

**SUBDIVISION AND  
LAND DEVELOPMENT ORDINANCE**

**FOR THE**

**BOROUGH OF ARCHBALD  
LACKAWANNA COUNTY, PA**

**AUGUST 2002**

# SUBDIVISION AND LAND DEVELOPMENT

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## **SUBDIVISION AND LAND DEVELOPMENT**

### **ARTICLE 1 General Provisions**

#### **§ 100. Short title.**

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

#### **§ 101. Purpose.**

This ordinance is established to regulate and control the subdivision and development of land within Archbald Borough so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety, morals and welfare of the community and generally consistent with the goals of the Archbald Borough Comprehensive Plan, adopted in 1998 and the Lackawanna Valley Corridor Plan adopted in 1996.

#### **§ 102. Scope.**

From and after the effective date of this Ordinance, any subdivision or land development shall be in conformity with this Ordinance and all standards and specifications adopted as a part of such Ordinance.

#### **§ 103. Interpretation.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. When provisions of this Ordinance and all standards and specifications adopted under it impose greater restrictions than those of any statute, other Ordinance or regulations, the provisions of this Ordinance and its standards and specifications shall be controlling unless specified to the contrary. The illustrations in this Ordinance are not a part of the Ordinance, but are included herein for purposes of explanation and clarification only.

#### **§ 104. Definitions and word usage.**

A. For the purpose of this Ordinance, the words and terms used herein shall be interpreted as follows:

- (1) Words used in the present tense include the future.
- (2) The singular includes the plural.

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- (3) The word "person" includes a corporation, partnership, association, or other legal entity, as well as an individual.
  - (4) The word "lot" includes the word "plot" or "parcel".
  - (5) The term "shall" is mandatory.
  - (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied".
  - (7) The word "Commission" and the words "Planning Commission" shall mean the Archbald Borough Planning Commission.
- B. Any word or term not defined herein shall be used with a meaning of standard usage.
- C. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Ordinance, the meanings given in the following clauses:
- D. Where there proves to be inconsistency between graphic illustrations and text, the text shall prevail.

**AGRICULTURAL PURPOSE** - Those land uses that are devoted to the production of agricultural, horticultural, orchards, viticultural and dairy products, livestock, ranch-raised fur-bearing animals, poultry, bee raising, forestry, sod crops, and any and all products raised on farms intended for human consumption.

**AGRICULTURAL SOILS** - Soils classified in the Soil Survey of Lackawanna and Wyoming Counties, Pennsylvania, U. S. Department of Agriculture, Soil Conservation District, May 1982. The term, unless otherwise specified, refers to land capability units I, II, III; those soils that may be considered prime agricultural soils.

**ALLEY** - A right-of-way that is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

**APPLICANT** - A subdivider (or agent authorized thereby) requesting the approval of a proposed subdivision or land development under this Ordinance.

**APPLICATION, PRELIMINARY** - All plans and other documents required to be submitted for the review of a proposed subdivision or a land development. Approval of the Preliminary Application authorizes the applicant to proceed with the Final Application process.

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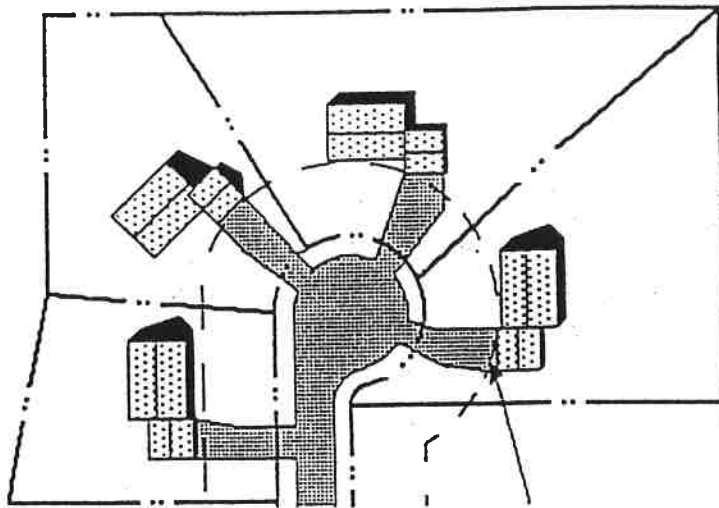
**APPLICATION, FINAL** - All documentation and legally binding commitments which the applicant must submit for approval based on the plans approved under the Preliminary Application Process. Approval of the Final Application authorizes the applicant to proceed with the sale of lots and or the sale of improved parcels; such authorization, however, may be subject to additional requirements of this ordinance as well as other Municipal ordinances.

**AVERAGE DAILY TRAFFIC (ADT)** - The actual or calculated total vehicular trips that occur, or are expected to occur, on a specific street within a typical weekday.

**BERM** - A linear earth mound with a maximum slope of three to one (3:1) with a grass cover or a maximum slope of two to one (2:1) when shrubbery or ground cover is used.

**BLOCK** - An area bounded by three (3) or more streets.

**BUILDING SETBACK LINE** - The line parallel to the proposed right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located; provided that, in the case of a lot where the side lines are not parallel, the building setback line shall be where lot width first coincides with the required minimum lot width but in no case closer to the street line than the required front yard.



BUILDING SETBACK LINE

**CALIPER** - The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk six (6) inches above natural ground line for trees up to four (4) inches in caliper and at a point twelve (12) inches above the natural ground line for trees over four (4) inches in caliper.

**CARTWAY** - The paved portion of a street right-of-way intended for vehicular use.

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**CLEAR SIGHT TRIANGLE** - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the streets, as regulated in § 512 hereof.

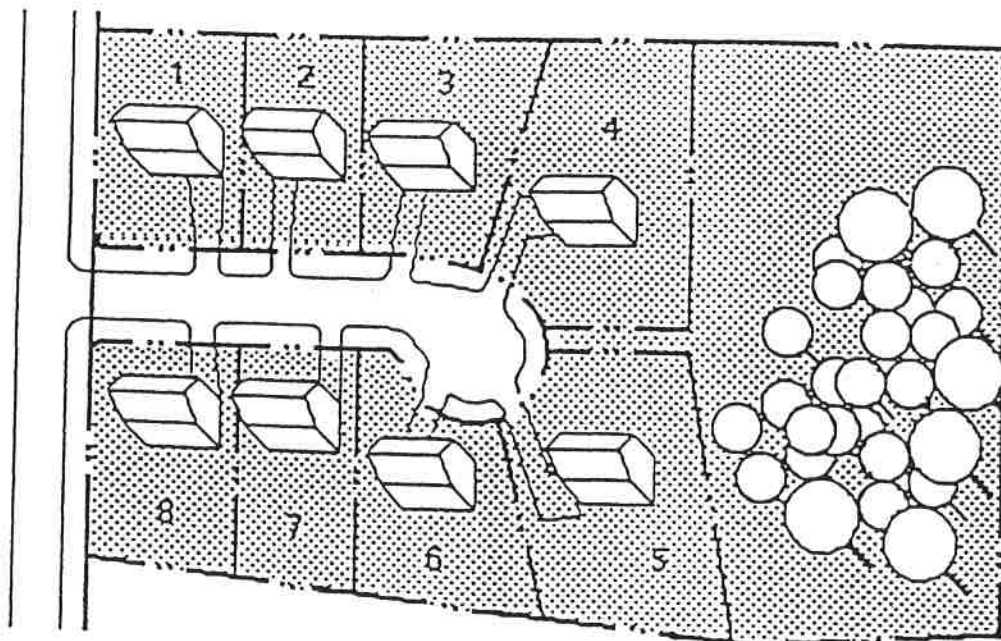
**COMPREHENSIVE PLAN** - A plan prepared for Archbald Borough intended to provide a long range plan for the development of the municipality. The Comprehensive Plan may or may not have been formally adopted by the municipality.

**CONDOMINIUM** - As defined within the Uniform Condominium Act #82 of 1980, as amended: Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the included interests in the common elements are vested in the unit owners.

**CROSSWALK** - A publicly or privately owned right-of-way for pedestrian use that crosses a cartway or cuts across a block so as to furnish access for pedestrians to adjacent streets or properties.

**CUL-DE-SAC** - A street intersecting another street at one (1) end and terminating in a vehicular turnaround at the other end.

**DENSITY** - A measure of the number of dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the net area of the site.





## **SUBDIVISION AND LAND DEVELOPMENT**

**DESIGN STANDARDS** - Regulations, as stated in Article V, imposing standards in the layout by which a subdivision or land development is governed.

**DEVELOPER** - See definition of "subdivider".

**DESIGNATED GROWTH AREA** - A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

**DRIVEWAY** - A private vehicular service road providing access to a single lot, building, dwelling or garage.

**DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT** - Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

**DWELLING** - A building designed and occupied for residential purposes, excluding hotels, rooming houses, tourist homes, institutional homes, residential clubs, mobile home parks, and the like.

- (1) **SINGLE-FAMILY DETACHED DWELLING** - A building designed for or occupied as a dwelling for one (1) family,
- (2) **SINGLE-FAMILY ATTACHED DWELLING** - A building designed for two or more dwelling units attached by common or party walls, commonly identified as twin homes when two units are attached or town houses or row houses when three or more units are attached together in a structure,
- (3) **TWO-FAMILY DWELLING** - A building designed for or occupied as two (2) dwellings for two (2) families, in which one unit is located above the other, commonly identified as a duplex,
- (4) **MULTI-FAMILY DWELLING** - A building designed for, occupied or used for dwelling purposes by three (3) or more families living independently of one another, in which some units are located above other units.

**DWELLING UNIT** - One (1) or more rooms for living purposes, together with cooking and sanitary facilities, that are used or intended to be used by one or more persons living together and maintaining a common household. Each shall be accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

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**EASEMENT** - A right-of-way granted, but not dedicated, for limited use of private land for a private, public or quasi-public purpose. No structure shall be erected upon a public easement.

**EASEMENT, PUBLIC** - An easement which provides public travel access by pedestrians and/or vehicles as opposed to utility easements and other similar special purpose easements.

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

**EXCESSIVE SLOPE** - Areas with a slope of 20% or more which are deemed by the Planning Commission as unsuitable for development, and thereby deducted from the gross site area for purposes of calculating residential densities.

**FIRE CHIEF** - The Fire Chief of Archbald Borough.

**FLOODPLAIN** - A relatively flat or low land area adjoining a river, stream, or watercourse that is subject to partial or complete inundation; and/or an area subject to the unusual and rapid accumulation or run-off of surface waters from any source; the boundaries of which are delineated and more fully described in the Zoning Ordinance.

**FLOODPLAIN SOILS** - Soils in areas subject to periodic flooding and listed in the Soil Survey of Lackawanna and Wyoming Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation District, March 1982, as being on the floodplain or subject to flooding. "Floodplain soils" include, but are not limited to:

- (1) Fluvents and Fluvaquents
- (2) Holly
- (3) Philo
- (4) Pope
- (5) Urban land, occasionally flooded

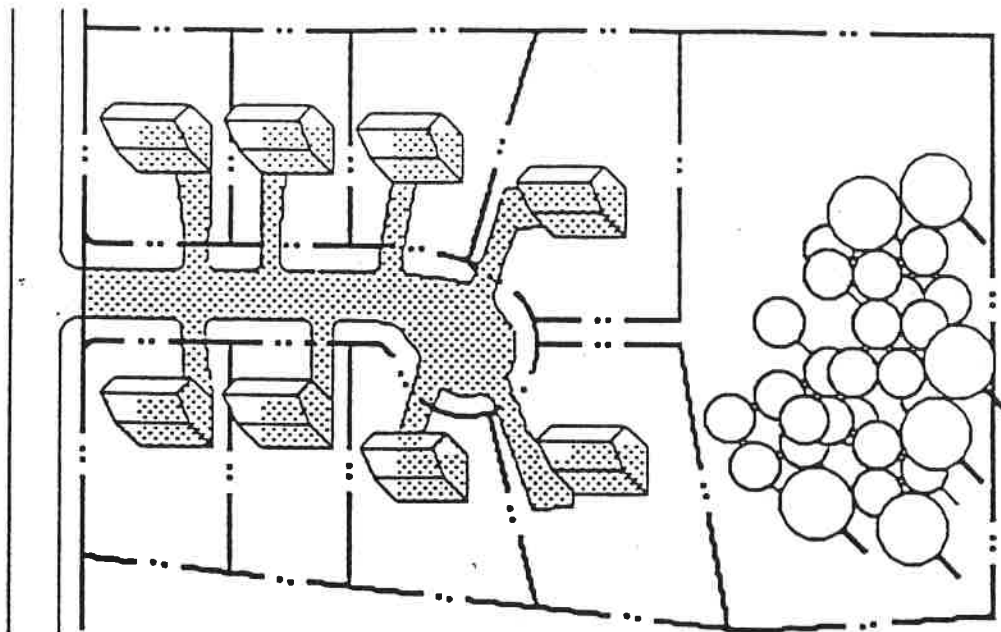
**FUTURE GROWTH AREA** - An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

**HIGHWAY CLASSIFICATION MAP** - A map contained in the Lackawanna Valley Corridor Plan, 1996 that serves to categorize existing streets.

**IMPERVIOUS SURFACES** - Those surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Municipal Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

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**IMPERVIOUS SURFACE RATIO** - A measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the net site area.



### IMPERVIOUS SURFACE RATIO (example)

$$\frac{\text{Total area of impervious surfaces}}{\text{Net Site Area}} = \frac{.80 \text{ acres}}{9.17 \text{ acres}} = .087$$

**IMPROVEMENTS SPECIFICATIONS** - Regulations, as stated in Article VI, imposing minimum standards for the construction of required improvements, including, but not limited to, streets, curbs, sidewalks and sewers.

**LAKES and PONDS** - Natural or artificial bodies of water that retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the permanent pool elevation. Lakes are bodies of water two (2) or more acres in extent. Ponds are any water body less than two (2) acres in extent.

**LAND DEVELOPMENT** - Any of the following activities:

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

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- (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) The following are excluded from classification as a land development and are not required to be reviewed by the Planning Commission:
  - (i) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; and
  - (ii) The addition of an accessory building, including farm buildings on a lot or lots subordinate to an existing principal building.

**LANDSCAPE ARCHITECT** - A professional landscape architect registered by the Commonwealth of Pennsylvania.

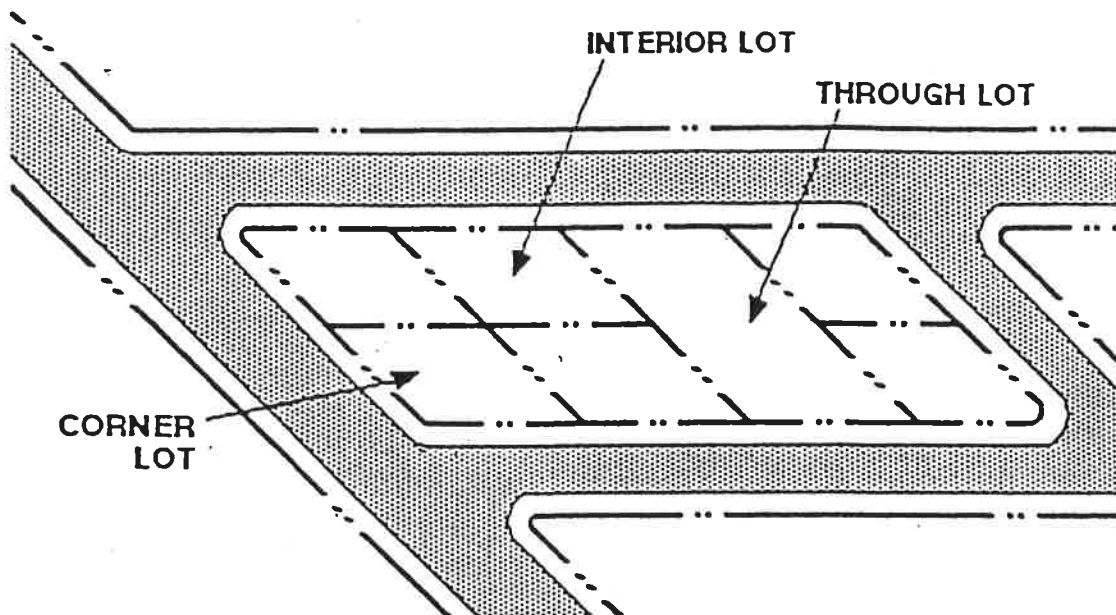
**LEVEL OF SERVICE** - As described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), the quality of traffic movement on a particular street or through a particular intersection.

**LOT** - A parcel of land used or set aside and available for use as the site of one (1) or more buildings and any buildings accessory thereto or for any other purpose, in one (1) ownership and not divided by a street; nor including any land within the existing right-of-way of a public or private street upon which said lot abuts or land within any permanent drainage easement, even if the ownership to such right-of-way or drainage easement is in the same ownership as the lot. A "lot" for the purpose of this Ordinance need not coincide with a lot of record. A plot or parcel of land abutting a public right-of-way which is, or in the future may be offered for sale, conveyance, transfer, or improvement.

- (1) **CORNER LOT** - A lot that has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines intersect at an angle of less than one hundred thirty-five (135) degrees.
- (2) **INTERIOR LOT** - Any lot that is not a corner lot.
- (3) **THROUGH LOT** - An interior lot having frontage on two (2) parallel or approximately parallel streets.

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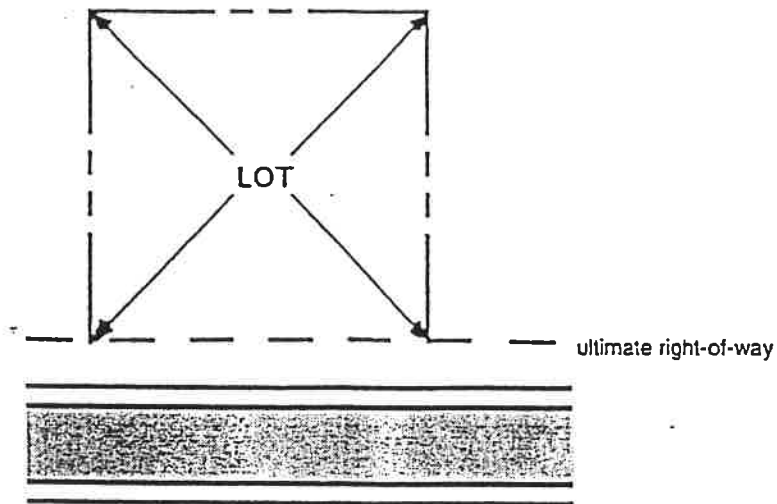
- (4) **DEPTH OF LOT** - The mean distance from the street line of the lot to its opposite rear lot line measured in the general direction of the side lot lines of the lot.
- (5) **LOT WIDTH** - The distance measured between the side lot lines at the required building setback line. In a case where there is only one (1) side lot line, lot width shall be measured between such side lot line and the opposite lot line.



**LOT AREA** - The area contained within the property lines of a lot.

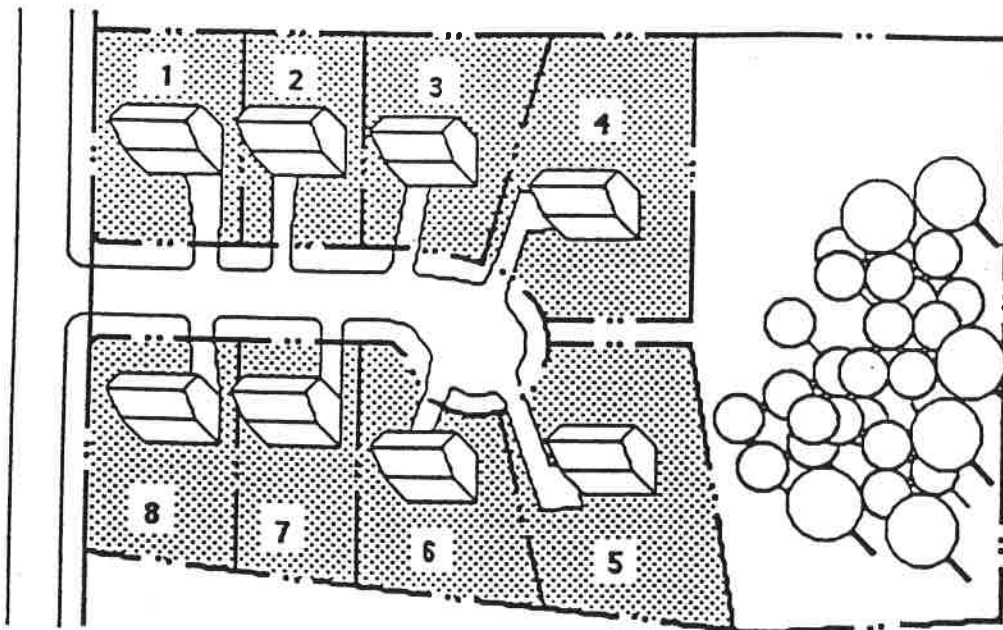
- (1) **GROSS LOT AREA** - The area contained within the property lines of a lot without regard for portions of the lot that may be restricted or preempted as easements for roadways or utility rights-of-way or similar requirements.
- (2) **NET LOT AREA** - The area contained within the property lines of a lot (as shown on the development plan), excluding space within an existing or ultimate street right-of-way and within all permanent drainage easements, but including the areas of all other easements, such as pipelines and overhead transmission lines assigned an individual owner or to a given collective use by means of a subdivision of land. Land constrained by environmental features such as floodplains, wetlands, and excessive slopes of 20% or more shall also be excluded from the calculation of the net lot area. Open space required under this Ordinance shall not be counted as a portion of the lot area for the purposes of measuring lot area per dwelling unit.

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NET LOT AREA = Total lot area not including the ultimate right of way.

**LOT AREA PER DWELLING UNIT, AVERAGE (Minimum)** - The minimum lot area that is expressed as an average of all lots for a single type of dwelling unit.



**AVERAGE LOT AREA PER DWELLING UNIT (example)**

$$\frac{\text{area lot 1} + \text{area lot 2} + \dots + \text{area lot 8}}{\text{dwelling units}} = \text{average lot area/dwelling unit}$$

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**MAJOR INTERSECTION** - Any intersection of one (1) or more collector or arterial streets.

**MARKER** - A metal pipe or pin of at least one-half inch (0.5) diameter and at least twenty-four inches (24") in length.

**MONUMENT** - A stone or concrete monument with a flat top of at least four inches (4") square; scored with an "X" or a drill hole to mark the reference point; at least thirty inches (30") in length; the bottom sides of which are at least two inches (2") greater than the top to minimize movements caused by frost.

**MUNICIPAL ENGINEER** - A registered professional engineer designated by the governing body to perform the duties of engineer as herein specified; provided, however, that the municipal engineer shall not represent any Developer/Applicant or be employed by a firm representing a Developer/Applicant before any official body of the municipality.

### **OPEN SPACE -**

- (1) **OPEN SPACE, COMMON** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.
- (2) **OPEN SPACE, DEVELOPED (ACTIVE)** - Land that is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
- (3) **OPEN SPACE, UNDEVELOPED (PASSIVE)** - Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Ordinance to ensure that it remains as open space.

**OPEN SPACE RATIO** - The total amount of open space within a site divided by the net site area.

### **OPEN SPACE RATIO (example)**

$$\frac{\text{Open Space}}{\text{Net Site Area}} = \frac{3.67 \text{ acres}}{9.17 \text{ acres}} = 0.31$$

**PEAK HOUR TRAFFIC** - The highest number of vehicles found or expected to be found during the a.m. or p.m. hours, passing over a section of street in sixty (60) consecutive minutes.

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**PLAN, FINAL** - A complete and exact subdivision plan, including all required supplementary data, prepared for official recording as required by statute, defining property rights and proposed streets and other improvements.

**PLAN, PRELIMINARY** - A tentative formal subdivision plan (and including all supplementary data), showing proposed street and lot layout as a basis for consideration prior to preparation of the final plan.

**PLAN, RECORD** - A copy of the final plan that contains the original required endorsements of Archbald Borough and that is intended to be recorded with the Lackawanna County Recorder of Deeds.

**PLAN, SKETCH** - An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

**PLANNING MODULE** - An application required by the Pennsylvania Sewage Facilities Act, § 5 (a) and (d); and § 71.15 (b) and (c) of the Pennsylvania Department of Environmental Protection (or any successor agency), Title 25: Rules and Regulations, Chapter 71, Administration of the Sewage Facilities Program, as amended.

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

**PUBLIC TRANSPORTATION** - Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis.

**RECREATION AREA** - An area provided for public or common recreational pursuits pursuant to this Ordinance and the Archbald Borough Zoning Ordinance.

**RECREATION COMMITTEE** - The Archbald Borough Recreation Committee, appointed by the **governing body**. Where no recreation committee has been created, the municipal planning commission may perform the functions of the recreation committee.

**RESUBDIVISION** - A lot line adjustment that only affects two (2) existing lots, where an existing lot line that separates one (1) lot from the other lot may be adjusted. Any such adjustment would affect the size and/or the configuration of both lots. It may result in fewer lots, but it would not result in the creation of one (1) or more additional lots.

**REVIEW** - An examination of a plan to determine compliance with this Ordinance, the Zoning Ordinance and other pertinent requirements.

**RIGHT-OF-WAY** - Land set aside for passage, such as utility, street, alley or other means of travel. The legal right-of-way as established by the Commonwealth, or other appropriate governing authority, and currently in existence.

**SECRETARY** - The Secretary of the governing body of Archbald Borough or his designee.

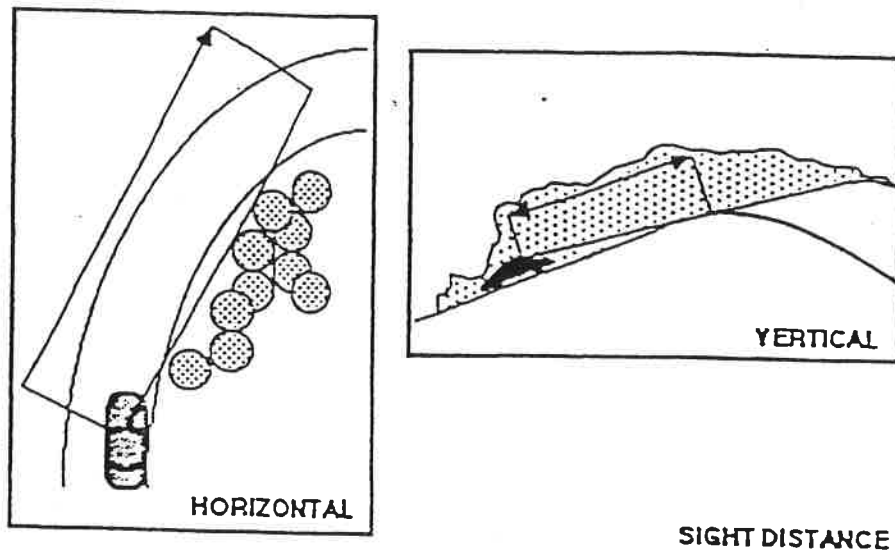


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### SEWER

- (1) **PUBLIC SEWER** - A sewer that is owned by the municipality, or under the jurisdiction of PUC, or a sewer that serves or has the potential of serving more than one individual tract of land.
- (2) **PRIVATE SEWER** - Any other sewer.

**SIGHT DISTANCE** - The 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 measurements shall be made from a point three and five-tenths feet (3.5') above the center line of the cartway surface to a point five-tenths feet (0.5') above the center line of the cartway surface.



**SITE** - A parcel or contiguous parcels of land intended to have one (1) or more buildings or intended to be subdivided into two (2) or more lots. Also a tract.

### SITE AREA -

- (1) **GROSS SITE AREA** - All land area within the site as defined in the deed. Area shall be determined from an actual site survey rather than from a deed description.
- (2) **NET SITE AREA** - The remainder of the gross site area after subtracting all lands within the existing roads or their ultimate rights-of-way and all lands without development opportunities due to restrictions such as drainage easements, restrictive covenants and conservation easements, and other environmental constraints such as excessive slope, wetlands and floodplains.

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**SITE CAPACITY CALCULATION** - A computation intended to determine the appropriate intensity of use for a given tract.

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

**SOLICITOR** - The Archbald Borough Municipal Solicitor.

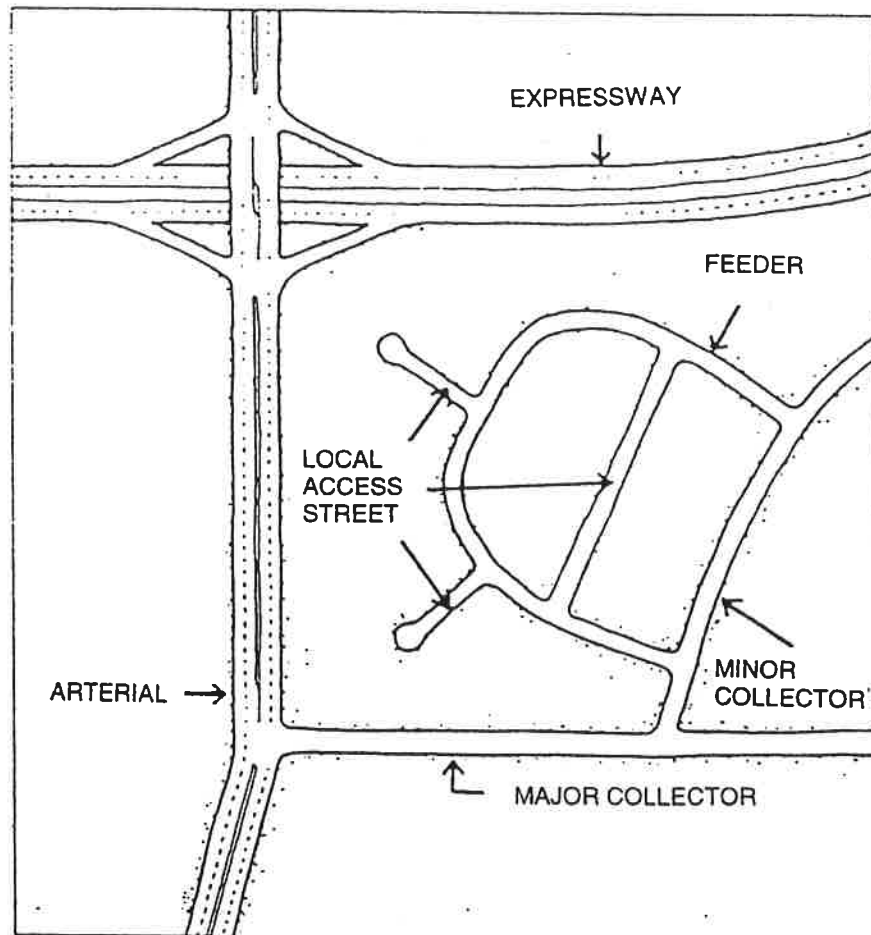
**STEEP SLOPES** - Areas where the slope exceeds fifteen percent (15%) that, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion.

**STREET** - A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles and pedestrians and that furnishes access to abutting properties and space for public utilities. Streets are further defined and classified as follows:

### **(1) THOROUGHFARES**

- (a) **EXPRESSWAYS** - Limited access highways with full grade separation, serving a large volume of high speed through traffic.
- (b) **PRINCIPAL ARTERIALS** - Major regional highways, with full or partial access control, designed for a large volume of through traffic, with an expected average daily traffic count of four thousand one (4,001) trips or greater.
- (c) **MINOR ARTERIALS** - Routes providing interstate and inter-county service with an expected average daily traffic count of three thousand one (3,001) to four thousand (4,000) trips.
- (d) **MAJOR COLLECTORS** - Streets designed to provide access between local, feeder or minor collector streets and arterials and expressways. Access is controlled by limiting curb cuts and providing marginal access areas. An average daily traffic count of two thousand one (2,001) to three thousand (3,000) trips is expected.
- (e) **MINOR COLLECTORS** - Streets that primarily serve to connect feeder and local streets with major collectors and arterials. An average daily traffic count of twelve hundred one (1,201) to two thousand (2,000) trips is expected.

## SUBDIVISION AND LAND DEVELOPMENT



### (2) LOCAL STREETS

- (a) **FEEDER STREETS** - Streets providing connection between local streets and collectors having an average daily traffic count of from six hundred fifty-one (651) to twelve hundred trips and designed for an operating speed of thirty-five (35) miles per hour.
- (b) **LOCAL STREETS** - Streets used primarily to provide access to more heavily traveled streets for abutting properties in internally developed areas. An average daily traffic count of up to six hundred fifty (650) trips is expected and designed for an operating speed of thirty (30) miles per hour.
- (c) **MARGINAL ACCESS STREETS** - Minor streets parallel and adjacent to arterials or minor or major collectors, but separated from said arterials or collectors by a planted strip of land, that provide access to abutting properties.

## **SUBDIVISION AND LAND DEVELOPMENT**

- (d) **HALF OR PARTIAL STREETS** - Streets parallel and adjacent to a property line that have a lesser right-of-way width than required by this Ordinance.

**STREET LINE** - The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where an ultimate right-of-way width for a street has been established, that width shall determine the location of the street line.

**STUDY AREA** - An area extending one-half (0.5) mile along a street adjacent to the site, in both directions from all proposed or existing access points; or to and including a major intersection with a collector or arterial, whichever area is greater.

**SUBDIVIDER** - Any individual, copartnership or corporation (or agent authorized thereby) that undertakes the development or subdivision of land, as defined by this Ordinance, as the owner (or agent authorized thereby) of the land being developed or subdivided.

**SUBDIVISION** - The division or redivision of a lot or tract of land by any means into two (2) or more lots or tracts or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development, mortgage liens or auctions; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or residential dwellings shall be exempted.

**SUBDIVISION, AGRICULTURAL** - A subdivision by lease containing lots in excess of ten (10) acres, the use of which is for agricultural purposes as specified in the definition of "agricultural purpose." Residential subdivisions shall not be considered under this definition.

**SUBDIVISION, MAJOR** - The division of a lot or tract of land, or part thereof, into more than five (5) lots or tracts for the purpose, whether immediate or future, of transfer of ownership or of building development, that requires the installation of public improvements.

**SUBDIVISION, MINOR** - The division of a lot or tract of land into five (5) or fewer lots for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that the proposed lots thereby created have frontage on an improved street or streets, and provided further that there is not created by the subdivision any new street, any required public improvements, or the need therefor.

**SUBDIVISION, RESUBDIVISION** - A lot line adjustment that only affects two (2) existing lots, where an existing lot line that separates one (1) lot from the other lot may be adjusted. Any such adjustment would affect the size and/or the configuration of both lots. It may result in fewer lots, but it would not result in the creation of one (1) or more additional lots.

**SURVEYOR** - A surveyor registered by the Commonwealth of Pennsylvania.

**SWALE** - A low lying area that is designed to accommodate the proper channeling of storm water.

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**TRACT** - Land held in single ownership which consists of lands to be subdivided or suitable for a land development. The tract shall consist of not less than the minimum area required for subdivision or development as set forth herein.

**TRIP GENERATION RATES** - The total count of trips expected to and from a particular land use.

**VOLUME/CAPACITY ANALYSIS** - A procedure, as described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), that compares the volume of a street or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period).

**WARRANTS FOR TRAFFIC SIGNAL INSTALLATION** - A series of justifications that detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, United States Department of Transportation, Federal Highway Administration, 1971, § 4C-1 through 4C-10, as may be amended from time to time.

**WATER SUPPLY, CENTRAL** - Any municipal water supply system, or any system for the supply and distribution of water to more than one (1) user unit (dwelling, business, institution, or combination thereof).

**WATER SUPPLY, PRIVATE** - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

**WETLANDS** - Marshes, swamps, bogs and areas over one-fourth (1/4) acre where soils are slowly permeable, a high water table exists and there is a slope of less than one percent (1%).

**WOODLAND ASSOCIATION** - Areas, groves, or stands of mature or largely mature trees [i.e., greater than six (6) inches caliper as measured at a point four (4) feet above grade] covering an area greater than one-quarter (1/4) acres; or groves of mature trees [greater than twelve (12) inches caliper as measured at a point four (4) feet above grade] consisting of more than ten (10) individual trees. Woodlands consist of three (3) different associations that can be determined by field survey in combination with aerial photo interpretation:

- (1) **FLOODPLAIN ASSOCIATION** - A woodland association that occurs primarily on floodplain soils. Mature trees within this association consist of:
  - (a) Silver maple/black walnut/sycamore;
  - (b) Ash/red maple/elm;
  - (c) Red maple/white oak/pin oak;

## **SUBDIVISION AND LAND DEVELOPMENT**

- (d) Silver maple/red birch; or
  - (e) Silver maple/sycamore/elm.
- (2) **MEISIC ASSOCIATION** - A woodland association that occurs on poorly drained soils, and that will, over time, consist mainly of beech trees. Mature trees within this association consist of:
- (a) Sweet gum/red maple;
  - (b) Red maple/ash/tulip poplar;
  - (c) Oak/sweet gum/red maple;
  - (d) Oak/red maples/ash/tulip poplar; or
  - (e) Oak/hickory/beech.
- (3) **UPLAND ASSOCIATION** - A woodland association that occurs on slightly drier and more well drained soils, and that will, over time, consist mostly of mixed oaks. Mature trees within this association consist:
- (a) Black locust, or
  - (b) Oak/hickory.

**ZONING OFFICER** - The Archbald Borough Zoning Officer.

**ZONING ORDINANCE** - The Zoning Ordinance of Archbald Borough, as amended.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **ARTICLE II Administration**

#### **§ 200. Applicability.**

It is the intention of the governing body to exercise, through adoption of this Ordinance, the maximum lawful jurisdiction over subdivision and land development permitted by the Pennsylvania Municipalities Planning Code, its amendments or successors. Without limitation, in the exercise of this power, the following are subject to the provisions hereof:

- A. Any subdivision.
- B. Any land development.
- C. Any resubdivision.

#### **§ 201. Approval Authority.**

The Borough Council of the Borough of Archbald, hereby, through the adoption of this Ordinance, delegates the Authority granted it under Section 501 of the Pennsylvania Municipalities Planning Code to the Planning Commission of the Borough of Archbald; provided, however, that all powers relating to the provision of public improvements, including improvement bonds or other guarantees, and the acceptance of public improvements such as streets, utilities, recreational facilities, etc., are specifically reserved by the Borough Council.

#### **§ 202. Enforcement.**

- A. This Ordinance shall be enforced by the person or agency specifically so directed in any provision hereof, or by any person or agency designated by the governing body from time to time.
- B. Inspection of actual construction under any approved subdivision or land development plan shall be the sole responsibility of the municipality, which shall undertake reasonable measures to provide an adequate inspection of all projects.
- C. Any action not in accordance with the provisions of this Ordinance shall be subject to a cease-and-desist order and other appropriate measures necessary to obtain or produce compliance with this Ordinance.

## SUBDIVISION AND LAND DEVELOPMENT

### § 203. Fees and Escrow Fund.

#### A. Review Fees.

1. **Borough Review Fees.** Applicants shall furnish an escrow fund sufficient to pay all fees and costs required by this Ordinance. The escrow fund shall be paid when preliminary and final applications are submitted for review and approval. At the time of filing, the preliminary application and the final application shall be accompanied by a check payable to the Municipality in the amount specified below. An application shall be deemed incomplete until all fees are paid and the applications are properly signed. Such fees shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively. Said escrow fund shall be replenished upon the submission of any revised subdivision or land development plan. The escrow fund shall be sufficient to guarantee the payment of:
  - (a) The services of the Planning Commission Engineer and the Borough Solicitor related to review and consideration of the application, and all other costs for engineering, traffic surveys, professional certification and other services deemed necessary by the governing body in reviewing plans.
  - (b) The actual cost of all drainage, water and material tests.
  - (c) The cost of municipal inspection services.
  - (d) Legal fees, advertising and other costs involved in the dedication of street easements and public improvements to the Borough of Archbald.
  - (e) Actual costs of recording.
2. **Borough Review Fees for Subdivisions.**

#### SCHEDULE I REVIEW FEE DEPOSITS PRELIMINARY APPLICATION

<u>No. of Lots</u>	<u>Deposit Per Lot</u>	<u>Minimum Deposit</u>
Less than 10	\$20.00	\$ 300.00
10 - 19	\$20.00	\$ 400.00
20 - 49	\$20.00	\$ 600.00
50 - 99	\$20.00	\$1,200.00
100 or more	\$20.00	\$2,000.00



## SUBDIVISION AND LAND DEVELOPMENT

### FINAL APPLICATION

<u>No. of Lots</u>	<u>Deposit Per Lot</u>	<u>Minimum Deposit</u>
Less than 10	\$20.00	\$ 300.00
10 - 19	\$20.00	\$ 400.00
20 - 49	\$20.00	\$ 600.00
50 - 99	\$20.00	\$1,200.00
100 or more	\$20.00	\$2,000.00

3. Borough Review Fees for Land Developments.

- (a) All land development fees shall also be subject to the review fee provisions of this Section 203.
- (b) Review fee deposits shall be paid for all land development applications in accordance with the following schedule:

### SCHEDULE II REVIEW FEE DEPOSITS LAND DEVELOPMENTS

<u>Building Area in Square Feet</u>	<u>Amount of Fee</u>
2,000 sq. ft. or less	\$200.00
2,001 sq. ft. or more	\$0.10 per sq. ft. up to a maximum deposit of \$1,000.00

4. Procedure for Borough Review Fees.

- a. Review fees shall include the reasonable and necessary charges by the Borough of Archbald's professional consultants and engineer for review and report to the Borough of Archbald. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough of Archbald when fees are not reimbursed or otherwise imposed on applicants. A review fee deposit shall be submitted with each application, preliminary and final, in accordance with Schedule I and Schedule II hereof.
- b. In the event the applicant disputes the amount of any such review fees, the applicant shall, within fourteen (14) days of the applicant's receipt of the bill, notify the Borough of Archbald that such fees are disputed, in

## SUBDIVISION AND LAND DEVELOPMENT

which case the Borough of Archbald shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

- c. In the event that the Borough of Archbald and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Municipality shall follow the procedure for dispute resolution set forth herein.
  - d. If within 20 days from the date of billing, the Municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Municipality shall jointly, by mutual agreement, appoint another professional of the same discipline or profession as the consultant whose fees are being disputed to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - e. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - f. In the event that the Municipality and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of Lackawanna County shall appoint such engineer, who, in that case, shall be neither the Borough engineer, the Planning Commission engineer, nor any professional engineer who has been retained by, or performed services for, the Municipality or the applicant within the preceding five years.
  - g. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Municipality shall pay the fee of the professional engineer, but otherwise the Municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.
5. Other Review Fees. The applicant shall be required to submit additional fees to all governmental agencies required to review subdivision and land development plans. An application shall be deemed incomplete until all fees are paid and the applications are properly signed.

## **SUBDIVISION AND LAND DEVELOPMENT**

### **B. Administrative Fees.**

In addition to the above, each application for a Subdivision/Land Development shall be accompanied by a non-refundable fee to cover the cost of administration required to process applications. Such fees shall be \$20.00 per lot, but not less than \$50.00 per minor subdivision, \$100.00 per major subdivision, or \$200.00 per land development.

### **§ 204. Restrictions prior to approval of final plan.**

No lot, unit or other section of a subdivision shall be sold, leased or otherwise transferred, nor shall a building permit be issued unless a final plan has been approved and recorded.

### **§ 205. Exception to literal enforcement of standards.**

Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Planning Commission may make such reasonable exception thereto. The applicant shall clearly demonstrate that, due to peculiar conditions pertaining to his land, the literal enforcement of these standards would cause undo hardship.

### **§ 206. Exemption of agricultural subdivisions.**

Any division of land by lease for agricultural purposes into parcels of more than ten (10) acres and not involving any new street or easement of access or residential dwellings shall be exempt from this Ordinance, except as provided under §306.

### **§ 207. Affect of Filing.**

- A. When an application for either a special exception or a conditional use has been filed with either the zoning hearing board or governing body, as relevant, and the subject matter of such application would ultimately constitute either a land development as defined herein or a subdivision as defined herein, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by either the zoning hearing board or governing body, as relevant, applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months or longer or as may be approved by either the zoning hearing board or the governing body following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the zoning hearing board or governing body, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of the PA Municipal Planning Code, Section 508(1) through (4), and specifically to the time limitations of Section 508(4) which shall commence as of the date of filing such land development or subdivision plan.

## SUBDIVISION AND LAND DEVELOPMENT

- B. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- C. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.
- D. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- E. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the Planning Commission, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

## SUBDIVISION AND LAND DEVELOPMENT

### ARTICLE III Procedures

#### § 300. General outline of procedures.

- A. There are three (3) stages in the procedure for approval of subdivision and land development plans. These stages are necessary to enable the Planning Commission to have an adequate opportunity to review the submissions and to ensure that their formal recommendations are reflected in the final plans.
- B. The separate stages of approval include the submission of an optional sketch plan, a Preliminary Application and a Final Application. The table below indicates the recommended and required plans for the different types of submissions.

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Plan Approval Stage	Type of Submission				
	<u>Minor Subdivision</u>	<u>Major Subdivision</u>	<u>Land Development</u>	<u>Agricultural Subdivision</u>	<u>Resubdivision</u>
Sketch (See §301)	Recommended (Not required)	Recommended (Not required)	Recommended (Not required)	(Not required; see §306 for procedure)	Not Required
Preliminary	Not required	Required	Required		Not Required
Final (See §304)	Required (See §303)	Required (See §303)	Required		Required

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- C. Sketch plans should require no more than a sixty (60) day review period. The review process required for preliminary and final applications shall include no more than ninety (90) days starting from the date of the regular meeting of the Planning Commission next following the date the application is accepted by the Secretary or after a final court order remanding an application, provided that should the next regular meeting occur more than thirty (30) days following the acceptance of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been accepted or after the final order of the court has been rendered, and ending with the applicant being notified of the decision of the Planning Commission.

## **SUBDIVISION AND LAND DEVELOPMENT**

- D. The submission of a preliminary or final application that, in the opinion of the Planning Commission, has been substantially revised shall constitute a new and separate submission.
- E. Except as required by the Pennsylvania Municipalities Planning Code, the time periods for review set forth in this Article shall be construed as directory rather than mandatory.
- F. Prior to the initial submission, the applicant is encouraged to meet informally with the Borough Planning Commission and the Lackawanna County Regional Planning Commission to obtain information regarding zoning, and subdivision/land development requirements.
- G. Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

When an application is approved "with modifications" the Developer shall agree to such modifications in writing. Failure to return such a written acceptance within 30 days of notification shall result in disapproval of the plan.

- H. No plan will be considered for review by the Borough Planning Commission unless it is submitted at least 10 days prior to its subsequent meeting, and unless it is determined to be complete prior to the meeting. The Planning Commission may waive this requirement for resubdivision, for minor subdivisions, and for such other applications that it considers to be appropriate for such a waiver.
- I. No application will be considered at a meeting of the Planning Commission unless the applicant, or a designated representative is in attendance; provided, however, that the Planning Commission may consider such application for action in the event that action is required in order to preclude a deemed approval or such other concerns of the Planning Commission that it deems essential for consideration.

### **§ 301. Sketch plan.**

#### **A. Purpose.**

- (1) The purpose of the sketch plan, which is an optional submission, is to afford the applicant the opportunity to consult early and informally with the Planning Commission before the preparation of the preliminary or final application for approval.

## **SUBDIVISION AND LAND DEVELOPMENT**

- (2) During the sketch plan process, the applicant can advantageously make use of the services of the planning commission to help analyze the problems of the development and plan more adequately for its sound coordination with the community. The sketch plan process also affords the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official action and save unnecessary expense and delay.

### **B. Deposits and fees.**

- (1) Deposits and fees for the different types of subdivision and land development submissions are listed in Section 203 hereof. Fees, pursuant to the Lackawanna County Regional Planning Commission Fee Schedule, shall also be required.
- (2) The Secretary shall collect and deposit all municipal fees in the proper bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.

### **C. Procedure.**

- (1) The applicant may prepare the sketch plan and application form, including the data specified in §400 and §401.
- (2) The applicant shall submit nine (9) copies of the sketch plan and one (1) application form to the Secretary.
- (3) The Secretary shall transmit the application to the Borough Engineer, who shall check the submission for completeness and if the submission is incomplete shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Secretary shall accept the sketch plan and application form.
- (4) The Secretary shall distribute copies of the sketch plan, application forms and applicable fees in the following manner:
  - (a) One (1) copy to the Lackawanna County Regional Planning Commission.
  - (b) One (1) copy to the Municipal Engineer.
  - (c) One (1) copy to the Zoning Officer.
  - (d) Five (5) copies to be retained by the Secretary for use of Archbald Borough officials.

## **SUBDIVISION AND LAND DEVELOPMENT**

- (5) The Municipal Engineer shall, within thirty (30) days following acceptance of the sketch plan application:
  - (a) Review the engineering considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (6) The Zoning Officer shall, within thirty (30) days following acceptance of the sketch plan application:
  - (a) Review the zoning considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (7) The Planning Commission may, within thirty (30) days following acceptance of the sketch plan application, meet with the applicant or the applicant's representative to review the submission.
- (8) The Planning Commission should, within sixty (60) days following acceptance of the sketch plan application:
  - (a) Review the report of the Lackawanna County Regional Planning Commission and the recommendations of the Recreation Committee, Municipal Engineer, and Zoning Officer;
  - (b) Determine whether the sketch plan meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
  - (c) Recommend revisions, if any, so that the subsequent preliminary or final plan will conform to municipal regulations and ordinances; and
  - (d) Forward their recommendations to the applicant for informational purposes.

### **§ 302. Preliminary Application for major subdivision or land development.**

- A. Purpose. The purpose of the preliminary application is to arrive at a final plan that is acceptable to both the applicant and the municipality. No work, except work required to prepare the application, shall commence in the proposed subdivision or land development until the preliminary application is approved by the Planning Commission.



## SUBDIVISION AND LAND DEVELOPMENT

### B. General.

- (1) A preliminary application shall be submitted conforming to the changes recommended during the sketch plan process, if any.
- (2) The preliminary application, and all plans and information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be requested pursuant to §205.

### C. Deposits and fees.

- (1) Deposits and fees for the different types of subdivision and land development submissions are listed in Section 203 hereof. Fees, pursuant to the Lackawanna County Regional Planning Commission, and the Lackawanna County Soils Conservation Service Fee Schedules, shall also be required.
- (2) The Secretary shall collect and deposit all municipal fees in the proper bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.

### D. Procedure.

- (1) The applicant shall prepare the preliminary application, including the application form, including the data specified in §400 and §402.
- (2) The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
- (3) The applicant shall submit one copy of the preliminary plan to the Lackawanna County Soils Conservation District and the following to the Secretary:
  - (a) Twelve (12) copies of the preliminary plan.
  - (b) Archbald Borough subdivision and land development application form.
  - (c) Six (6) copies of the planning module for land development.
  - (d) All applicable fees.

## SUBDIVISION AND LAND DEVELOPMENT

- (4) The Borough Engineer shall check the submission for completeness. No application shall be deemed complete unless and until all items in Subsections (3)(a) to (d), hereinabove have been submitted. If the submission is incomplete, the Secretary shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Secretary shall accept the preliminary application, application form and fees.
- (5) The Secretary shall distribute copies of the preliminary plan, application forms and sewer planning module and applicable fees in the following manner:
  - (a) Two (2) copies and one (1) copy of the planning module for land development to the Lackawanna County Regional Planning Commission.
  - (b) Two (2) copies and one (1) copy of the planning module to the Municipal Engineer
  - (c) One (1) copy to the Zoning Officer.
  - (d) One (1) copy to the Archbald Borough Fire Chief.
  - (e) Five (5) copies of the preliminary plan and application forms and two (2) sewer planning modules for land development to be retained by the Secretary for the use of municipal officials.
- (6) The Municipal Engineer shall, within thirty (30) days following acceptance of the preliminary application:
  - (a) Review the engineering considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (7) The Zoning Officer shall within thirty (30) days following acceptance of the preliminary application:
  - (a) Review the zoning considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (8) The Fire Chief shall, within thirty (30) days following acceptance of the preliminary application:
  - (a) Review the fire protection considerations, in conjunction with the local fire company, in the applicant's submission; and

## SUBDIVISION AND LAND DEVELOPMENT

- (b) Make recommendations to the Planning Commission.
- (9) The Planning Commission may, within thirty (30) days following acceptance of the preliminary application, meet with the applicant to review the submission.
- (10) The Lackawanna County Regional Planning Commission and the Soils Conservation District shall, within thirty (30) days from the date that the preliminary application was forwarded to them, review the preliminary application and prepare a report for the municipality's Planning Commission.
- (11) The Planning Commission should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the preliminary application, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed:
  - (a) Review the reports of the Lackawanna County Regional Planning Commission, the Lackawanna County Soils Conservation District and the recommendations of the Recreation Committee, Municipal Engineer, Fire Chief, Zoning Officer; and other reviewing agencies;
  - (b) Determine whether the preliminary application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances; and
  - (c) Approve, conditionally approve, or disapprove the preliminary application. If approved the Planning Commission shall express its approval and state the conditions of approval, if any. If disapproved, the Planning Commission shall state the reasons for this action. When conditions are imposed by the Planning Commission, such conditions shall be removed only upon determination by the Borough Engineer that the conditions have been met.
- (12) The decision of the Planning Commission shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.
- (13) Approval of the preliminary application shall not constitute approval of the final application or authorize the sale of lots or construction of buildings.

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- (14) If the preliminary application is disapproved, the applicant may file a revised preliminary application with the Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for preliminary application and shall replenish the escrow deposit to its original amount.

### **§ 303. Final Application for major subdivision or land development.**

- A. **Purpose.** The purpose of the final application is to require formal approval by the Planning Commission before plans for all subdivisions and land developments are recorded as required by §305. No lot located within a subdivision or land development shall be recorded and no zoning permit shall be issued by the municipality until the final application has been approved by the Borough Planning Commission.
- B. **General.**
  - (1) The final application shall conform to the preliminary application, as approved.
  - (2) The final application and all plans, information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be specifically approved by the Planning Commission pursuant to §205.
- C. **Deposits and fees.**
  - (1) Deposits and fees for the different types of subdivision and land development submissions are listed in the Section 203 hereof. Fees, pursuant to the Lackawanna County Regional Planning Commission, and the Lackawanna County Soils Conservation District Fee Schedules, shall also be required.
  - (2) The Secretary shall collect and deposit all municipal fees in the proper municipal bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.
- D. **Procedure.**
  - (1) The applicant shall prepare the final plan and application form, including the data specified in §400 and §403.
  - (2) The applicant shall submit one (1) copy to the Lackawanna County Soils Conservation District, and the following to the Secretary and the Zoning Officer:

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- (a) Ten (10) copies of the final plan.
  - (b) Archbald Borough subdivision and land development application form.
  - (c) Written agreements, offers of dedication, covenants and deed restrictions pursuant to §530 and §701.
  - (d) All applicable fees.
  - (e) A computer disk containing the Final Plan as approved by the Planning Commission.
- (3) The Borough Engineer shall check the submission for completeness. No application shall be deemed complete unless and until all items in (2)(a) to (e) hereinabove have been submitted. If the submission is incomplete, the Secretary shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Secretary shall accept the final application, including the application form and fees.
- (4) The Secretary shall distribute copies of the final application, and applicable fees in the following manner:
  - (a) Two (2) to the Lackawanna County Regional Planning Commission.
  - (b) One (1) copy to the Municipal Engineer.
  - (c) One (1) copy to the Zoning Officer.
  - (d) One (1) copy to the Solicitor.
  - (e) One (1) copy to the Borough Fire Chief.
  - (f) Five (5) copies to be retained by the Secretary for use of municipal officials.
- (5) The Municipal Engineer should, within thirty (30) days following acceptance of the final application:
  - (a) Review the engineering considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (6) The Zoning Officer shall, within thirty (30) days following acceptance of the final application:

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- (a) Review the zoning considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (7) The Fire Chief shall within 30 days following acceptance of the Final application:
  - (a) Review the fire protection considerations.
  - (b) Make recommendations to the Planning Commission.
- (8) The Solicitor shall, within thirty (30) days following acceptance of the final application:
  - (a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
  - (b) Make recommendations to the Planning Commission.
- (9) The Planning Commission may, within thirty (30) days following acceptance of the final application, meet with the applicant to review the submission.
- (10) The Planning Commission should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the final plan application, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed:
  - (a) Review the reports of the Lackawanna County Regional Planning Commission, the Lackawanna County Soils Conservation District and the recommendations of the Municipal Engineer, Zoning Officer, Fire Chief, Solicitor and other reviewing agencies;
  - (b) Determine whether the final application:
    - [1] Meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.
    - [2] Complies with conditions of preliminary application approval; and

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- (c) Approve, conditionally approve, or disapprove the final application. If disapproved, the Planning Commission shall state the reasons for this action. If approved with conditions, such conditions shall not be removed unless the Borough Engineer and/or (as applicable) the Borough Solicitor submits a request to the Planning Commission confirming that the conditions have been met.
- (11) The decision of the Planning Commission shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.
- (12) If the final plan is approved:
  - (a) The Planning Commission shall adopt a resolution approving the final plan.
  - (b) Approval shall not be final until entry into contract and production of completion guaranty as set forth in Article VII, when applicable.
  - (c) Two (2) exact mylar copies and two (2) exact paper copies of the approved final plan, with the signatures of the required agencies as specified in §406, shall be submitted to the Planning Commission.
- (13) If the final plan is disapproved, the applicant may file a revised final plan with the Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for final plans and shall replenish the escrow deposit to its original amount.
- (14) When requested by the applicant, in order to facilitate financing, the Planning Commission shall furnish the applicant with a signed copy of a resolution indicating approval of the final application contingent upon the applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Planning Commission; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

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### **§ 304. Final application for minor subdivision.**

- A. Purpose. In the case of minor subdivisions it is the purpose of this section to provide a simplified procedure by which said minor subdivisions may be submitted and approved.
- B. General. In the event that the proposed subdivision shall involve a change in the location of streets, sanitary or storm sewers, water mains, culverts, or other municipal improvements, then the provisions of this section on minor subdivisions shall not be applicable, and the applicant shall be required to comply with the requirements of §303.
- C. Deposits and fees.
  - (1) Deposits and fees for the submission of a final minor subdivision plan are listed in Section 203 hereof. Fees, pursuant to the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation District Fee Schedules, shall also be required.
  - (2) The Secretary shall collect and deposit all municipal fees in the proper municipal bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.
- D. Procedure.
  - (1) The applicant shall prepare the final minor subdivision application form, including the data specified in §400 and §404.
  - (2) The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
  - (3) The applicant shall submit to the Secretary:
    - (a) Twelve (12) copies of the final minor subdivision plan.
    - (b) Archbald Borough subdivision and land development application form.
    - (c) Six (6) copies of the planning modules for land development.
    - (d) All applicable fees.



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- (4) The Secretary shall check the submission for completeness. No application shall be deemed complete unless and until all items in §304D(3)(a) to (d) hereinabove have been submitted. If the submission is incomplete, the Secretary shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Secretary shall accept the final minor subdivision plan, application form and fees.
- (5) The Secretary shall distribute copies of the final minor subdivision plan, application form, sewer planning module and applicable fees in the following manner:
  - (a) Two (2) copies and one (1) copy of the planning module for land development to the Lackawanna County Regional Planning Commission.
  - (b) Two (2) copies to the Municipal Engineer.
  - (c) One (1) copy to the Zoning Officer.
  - (d) One (1) copy to the Solicitor.
  - (e) Five (5) copies and one (1) planning module for land development to be retained by the Secretary for use of municipal officials.
- (6) The Municipal Engineer shall, within thirty (30) days following acceptance of the final minor subdivision application:
  - (a) Review the engineering considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (7) The Zoning Officer shall, within thirty (30) days following acceptance of the final minor subdivision application:
  - (a) Review the zoning considerations in the applicant's submission; and
  - (b) Make recommendations to the Planning Commission.
- (8) The Solicitor should, within thirty (30) days following acceptance of the final application:
  - (a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
  - (b) Make recommendations to the Planning Commission.

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- (9) The Planning Commission may, within thirty (30) days following acceptance of the final minor subdivision application, meet with the applicant to review the submission.
- (10) The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the final minor subdivision application was forwarded to said Commission, review the final minor subdivision application and prepare a report for the municipality.
- (11) The Planning Commission should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the final minor subdivision plan application, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed:
  - (a) Review the reports of the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation District; and the recommendations of the Municipal Engineer, Zoning Officer, Solicitor and other reviewing agencies;
  - (b) Determine whether the final minor subdivision plan meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances; and
  - (c) Approve or disapprove the final minor subdivision application. If disapproved, the Planning Commission shall state the reasons for this action.
- (12) The decision of the Planning Commission shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.
- (13) If the final minor subdivision application is approved:
  - (a) The Planning Commission shall adopt a resolution approving the final minor subdivision application.
  - (b) Two (2) exact mylar copies and two (2) exact paper copies of the approved final plan, with the signatures of the required agencies as specified in §406, shall be submitted to the Planning Commission.

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- (14) If the final minor subdivision application is disapproved, the applicant may file a revised final minor subdivision plan with the Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for final minor subdivision plans and shall replenish the escrow deposit to its original amount.

### **§ 305. Recording of final plan.**

- A. Prior to recording the approved final plan, the applicant shall submit two (2) mylar copies and two (2) paper copies of said plan to the Secretary in order to obtain the seals and signatures of municipal officials, as required by §406.
- B. Copies of the approved final plan shall, within ninety (90) days of the date of approval, or 90 days after the date of an approved plat signed by the Planning Commission, following completion of conditions imposed for such approval, whichever is later, be recorded by the applicant in the office of the Recorder of Deeds of Lackawanna County. The applicant shall notify the Planning Commission in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the ninety-day period, the approval shall lapse and become void.
- C. Effect of recording.
- (1) After a subdivision or land development has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the municipality.
- (2) Streets, parks and other public improvements shown on a subdivision or land development to be recorded, may be offered for dedication to the municipality by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the municipality.
- (3) Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the municipality and accepted, by resolution, and recorded in the Office of the Clerk of the Court of Common Pleas of Lackawanna County, or until it has been condemned for use as a public street, park or improvement.
- D. Recorded plan. All plans recorded shall contain the information specified in §406 hereof.

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### **§ 306. Agricultural subdivisions.**

- A. The subdivision by lease of land for agricultural purposes into lots of more than ten (10) acres, not involving any new street or easement of access or residential dwelling, shall be exempted from this Ordinance. To ensure compliance with the criteria for exemption, no owner shall effect a subdivision or land development even for agricultural purposes in lots of more than ten (10) acres, unless the owner receives a certification of exemption from the Planning Commission based upon the owner's written proof that:
  - (1) The lots shall each be more than ten (10) acres in size.
  - (2) All future lots shall be used for agricultural purposes and not for the construction of any dwelling or other residential use.
  - (3) No new street or easement of access shall be involved.
- B. The Planning Commission shall review the request for exemption. If satisfied that the above criteria are met, the Planning Commission shall issue a written certification of exemption. If the Planning Commission finds that all of the criteria are not met, the Planning Commission shall notify the owner that the proposed subdivision is required to comply with all of the procedures and requirements of this Ordinance.

### **§307 Resubdivision.**

- A. Purpose. To simplify the requirements to process a change of lot line/resubdivision.
- B. Deposits and Fees.
  - (1) Deposits and fees for the submission of a final minor subdivision plan are specified in Section 203 hereof. Fees, pursuant to the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation District Fee Schedules, shall also be required.
  - (2) The Secretary shall collect and deposit all municipal fees in the proper municipal bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.
- C. Procedure
  - (1) The applicant shall submit to the Secretary
    - (a) 7 copies of all required plot plans and other required data.

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- (b) Archbald Borough Subdivision and Land Development Application Form
  - (c) All applicable fees.
- (2) The Secretary shall distribute copies of the submission to
  - (a) 1 copy to the Municipal engineer who shall determine if the application is complete.
  - (b) 1 copy to the Zoning Officer who shall confirm the accuracy of the reported zoning data.
  - (c) 2 copies to the Lackawanna County Regional Planning Commission.
  - (d) 1 copy to the Lackawanna County Conservation District.
  - (e) 2 copies to the Secretary of the Borough Planning Commission, who shall, upon determining the completeness of the submission by the Municipal Engineer, submit them to the Planning Commission at their next meeting.
- (3) The Planning Commission shall act upon the application not later than their next meeting, following the first meeting at which the application is reviewed, but in no event more than 90 days from the date of its first meeting following receipt of the application.