
- F. The developer shall be responsible for maintenance of all public improvements until such improvements are offered for dedication and accepted by the Borough.
 - 1. The Borough, at their discretion, may accept improvements offered for dedication by the developer according to Section 6.6., Dedication and Acceptance of Public Improvements.
 - 2. Where the Borough accepts dedication of all or some of the required public improvements, the Borough Council shall require the applicant to post a maintenance guarantee according to Section 6.7., Maintenance Guarantee.

Section 6.3. Subdivision and Land Development Agreement. The applicant shall execute a Subdivision Improvement Agreement (Form LSR-4) to be approved by the Borough before the final plan is released by the Borough Council and filed on record. Said agreement shall specify the following, where applicable:

- A. The applicant agrees that he will lay out and construct all streets and other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space areas, erosion and sediment control measures, and any other improvements in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval;
- B. The applicant guarantees completion and maintenance of all improvements by means of a type of financial security acceptable to the Borough, as specified in Section 6.4., Performance Guarantees, of

this ordinance;

- C. The applicant agrees to tender a deed or deeds of dedication to the Borough for such streets and for such easements for sanitary and storm sewers, sidewalks, and other public improvements provided that the Borough shall not accept dedication of such improvements until their completion is certified as satisfactory by the Borough Engineer or representing agent; and
- D. The Borough Council shall require the applicant to submit, and also record with the plan, a copy of an agreement made with the Borough Council on behalf of himself and his heirs and assigns, and signed by the applicant, and which shall establish the dedication of all streets to the Borough. The agreement shall stipulate, among other things:
 - 1. That the street shall be dedicated as a whole; and
 - 2. Upon dedication, the street shall conform to the Borough specifications.

Section 6.4. Performance Guarantee.

- A. The applicant shall deposit with the Borough financial security in an amount sufficient to cover the cost of all improvements, both public and private, and common amenities, including but not limited to streets and roads, walkways, curbs, gutters, street lights, shade trees, storm water detention and/or retention facilities, pipes and other related drainage facilities, buffer or screen plantings, recreational facilities, open space improvements, water mains and other water supply facilities, fire hydrants and sanitary sewage disposal mains and other sewage disposal facilities.
- B. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit, restrictive or escrow account in such institution or with a financially responsible bonding company, or such other type of financial security which the Borough may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is deemed acceptable by the Borough in terms of being financially responsible, is authorized to conduct business within the Commonwealth of Pennsylvania, stipulates that it will submit to Pennsylvania jurisdiction and Chester County venue in the event of legal action, and will, at the time of giving the bond, designate its agent for accepting service in Pennsylvania.
- C. When requested by the developer, in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Board; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- D. The said financial security shall provide for, and secure to the public, the completion of all subdivision improvements for which such security is being posted within one (1) year of the date fixed in the subdivision plan or subdivision agreement for completion of such improvements.
- E. The amount of financial security to be posted for the completion of the required improvements shall be equal to one-hundred-ten (110) percent of the cost of completion estimated as of ninety (90) days

following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of financial security by comparing the actual costs of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to ensure that the financial security equals said one-hundred-ten (110) percent. Any additional security shall be posted by the developer in accordance with this Section.

- F. The amount of financial security required shall be based upon an estimate of the cost of the completion for the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such by the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such costs. Borough Council, upon recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the service of said engineer shall be paid equally by the Borough and the applicant or developer.
- G. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one-hundred-ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.
- H. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- I. As the work of installing the required improvements proceeds, the applicant posting the security may request the Borough Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor performing the work. Any such requests shall be addressed in writing to the Borough Council, and the Borough Council shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed. The Borough Engineer, in certifying the completion of work for a partial release, shall certify to the Borough Council his independent evaluation of the proper amount of partial releases. The Borough Council may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of ten (10) percent of the estimated cost of the aforementioned improvements.
- J. Remedies to Effect Completion of Improvements. In the event of default under a performance guarantee, the Borough may enforce any security by appropriate legal and equitable remedies. The proceeds of the performance guarantee received by the Borough may be used to construct and install the improvements. If the cost of the improvements exceeds the amount of the performance guarantee,

the applicant shall be liable for the amount in excess of the amount which the Borough has expended for such improvements. In the case that the amount of the performance guarantee exceeds the actual cost of improvements made, the Borough shall return the unused sum to the surety or the person who has paid or deposited the performance guarantee.

Section 6.5. Release of Performance Guarantee.

- A. When the developer has completed all of the necessary and appropriate improvements and has delivered a corrected copy of the Final Plan according to Section 3.5., the applicant or his/her agent shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail.
1. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such non approval or rejection.
 2. The Borough Council shall notify the developer in writing by certified or registered mail of their action.
 3. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion the same procedure of notification, as outlined herein, shall be followed.

Section 6.6. Dedication and Acceptance of Public Improvements.

- A. Upon completion of any public improvement shown on an approved subdivision plan and within ninety (90) days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Borough. The offer shall include a Deed of Dedication covering said public improvements, together with satisfactory proof establishing the developer's clear title to said property. Such documents are to be filed with the Borough for review by the Borough Solicitor. Deeds of Dedication for public improvements may be accepted by resolution of the Council at a regular meeting thereof. The Council may require that at least fifty (50) percent of the lots in any approved subdivision or development (or phase thereof, if final plan approval has been in phases) have certificate of occupancy or dwellings occupied thereon prior to acceptance of dedication. Should the above mentioned roads or streets, even though constructed according to these specifications, deteriorate before the said fifty (50) percent of the lots have dwellings occupied thereon, such roads or streets shall be repaired in a manner acceptable to the Council before being accepted by the Borough.
- B. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Borough shall not condition or withhold the following:

1. The issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan.
 2. The issuance of use and occupancy permits for any building or buildings to be erected following:
 - a. The improvements of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition.
 - b. The completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings.
- C. If the developer fails to offer dedication of said improvements, then the Borough Council may, in addition to any other remedies provided by law, require the developer, or his heirs, successors, executors, or assigns, to make an offer of dedication at any time in the future so that the best interests of the Borough are served by the dedication and acceptance of the public improvements.
- D. The Borough shall have no obligation to takeover and make public any street, other improvement or park unless:
 1. The required improvements, utility mains and laterals, have been certified by the Borough Engineer as having been constructed in accordance with the provisions of this Ordinance.
 2. It is established to the satisfaction of the Borough Council that there exists a need for the improvements to be taken over and made public.
- E. The Borough shall have no responsibility with respect to any park, street, or other improvement, notwithstanding the use of same by the public, unless the park, street, or other improvement has been accepted by ordinance or resolution by the Borough Council.
- F. The Borough Council may require that certain subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowner's association or similar entity, or an organization capable of carrying out maintenance responsibilities.

Section 6.7. Maintenance Guarantee.

- A. Where the Borough Council accepts dedication of all or some of the required public improvements following completion (whether such dedication is of the fee or of an easement), the Council shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the performance guarantee, as described in Section 6.4. hereof, the security shall be for a term of eighteen (18) months from the date of the acceptance of dedication and shall be in an amount equal to fifteen (15) percent of the actual cost of installation of the improvements so dedicated.
- B. Where maintenance of storm water management facilities is to be the responsibility of individual lot owners, a homeowner's association or similar entity, or an organization capable of carrying out

maintenance responsibilities shall be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require that an initial maintenance fund be established in a reasonable amount.

**Part 7
Administration and Amendment**

Section 7.1. Intent. It is the intent of this Part to identify the regulations regarding the administration of this Ordinance as granted by the Pennsylvania Municipalities Planning Code, Act 247.

Section 7.2. Fees, Charges and Collection.

- A. Every applicant shall, at the time of submitting an application for a subdivision or land development plan, pay a review escrow deposit from which all costs of processing and reviewing the plans will be paid. The applicant will be furnished with an itemized statement of such costs after action by the Borough, and any excess over actual costs shall become a part, if applicable, of the improvements escrow deposit required in Section 7.2.E, below; otherwise the excess will be refunded. If actual costs exceed the review escrow deposit, additional review escrow deposits shall be required;
- B. Amounts of the application fee and review escrow deposit shall be fixed by the Borough Council by resolution;
- C. Every applicant shall, as part of the plan application, agree to pay to the Borough of Avondale such fees and expenses as said Borough may be required to incur for the services of the engineer and/or inspector in investigation, test, and advising the Borough in relation to the acceptance of public improvements. No application shall be considered complete until the appropriate application fee has been submitted to the Borough, and the ninety (90) day review time period shall not commence until the next regularly scheduled Planning Commission meeting following complete application submittal;
- D. No plan shall be approved unless and until all fees and charges have been paid in full. Failure to submit all required review escrow deposits within thirty (30) days of complete application submission shall constitute good and sufficient grounds for the rejection of the plan received. Such fees and charges shall constitute a lien against the property, and the Borough shall have the authority to collect all fees and charges provided for herein.
- E. Improvements Escrow.
 - 1. Following final plan approval and establishment of any required performance fee, a improvements escrow deposit shall be established to cover the cost of inspection of improvements construction; materials or site testing; or maintenance costs prior to the acceptance of improvements by the Borough. The applicant will be furnished with an itemized statement of such costs after action by the Borough, and any excess over actual costs shall be returned to the applicant upon completion of all agreed upon improvements. If actual costs exceed improvements escrow deposit, additional improvements escrow deposits shall be required;
 - 2. The amount of the improvements escrow deposit shall be fixed by resolution of the Borough Council; and
 - 3. The improvements escrow may be waived by the Borough Council upon recommendation of the Planning Commission where the proposed development proposes no construction or installation of any public improvements.

Section 7.3. Modifications.

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

Section 7.4. Challenges. Any person desiring to challenge the validity of any provision of this ordinance or any amendments thereof, shall make such challenge in accordance with the provision of Act 93 of 1972.

Section 7.5. Enforcement 4 .

- A. Preventative Remedies.
 - 1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided;
 - 2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any adopted ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - a. The owner of record at the time of such violation;
 - b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation;
 - c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation; or
 - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

B. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than five-hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof;
2. No judgement shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice;
3. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to the applicable rules of civil procedures:
 - a. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this ordinance to have believed that there was no such violation; and
 - b. In the event the aforementioned, there shall be deemed to be only one (1) such violation, until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
4. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement; and
5. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

Section 7.6. Keeping of Records. The Borough Planning Commission and the Borough Council shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review.

Section 7.7. Responsibility. The applicant shall be responsible for observing the procedures established in this ordinance and for submitting all plans and documents as may be required.

Section 7.8. Revision and Amendment.

1. The Borough Council may from time to time on its own motion revise, modify, or amend these regulations in order to increase their effectiveness or to expedite the approval of subdivision plans.
2. Any revisions, modifications, or amendments to these regulations shall be made in accordance with the procedures of Act 247, as amended, after a public hearing on the proposed revisions,

modifications, or amendments.

**Part 8
Definitions**

Section 8.1. Definitions and Interpretation. Section 8.1 clarifies this Chapter of the Borough Code by defining terms used within and in relationship to this subdivision and land development ordinance.

- A. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:
1. Words in the singular include the plural and those in the plural include the singular.
 2. Words used in the present tense include the future tense.
 3. Words "person," "applicant," and "owner" include a corporation, incorporated association and a partnership, or other legal entity, as well as an individual.
 4. The word "building" includes structures and shall be constructed as if followed by the phrase "or part thereof."
 5. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
 6. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
- B. Other terms or words used herein shall be interpreted or defined as follows:
1. **Applicant** - any individual, copartnership or corporation (or agent authorized thereby) which undertakes the subdivision or development of land, as defined by this ordinance, as the owner or equitable owner (or agent authorized thereby) of the land being subdivided or developed.
 2. **Block** - an area bounded by three (3) or more streets.
 3. **Building** - any enclosed or open structure other than a boundary wall or fence, occupying more than four square feet of area.
 - a. **Detached** - a building which has only one party wall.
 - b. **Semi-detached** - a building which has only one party wall in common with another building.
 - c. **Attached** - a building which has two party walls in common with another building. A "building" is also any structure having a roof supported by columns, piers, or walls, including structures having temporary or permanent support. Any structure having an independent entrance or electrical, mechanical or heating system shall be considered a single building.
 4. **Building Setback Line** - the line within a property defining the minimum required distance between any dwelling to be erected and an adjacent right-of-way or front lot line.
 5. **Cartway** - the portion of a street right-of-way, paved or unpaved, intended for vehicular use.

6. **Clear Sight Triangle** - an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersections of the street center lines.
7. **Commission** - The Planning Commission of the Borough of Avondale.
8. **County** - The County of Chester, Commonwealth of Pennsylvania.
9. **County Planning Commission** - The Planning Commission of the County of Chester.
10. **Crosswalk** - a publicly or privately owned right-of-way for pedestrian use extending from a street into a block, or across a block to another street.
11. **Development Plan** - the provisions for development of a planned residential, commercial, or industrial development, including a plat of subdivision, all covenants related to use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance shall mean the written graphic materials referred to in this definition.
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 land development.
13. **Dwelling Unit** - any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.
14. **Easement** - a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.
15. **Endorsement** - the application of the County Planning Commission's appropriate stamp and the signature of the executive director to the final plan; the application of the Borough Planning Commission's appropriate stamp, the signature of the Chairman of the Commission; the signatures of the President and Secretary of the Borough Council, and the Borough Seal.
16. **Engineer** - a licensed professional engineer registered by the Commonwealth of Pennsylvania.
17. **Grade** - the inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.
18. **Improvements** - those physical additions and changes to the land that may be necessary to produce usable and desirable lots.
19. **Land Development** -
 - a. The improvement of one or more contiguous lots, tracts, or parcels of land for any purposes involving
 - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a

lot or lots regardless of the number of occupants or tenure; or

- (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups, condominiums or other features;

b. A subdivision of land.

20. Landowner - the legal or beneficial owner or owners of land including the holder of an option to purchase (whether or not such option or contract is subject to any condition); a lessee if he is authorized under the lease to exercise the rights of the landowner; or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of these regulations.
21. Land Planner - a recognized professional individual or firm affiliated with registered engineers, architects, and/or surveyors capable of preparing development plans.
22. Lot - any parcel of land, regardless of size, intended as a unit for transfer of ownership, use or improvement or for development.
23. Lot Area - the area contained within the property lines of a lot (as shown on the plan) excluding space within all streets rights-of-way and within all permanent drainage easements, but including the area of all other easements.
24. Maintenance Guarantee - a guarantee by the subdivider that he shall maintain all improvement in good condition for a period of one year after completion of construction and installation of all such improvements.
25. Marker - a metal pipe or pin of at least one-half inch (1/2") in diameter (preferred three-quarter inch (3/4") or seven-eighths (7/8") and at least 24 inches in length (preferred 30 inches to 36 inches).
26. Manufactured Home - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
27. Monument - a stone or concrete monument with a flat top at least four (4) inches in diameter or square, containing a copper or brass dowel (1/2" drillhole) and at least 24 inches in length, preferred 30 inches to 36 inches. It is recommended that the bottom sides or radius be at least two (2) inches greater than the top, to minimize movements caused by frost.
28. Municipality - Borough of Avondale.
29. Owner - any person, firm association or syndicate, copartnership or corporation having a proprietary interest in any land sought to be subdivided in pursuance with this resolution (ordinance).

30. Parcel - see "Lot," above.
31. Performance Guarantee - any security which may be accepted in lieu of a requirement that certain improvements be made before the Borough gives final approval to the plan, including performance bonds, escrow agreements, and any other collateral or surety agreements.
32. Plan, Sketch - an informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision prepared by the subdivider, and engineer, a surveyor, or land planner.
33. Plan, Preliminary - a tentative subdivision plan (and including all required supplementary data), in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration of a major subdivision prior to preparation of a final plan prepared by an engineer, surveyor, or land planner.
34. Plan, Final - a complete and exact subdivision plan (and including all required supplementary data), prepared for official recording of a major subdivision by statute, to define property rights and proposed streets and other improvements prepared by a registered engineer or registered surveyor.
35. Plan, Record - the copy of the final plan which contains the original endorsement of the County Planning Commission, the Borough Planning Commission and the Borough Council, and is intended to be recorded with the County Recorder of Deeds and is prepared by a registered engineer or registered surveyor.
36. Plat - a map or plan of a subdivision, whether preliminary or final.
37. Public Grounds - includes (1) parks, playgrounds, and other public areas; and (2) sites for publicly owned buildings and facilities.
38. Reserve Strip - a parcel of ground in separate ownership separating a street from other adjacent properties, or from another street, either proposed or existing.
39. Resubdivision - see "Subdivision."
40. Reverse Frontage Lot - a lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.
41. Review - Whenever the County Planning Commission and/or the Borough Planning Commission possesses such jurisdiction, the action of "review" shall also include "review and approval," or if necessary, "review and disapproval."
42. Right-of-Way - the total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes.
43. Roadway - see "Cartway."
44. Sanitary Sewerage System, Public - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

45. **Sight Distance** - the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 4.5 feet above the center line of the road surface to a point 0.5 feet above the center line of the road surface.
46. **Street** - a strip of land, including the entire right-of-way (i.e., not limited to the cartway) to provide access to more than one (1) lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform:
- a. **Local Street** - a street used primarily to provide access to abutting properties.
 - b. **Cul-de-sac Street** - a minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.
 - c. **Half (Partial) Street** - a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
 - d. **Marginal Access Street** - a minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major streets.
 - e. **Collector Street** - a street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or other collector and major street. (Streets in industrial and commercial subdivisions shall generally be considered collector streets)
 - f. **Arterial Street** - a street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
 - g. **Alley** - a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
 - h. **Internal Street** - a local street used for circulation and access within a development project involving multi-residence or commercial or industrial uses.
47. **Subdivision** - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

The term "subdivision" includes any replotting of land including changes to recorded plans.

48. Surveyor - a licensed surveyor registered by the Commonwealth of Pennsylvania.