

Chapter 22

Subdivision and Land Development

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Part 1**Purpose and Authority****§22-101. Authority.**

This Chapter is enacted pursuant to the authority contained in Article V, §501 of Pennsylvania Municipalities Planning Code, as amended.

(*Ord. 71, 10/4/2001, §101*)

§22-102. Short Title.

This Chapter shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Borough of Connoquenessing."

(*Ord. 71, 10/4/2001, §102*)

§22-103. Subject Properties.

No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, stormwater sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, no grading of the property shall be commenced, or for the common use of occupants of buildings abutting said improvements, except in strict accordance with the provisions of these regulations.

(*Ord. 71, 10/4/2001, §103*)

§22-104. Exclusions and Waivers.

1. Land development that involves the conversion of an existing detached or semi-detached single-family dwelling into not more than three residential units, unless intended as a condominium, are hereby excluded from regulations contained herein, as are additions of accessory buildings, including farm buildings, on lots upon which a principal structure exists, and additions or conversions of buildings or rides within the confines of an amusement park. Newly acquired land to be included within the confines of an amusement park as defined, is not excluded from the application of regulations contained herein.

2. If land development is proposed on a lot of record, verification of which shall be supplied by the applicant, the required procedure for the recording of plats is hereby waived.

(*Ord. 71, 10/4/2001, §104*)

§22-105. Compliance Required.

No lot in a subdivision may be sold, no permit to erect, alter or repair any structure or building upon land in a subdivision may be issued, and no building may be erected in a subdivision, or grading the property commenced, unless and until a subdivision or land development plan has been approved and recorded where required, and until the improvements therewith have either been constructed or guaranteed as hereinafter provided.

(*Ord. 71, 10/4/2001, §105*)

§22-106. Purpose.

This Chapter is adopted for the following purposes.

- A. To guide the orderly and efficient development of the Borough.
- B. To promote the health, safety, morals and general welfare of the residents of the Borough.
- C. To provide for the equitable processing of subdivision and land development plans by establishing uniform procedures and standards.

(Ord. 71, 10/4/2001, §106)

Part 2**Definitions****§22-201. Interpretation.**

For the purpose of this Chapter certain terms and words used herein shall be interpreted or defined as follows;

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural.
- C. Words used in the plural number shall include the singular.
- D. The word "person" includes a corporation as well as an individual, or an association of individuals.
- E. The words "shall" and "will" are always mandatory.
- F. The word "may" is permissive or discretionary where compliance is indicated.

(Ord. 71, 10/4/2001, §201)

§22-202. Meaning of Words.

Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Chapter, have the meaning herein indicated and shall be literally applied by the Borough of Connoquenessing staff, Zoning Hearing Board, consultants and by the Council. Words or terms used but not defined in this Chapter shall have the same meaning as stated in the Pennsylvania Municipalities Planning Code or the Connoquenessing Borough Zoning Ordinance [Chapter 27]. [Ord. 76]

Alley - a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Amusement park - a tract of land or an area used principally as the location for permanent amusement structures or rides.

Applicant - a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

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

As built plans - plans, profiles, cross-sections and construction details showing the exact final location, elevation, grade, size and material used in the construction of all facilities installed, to the same scale as the approved construction drawings.

Available sewer - a municipal sewer when:

(1) Connection is recommended and/or required in the regulations of the Borough of Connoquenessing or any municipal authority with jurisdiction by the Borough.

(2) Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Protection pursuant to the

“Pennsylvania Sewage Facilities Act.”

(3) An existing municipal sewer line, with sufficient capacity, is located within 175 feet of the nearest point of a subdivision.

Block - an area bounded by streets.

Borough - the Borough of Connoquenessing, Butler County, Pennsylvania.

Borough Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of Connoquenessing.

Building - a roofed structure covering a space which shall be considered an "enclosed" building if all exterior walls are solid except for fixed, closed or operable windows and doors.

Frontline of building - the line of that face of the building nearest the frontline of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps or patios.

Building line - the line describing the extent of the area in a building lot within which construction can occur. The setback distance from front, side and rear property lines determines the building line.

Cartway - that portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

Clear sight triangle - the triangular area formed by two intersecting street centerlines and a line interconnecting points established on each centerline, 75 feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established 3 ½ feet in elevation from grade level at the intersection of the street centerline.

Common open space - a parcel or parcels of land or an area of water, or a combination of land and water within the development site, designed, intended and dedicated to the common use of the owners in a planned residential development or subdivision plan. Common open space may be designated for various types of approved uses.

Contour - a line which joins all points of equal elevation on the ground.

Corner lot - a property which abuts two or more intersecting public streets from each of which buildings on the property must be set back the normal front yard distance for the zoning district in which such property is located.

Council - the Borough Council of the Borough of Connoquenessing, Butler County, Pennsylvania.

Covenant - an obligation defined by law or agreement, the violation of which can be restrained by court action. These are usually stated in the deed.

Cul-de-sac street - a street or road with one end open to traffic and pedestrian access and permanently terminated at the other end by a vehicular turn-around. A cul-de-sac is the vehicular turn-around at the end of a cul-de-sac street.

Developer - any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Driveway, common - an improved vehicular access facility serving a maximum of two parcels or lots which may be under separate or common ownership which connects the parcels and provides access to a public street. All subdivisions proposing to create a common driveway shall submit a common driveway maintenance agreement for approval prior to plan approval. Said maintenance agreement shall be recorded with the plat.

Driveway, multi - an improved vehicular access facility serving three or more parcels or lots shall be considered a private street and shall comply with the design and construction requirements for a private street. (See "*street, private*") All subdivisions proposing to create a multi-driveway shall submit a multi-driveway maintenance agreement for approval prior to plan approval and comply with the requirements of §22-701, "Performance Requirements," §22-702, "Performance Guarantees," and §22-703, "Release from Improvement Bond."

Driveway, private - an private improved vehicular access facility serving one or two parcels or lots which connects and provides access to a public street but which does not provide access to any other lot or parcel under separate ownership.

Easement - a right-of-way granted across private property generally for public utility lines or for access to other properties beyond, passage over which is guaranteed by the grantor to those using the easement.

Elevation - a point or series of points (see contours) which are a known vertical distance above or below a predetermined elevation datum. All elevations used shall be based on United State Geological Survey Datum.

Engineer - See "Borough Engineer."

Floodplain, flood hazard area, flood prone area - a land area adjoining a river, stream, water body, or water course which may periodically flood as established by the United States Federal Emergency Management Agency.

Front yard - a yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a horizontal distance therefrom equal to the depth of the required front yard.

Homeowners association or owners association - an organization of property owners of lots in individual developments responsible for the maintenance of common open space in each plan.

Improvements - those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curb, gutter, stormwater sewers, individual sanitary sewage system, improvements to existing water courses, sidewalks, crosswalks, street signs, monuments, water supply and water distribution systems and facilities, sanitary sewers, sanitary sewerage collection systems and sanitary sewage treatment plant facilities. Improvements shall be classified as public improvements or private improvements.

(1) *Private improvements* - all improvements to be owned, maintained or operated by a private entity such as an individual, corporation or homeowners association, including roads, streets, walkways, parking lots, gutters, curbs, waterlines, sewers, storm water management facilities, landscaping, lighting, traffic control devices and other facilities for which plans and specifications must comply with the minimum requirements of this Chapter

and/or conditions attached to the granting of zoning approval or conditional use approval, including temporary erosion and sedimentation control and stormwater management control methods undertaken during construction.

(2) *Public improvements* - all roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Borough for which plans and specifications must comply with this Chapter and the Zoning Ordinance [Chapter 27].

Inspector - an authorized representative of the Council assigned to make any or all on site inspection of work performed and materials furnished by the developer or his agents.

Interior walk - a right-of-way for pedestrian use extending from a street into a block or across a block to another street. Such right-of-way shall have a minimum width of 10 feet.

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:

(a) 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 tenants.

(b) 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, leasehold, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development other than those activities specified as exclusions in §22-104 of this Chapter.

Lot - a designated tract, parcel or area of land established by a plat for ownership, development, use or improvement, whether immediate or future.

Lot area - an area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

Lot, corner - see "corner lot."

Lot depth - the average horizontal distance between the front and rear lot lines.

Lot, flag - a tract, parcel or area of land abutting and located to the rear or behind another tract, parcel or area of land and is connected to a public or private street by a contiguous area of land that is a part of said lot that has a minimum width of 25 feet for its total length and is for the express purpose of providing vehicular egress, ingress, and utility access to said tract, parcel or area of land. The area of vehicular egress and ingress of the lot shall not be used in computing the minimum lot area required by the Connoquenessing Borough Zoning Ordinance [Chapter 27]. Lot width at the front yard setback line shall comply with the requirements of the Connoquenessing Borough Zoning Ordinance [Chapter 27].

Interior lot - a lot other than a corner lot.

Lot lines - the boundary line describing the limits of a property and separating it from adjacent properties or a public or private street or way.

(1) *Lot line, front* - a lot line or lines which separate a lot from a public street or streets.

(2) *Lot line, rear* - the lot line which is parallel to and most distant from the front lot line of the lot.

(3) *Lot line, side* - any lot line other than a front or rear lot line.

Lot width - the average horizontal distance across the lot between the side lot lines, measured at the building line.

Modification - when the developer can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to and where because of topographical or other conditions peculiar to the site, the Council may authorize relief from the strict application of this provision. Any relief thus authorized shall be entered in the minutes of the Council along with the reasons which justify the modification. [Ord. 76]

Monument - a permanent marker constructed of concrete or metal and placed in the ground by survey, to establish the legal right-of-way line of streets. Each monument shall be constructed and placed as specified herein this Chapter.

Off site sewer service - sanitary sewage collection system approved by the Borough in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

Off site water service - a potable water distribution system approved by the Borough in which water is carried to individual lots or dwelling units by a system of pipes from a central water source, located beyond the limits of the lot being serviced, which may be publicly or privately owned and operated. Applicants for subdivision and land development approval shall be required to connect to a public water distribution system unless lots are to be served by private wells.

On site sewer service - single system of piping, tanks or other facilities approved by the Borough serving only a single lot and disposing of sewage in whole or in part into the soil.

On site water service - single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

Open space - unoccupied space open to the sky on the same lot with the building or on the same tract of land upon which building lots are recorded.

Owner - legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee 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 purposes of this Chapter.

Parking space - an off-street space having minimum dimensions of 9 feet in width and 18 feet in depth and an area of not less than 162 square feet, whether inside or outside of a structure, for the temporary standing of an automotive vehicle to be used exclusively as a parking stall for one automotive vehicle plus 150 square

feet for each parking space used exclusively for turning and access to the parking space.

Patio - a paved, at-grade open area without a permanent covering, no part of which shall be greater than 3 feet above adjacent ground level.

Penn DOT Pub. 408 - Pennsylvania Department of Transportation Publication 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication #408.

Planning Commission - the Planning Committee appointed by the Council to advise it on such matters as the Council shall direct [*Ord. 76*].

Plat - preliminary shall mean a tentative subdivision plat, in lesser detail than a final plat, showing approximate locations of proposed streets and lot layouts on a topographic map as a basis for consideration prior to preparation of a final plat.

Plat - final shall mean a complete and exact subdivision plat, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

Porch (also deck) - an attachment to the exterior of a principal residential use or structure primarily used for private recreation. This attachment is considered a part of the principal structure for the purpose of determining a minimum setback.

Public hearing - an official meeting called by a municipal governing body or a body delegated to call such a hearing, duly announced in local newspapers, for the purpose of taking testimony or information from all parties having an interest in a matter of concern to the municipality, as a basis for the governing body to make a decision.

Public meeting - a forum held pursuant to notice under the Act of July 3, 1986, (P.L. 388, No. 84) known as the "Sunshine Act."

Public notice - a notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 7 days from the date of the hearing.

Rear yard - the area of any property between the rear line of the property and the rear setback line parallel to it.

Reserve strip - a strip of land adjacent to a street intended to control access to the street from an adjacent property.

Reverse frontage lot - a lot extending between and having frontage on a major traffic street and a local street, and with vehicular access solely from the latter.

Right-of-way - the land reserved for use as a street, alley, interior walk, or other public purpose.

Side yard - the area of any property bounded by the required front and rear yards and the side property line and parallel side setback line.

Sight distance - the length of roadway ahead visible to the driver.

(1) *Sight distance stopping* - the sum of two distances. The distance traversed by the vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied and the distance required to

stop the vehicle from the instant brake application begins. These are referred to as brake reaction distance and braking distance, respectively.

(2) *Sight distance, minimum stopping (MSSD)* - the stopping sight distance necessary to stop a vehicle traveling at the design speed of the road, provided the driver's eye is 3.5 feet above the pavement and there is an unobstructed line of sight to an object 0.5 feet above the pavement at the point the vehicle is able to stop. This MSSD shall be computed by:

$$\text{MSSD} = 1.47Vt + (V^2)/(30ftgj) \text{ where}$$

V = Velocity of vehicle (mph)

t = perception time of motorist

f = wet friction of pavement

g = % grade of road divided by 100

(3) *Sight distance, minimum turning* - the sight distance necessary to enable a vehicle turning into or out of an intersection or drive to adequately see the oncoming vehicle while providing adequate stopping sight distance, provided the eye of the driver is 3.5 feet high and 10 feet off the edge of the pavement, has an unobstructed sight line at a point 4 feet above the pavement in the oncoming lane.

Street classifications - the following classifications, which shall apply to streets in the Borough of Connoquenessing and shall be applied as defined in the "Comprehensive Plan for the Borough of Connoquenessing, Butler County, Pennsylvania, 1974".

(1) *Arterial* - arterials accommodate intercommunity traffic flow and afford connections to other communities or secondary regional traffic generators with direct access to adjoining property being a secondary function. The average length of trip or such highway normally exceeds 3 miles.

(2) *Collector* - these roads serve to funnel traffic onto arterials and to provide linkage on an intercommunity basis. Providing access to properties abutting a collector street is likewise a secondary function. The primary function of a collector street is to accept the traffic generated on local streets with which they may be interlinked.

(3) *Local* - such roadways are intended primarily to serve properties fronting on their right-of-way. These roads generally do not carry major traffic volumes since their function is to serve that traffic generated from the residential properties.

Street, private - a street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A "private street" which provides access to three or more lots or parcels which do not have access to a public street shall be considered as access to a public street. (See also "driveway, private," "driveway, common" and "driveway, multi-") Design standards for private streets shall comply with the requirements of Part 5 herein and improvements shall comply with the standards of Part 6 herein. "Performance Standards" in §22-701, "Performance Guarantees" in §22-702, and "Release from Improvement Bond" in §22-703 shall apply to all developments proposing to install a private street.

Street, public - any street, including the entire public right-of-way, which has been dedicated to and accepted by the Borough or which has been devoted to public use by legal mapping, use or other means.

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

Subdivision - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantially completed - when, in the judgment of the Borough Engineer or Zoning Officer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to §22-701 of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Topographic map - a map showing ground elevations by contour lines and the location of important, natural and man-made features.

Watercourse - all existing channels, creeks, ditches, drains, dry runs, springs and streams, also all proposed channels, ditches, drains and drainage facilities.

Wetlands - those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as defined and regulated by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (COE), and the Pennsylvania Department of Environmental Protection (DEP).

Zoning - a legal and administrative process whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.

Zoning Ordinance - the officially adopted Zoning Ordinance of Connoquenessing Borough and all subsequent amendments thereto [Chapter 27].

Zoning Officer - the individual authorized by the Borough of Connoquenessing to be the administrator of the daily application of the provisions contained in the Zoning Ordinance [Chapter 27]. The Zoning Officer shall hold no elective office, have a working knowledge of zoning and meet the qualifications established for the position by the Council.

(Ord. 71, 10/4/2001, §202; as amended by Ord. 76, 12/29/2003)

Part 3

Application and Plat Requirements

§22-301. Procedure.

The plat requirements and application procedures shall be followed by developers as set forth herein and shall be submitted for consideration by the Council.

(Ord. 71, 10/4/2001, §301; as amended by Ord. 76, 12/29/2003)

§22-302. Preapplication.

Prior to the filing of an application for a preliminary subdivision plat or land development, the developer shall submit the following plans and data to the Planning Committee. [Ord. 76, 12/29/2003]

A. *General Information.* Describe existing covenants, land characteristics, community facilities and utilities, the number of lots and sizes, business areas, playgrounds, utilities and street improvements.

B. *Location Map.* Map shall show relationship of the proposed subdivision to existing community facilities which serve or influence it and existing facilities, title, scale and north arrow.

C. *Sketch Plan.* Sketch plan at a scale of 1 inch equals 100 feet or larger shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and shall include the following.

- (1) The proposed name of the subdivision or land development.
- (2) The name of the developer.
- (3) The name of the registered owner.
- (4) The north arrow, scale and date.
- (5) The name of the engineer, surveyor, landscape architect, or other qualified person responsible for the map.
- (6) Tract boundaries with bearings and distances.
- (7) Approximate location of watercourses, tree masses, rock outcrops, existing buildings, and actual location of sanitary sewers, storm sewers and inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.
- (8) Adjacent street or streets.
- (9) Zoning district in which property is located.

D. *Review.* After review and discussion with the developer, the Planning Committee shall indicate the suitability of the plan for development into preliminary plats. [Ord. 76, 12/29/2003]

(Ord. 71, 10/4/2001, §302; as amended by Ord. 76, 12/29/2003)

§22-303. Preliminary Plat.

1. *Preliminary Plat Application.* The developer shall prepare and submit to the Borough at least 15 days prior to the regular monthly meeting of the Planning

Committee, eight copies of the preliminary plats of the total land to be ultimately developed for review by the Borough according to the requirements and standards contained herein. The developer shall forward a copy to the Butler County Planning Commission for review and recommendation, comments to be submitted back to the Borough of Connoquenessing within 30 days of submittal. [Ord. 76]

2. *Application Fee.* At the time of filing an application for preliminary plat approval the developer shall pay to the Council for use by the Borough, a fee set by resolution to defray the cost of processing of such plat approval applications and for payment to consultants hired by the Borough of Connoquenessing to conduct reviews of said applications.

3. The preliminary plat shall be drawn at a scale of 100 feet to the inch or greater and shall show or be accompanied by the following information. All lines and lettering shall be mechanically drafted or computer generated and plotted. All information required shall be supplied to the extent and in the manner required by the Borough Engineer.

- A. Material required in §22-301.
- B. Names and addresses of the owner or owners of the property.
- C. Name of the subdivision to be recorded.
- D. North arrow, scale and date.
- E. Name, seal and signature of professional engineer or the professional land surveyor who surveyed the property and prepared the plat.
- F. Contours at vertical intervals of 2 feet, or in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
- G. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
- H. Show all existing watercourses, wetlands, banks, tree masses, and other significant natural features.
- I. Identify any floodplain, flood hazard area, flood-prone area as established by the Federal Emergency Management Agency.
- J. Show location and size of all existing buildings, location, size and invert elevation of all sanitary and stormwater sewers, and location of all manholes, inlets, culverts and bridges; water mains, gas mains, fire hydrants, telephone conduit lines, electric power transmission line, petroleum or petroleum products lines, and other significant man-made features.
- K. All existing streets located on or adjacent to the tract, including name, right-of-way widths and cartway width and type of improvement materials used on the cartway.
- L. All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
- M. Location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with approximate dimensions, proposed minimum set back on public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

N. The preliminary plat shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.

O. Where the preliminary plat covers only a part of the developer's entire holding a sketch shall be submitted of the prospective street and lot layout of the remainder of the land.

P. A plan of the proposed public water distribution system for review and approval by the appropriate authority or a plan showing the location of individual wells in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.

Q. A plan of the proposed sanitary sewer collection system or treatment facilities when proposed will be required for review and approval of the appropriate authority.

R. Where onlot sewage disposal systems are proposed, the developer or owner shall submit a completed Department of Environmental Protection sewage facilities planning module in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.

S. Preliminary plat shall identify the zoning district, in which the property is located and show the zoning boundaries, if any, that traverse or are within 300 feet of the area covered by the plan.

T. Preliminary plat shall show such street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining or contiguous developed or undeveloped areas.

U. Subsurface condition (whether undermined, etc.) of the tract to be subdivided or proposed to be developed.

V. Profiles showing existing ground and proposed street centerline grades.

W. Typical cross section of roadways showing cartways, water, sanitary and stormwater sewers, gas, electric and telephone utilities, and sidewalks.

X. The developer shall provide such additional information as may be required by the Council, Borough Engineer, Zoning Officer, or Sewage Enforcement Officer in order to more fully evaluate the proposed subdivision and its effect on adjacent property or the Borough as a whole. [Ord. 76]

Y. A utility plan showing the location and size of the proposed gas, electric, telephone and cable television systems with written approval from the appropriate utility company.

Z. A grading plan as per §22-616 of this Chapter.

AA. A plan, calculations and narrative for the collection, management and discharge of all stormwater. The developer shall further provide all information and plans necessary to indicate that the existing off-lot watercourse and drainage system is adequate to accommodate the stormwater resulting from the proposed subdivision or a plan for improving the off-lot drainage system to meet the demand. Plans and reports shall be prepared in accordance with Borough policy, guidelines and the Pennsylvania Stormwater Management Act.

BB. The preliminary plan shall identify location of any proposed recreational facilities.

CC. Where a plan abuts a state road, the plan shall contain a note stating that any access onto the State right-of-way shall obtain the appropriate State occupancy permit.

4. *Supplementary Data Required.* The preliminary plan shall be accompanied by the following supplementary data.

A. A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.

B. Typical street cross-section drawings for all proposed streets.

C. A written report from the municipal water and sewer authority on the availability of public water and sewer service to proposed development.

D. If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirement and procedures of the Pennsylvania Department of Environmental Protection, as to how these utilities are proposed to be furnished.

5. *Action of Council.* The Council shall render its decision on the final plat and communicate its decision to the developer not later than 90 days following the date of the regular Council meeting next following the date the application is filed, provided that should the next regular meeting occur more than 30 days following the date of filing, the 90-day period shall be measured from the thirtieth day following the day the application was originally filed.

A. The decision of the Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

B. When the application is not approved in terms as filed, 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.

C. Failure of the Council to render a decision and communicate it to the applicant within the time and in the manner required herein after receipt of all information necessary to render such opinion as required under §22-302 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.

D. Failure on the part of the developer to supply all data necessary for review and recommendation as required under §22-302 shall constitute an incomplete application. The Borough will notify the applicant within 10 business days of receipt of an application if the application is incomplete. If the application is incomplete it shall be returned to the applicant without further processing. The failure to return an incomplete application shall not act as a waiver of any data not submitted nor shall it preclude the Borough from requiring all data at a later date.

6. *Nature of Approval.* Approval of a preliminary plat shall not constitute approval of a final plat, unless said preliminary plat consists of a maximum of three new parcels or lots intended for development as residential uses, in which case

preliminary plat approval may act as final plat approval where the Council and the Borough Engineer find that further review is not required. The provisions of §22-304 shall apply to any applications herein described. In all other cases preliminary plat approval shall be an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. Granting of preliminary approval shall not qualify a plat for recording, not authorize development or the issuing of any building permit, except as herein specified. Where due to the nature of an application for subdivision approval, the Council at its sole discretion may consolidate the review processes for both preliminary plat approval, §22-303, and final plat approval, §22-304. Information required in §22-304 shall be submitted for review and consideration in accordance with the time limits established in this Part.

(Ord. 71, 10/4/2001, §303; as amended by Ord. 76, 12/29/2003)

§22-304. Final Plat.

Upon approval of the preliminary plat, the developer shall submit an application for approval of a final plat. The application shall be submitted to the Borough Secretary 15 days prior to a regular meeting of the Council and shall include eight copies of the final plat. [Ord. 76]

A. *Specifications for Final Plat.* For any subdivision requiring final approval, the plats submitted must meet the following specifications.

(1) Attestation by the applicant stating that the applicant is the owner of the tract of land proposed to be subdivided.

(2) Certification by the owner of the tract of land proposed to be subdivided that there are no restrictions or covenants in place which would affect any future development or which limits any existing development.

(3) Shall be drawn and submitted on reproducible mylar or submitted on a linen duplication reproducible tracing cloth.

(4) Shall be drawn and submitted with all information presented in the manner and to the extent required in the "Borough of Connoquenessing Standard Drawings and Specifications for Construction."

(5) Shall be on sheets 24 inches by 36 inches over all. There shall be a border of ½ inch on all sides except the binding end which shall be 1½ inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plats shall be drawn in two or more sections accompanied by a key diagram showing relative location of the section.

(6) Shall be drawn with waterproof ink and all records, data entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.

(7) Shall be drawn to a scale of 100 feet to the inch or larger; more than one sheet may be used for larger tracts and must be indexed.

(8) Shall contain a title block in the lower right hand corner with the name under which the subdivision plat is to be recorded. In addition, blocks for the following information shall be provided.

(a) Name of the recorded owner and developer.

- (b) Municipality in which the subdivision is located.
 - (c) Name, address and seal of the registered professional land surveyor preparing the plat.
 - (d) Certificate of ownership, including name of owner of record, deed book volume, date of instrument and date of recording.
- (9) Beyond the boundary lines of the proposed subdivision all final plats submitted shall be drawn according to the following.
- (a) Streets and other ways of medium solid lines.
 - (b) Property lines of adjacent subdivision by medium dashed and two dotted lines.
 - (c) Lot line by light dotted lines.
 - (d) Restriction lines, easements, etc., by light dashed lines.
- (10) Within the subdivision boundary lines all final plats shall be drawn according to the following.
- (a) Streets or ways of heavy solid lines.
 - (b) Perimeter property lines of subdivision by heavy dashed and two dotted lines.
 - (c) Lot lines of medium solid lines.
 - (d) Restriction of building lines by medium dashed lines.
 - (e) Easements of other reserved areas by light dotted lines.

B. *Application Fee.* At the time of filing of the application for approval of final plats, the developer shall pay to the Council for use by the Borough, a fee set by resolution to defray the cost of processing such plat approval applications, and drafting same on the official map of the Borough, and for payment to consultants hired by the Borough of Connoquenessing to conduct reviews of said applications.

C. All final plats submitted shall show the following information.

(1) Primary control points, or permanent monuments or description and ties to such control points or monuments, to which all dimensions, angles, bearings, and similar data shall be referred.

(2) Accurate description shown by bearings and dimension in feet and hundredths of a foot shall be shown on all tract boundary lines, property lines of lots, radii, arcs, cord bearings and distances. The error of closure for all descriptions subject to approval shall not exceed 1 foot in 10,000 feet.

(3) Profile sheets of all proposed streets and improvements with the following information.

- (a) Existing and finished profile along centerline of proposed street.
- (b) Finished grade at 50-foot stations located along the centerline of the proposed street, all vertical curve elevation information, length, including beginning-ending elevations, high and low points located along said vertical curve.
- (c) Finished profile for all sanitary sewers, stormwater sewers, and water lines with stations, identification numbers, invert and top

elevations, size and type of materials, and percent of slope of each utility proposed.

(d) The sight distance for all vertical curves shall be identified on the street profiles.

(4) Name and right-of-way width of each street or right-of-way.

(5) Location, dimensions and purpose of all easements in or across the subdivision plat.

(6) Number to identify each lot, site or parcel of land.

(7) Purpose for which sites other than residential are to be dedicated.

(8) Building set back line on all lots and sites.

(9) Location and description of survey monuments.

(10) Names of recorded owner of adjoining plotted or unplotted land.

(11) Certification of professional land surveyor who prepared the plat certifying to the accuracy of the survey and plat.

(12) Attestation by the applicant or his assigned agent stating that the applicant is owner of the tract or land proposed to be subdivided.

(13) Statement by the owner dedicating the streets, the right-of-way, easements and any sites proposed for public use.

(14) A plan for the control of erosion and sedimentation for review by the Butler County Conservation District office, as required by the Pennsylvania Clean Streams Act or 25 Pa. Code, Chapter 102, "Erosion Control," of the rules and regulations of the Pennsylvania Department of Environmental Protection.

(15) All plats which will require access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a highway occupancy permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law before driveway access to a state owned right-of-way is permitted.

(16) Such other certificates, bonds, affidavits, endorsements or dedication as may be required in the enforcement of this Chapter.

(17) North point, scale and date.

(18) Approvals required by County, State or Federal agencies with jurisdiction.

D. *Action of the Council.* The Council shall render its decision on the final plat and communicate its decision to the developer not later than 90 days following the date of the regular Council meeting next following the date the application is filed; provided, that should the next regular meeting occur more than 30 days following the date of filing, the 90-day period shall be measured from the thirtieth day following the day the application was originally filed. [Ord. 76, 12/29/2003]

(1) The decision of the Council shall be in writing and shall be communicated to the developer personally or mailed to him at his last known address not later than 15 days following the decision within the 90-day review period.

(2) When the application is not approved as filed, the decision shall specify the defect found in the application and describe the requirements

which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

(3) Failure of the Council to render a decision and communicate it to the developer 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 communication shall have like effect.

(4) From the time an application for approval of a final plat is duly filed as provided in this Chapter, 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 developer and the developer 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. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a final plat has been approved or approved subject to conditions acceptable to the developer, 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 developer to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any 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.

(5) Before acting on any subdivision plat, the governing body may hold a public hearing thereon after public notice. [*Ord. 76*]

(*Ord. 71, 10/4/2001, §304; as amended by Ord. 76, 12/29/2003*)

§22-305. Subdivisions of Three Residentially Zoned Lots or Less.

Plans and data involving subdivisions of three residentially zoned lots or less shall include but not be limited to the following:

A. The provisions of §22-304 may be waived for subdivisions of three residentially zoned lots or less if no new street construction or openings are required, no wetlands are disturbed, and no unusual physiographic or topographic conditions exist. The requirements of §22-303 for preliminary plats shall be applicable.

B. The Council shall have a period of 45 days within which to determine if a duly filed application for plat approval may be considered for final approval under this Section and make recommendations. Action by the Council shall be in accordance with §22-304.D.

(*Ord. 71, 10/4/2001, §305*)

§22-306. Resubdivision or Replatting.

The amendment, alteration or revision of a previously approved plat, or the combination or recombination of lots or portions of previously plotted lots, where the resultant lots are increased in street frontage and total area size, which meets or exceeds the standards of this Chapter and the previously approved final plats, shall be subject the replatted subdivision to the procedures and regulations heretofore described, except as they may be modified on application at the sole discretion and approval of the Council.

(*Ord. 71, 10/4/2001, §306*)

§22-307. Land Development Plan Review.

1. *Land Development Plan Review Criteria.* Any developer or owner of property in Connoquenessing Borough who proposes a land development shall provide the Council with six copies of plans as described in this Part. Where an owner or developer proposes to enlarge or relocate parking areas, access drives, or to erect signs or other permanent features or improvements, on a lot or tract of land, he shall provide the Council with six copies of site plans with supporting drawings to sufficiently illustrate his proposal. [*Ord. 76*]

2. *Conditional Use.* If a developer or owner proposes a use listed as a conditional use in the Connoquenessing Borough Zoning Ordinance [Chapter 27], which requires that a public hearing be held by the Council, he shall first or simultaneously receive approval of his proposal as required by this Chapter, before proceeding to satisfy the requirements of this Part.

3. *Procedure for Consideration and Approval.*

A. The developer or owner shall submit the required plans to the Council for action within the prescribed time requirements, and to the Butler County Planning Commission 30 days prior to the next regularly scheduled Council meeting.

B. The plans shall be submitted to the Council which shall review them at its next regular meeting along with the Butler County Planning Commission's recommendations. The Council shall approve or reject the plan or may approve it with conditions, which shall be attached to any permit issued for any construction on the property, within the 90-day review period authorized under the Municipalities Planning Code. The decision shall be in writing and shall be communicated to the applicant personally or mailed no later than 15 days following the decision. [*Ord. 76*]

C. After final approval by the Council, no changes shall be made in a plan unless changes are resubmitted for approval by Council. A change in scheduling or sequence in the development of a plan to be carried out over a time period and approved on this basis shall require review and approval as for any other change or phase of development.

D. Separate building permits shall be required for each building to be erected as part of an approved group of buildings on a site in the C Commercial District or the I Industrial District regardless of the proposed timing of the construction of each. Site development work including, but not limited to, paving, stormwater drainage structure and landscaping shall be included as part of the work covered under the building permit and subject to the same completion requirements as for

the building. (Earth disturbance activities, stormwater management, and design standards for said facilities shall be in compliance with Part 6.)

E. At least 10% of the gross area of any property to be developed shall be landscaped per approval of Council. Not less than 5% of the total property area shall be landscaped in that portion lying between the principal structure on the property and the abutting street right-of-way. Landscaping shall include all of the following elements: grassed areas, shrubbery, low trees, ground cover, mulching materials, or other features, and shall be maintained. Submitted drawings shall clearly show all landscaping elements by type and location.

F. To the extent possible, parking and truck loading areas shall be arranged to be hidden from view from adjacent residential areas, or screened from view by use of appropriate landscaping materials, fencing or earth mounding, or any combination of these.

4. *Contents of Land Development Plan Submission.*

A. The land development plan shall be presented in six prints at a scale not smaller than 1 inch equals 50 feet. A location map at a scale of not less than 1 inch equals 2,000 feet shall also be provided, on the same sheet if desired, indicating the site in relation to major roads and major landmarks in the vicinity.

B. The land development plan shall contain at least the following information as prepared by a registered professional engineer, surveyor or architect, unless otherwise specified. Additional information may be required by Council at its discretion. For existing structures where only the use is changing, design requirements may be waived by the Council.

(1) Bearings and distances of all property lines and area of property in square feet as prepared by a registered land surveyor.

(2) Location of adjacent road curbs or edge of paving and existing and proposed curb cuts.

(3) Public sanitary sewer, water supply, stormwater management, gas, electric, telephone, and other utility lines overhead or underground, existing and proposed, in street rights-of-way or in easements, inside the property or within 50 feet of a boundary.

(4) Existing contours, slopes in excess of 25% and proposed regrading at 2 foot intervals or spot elevations 50 feet apart in two directions over the property where there are less than 4% slopes.

(5) Location, height and use of all existing structures to remain and new structures, with structures to be removed shown by a dotted outline.

(6) Distances between all proposed structures or additions and property lines.

(7) Paving including access drives from adjacent streets and parking and loading areas on the property, showing treatment of edges, parking layout with dimensions of aisles and spaces, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system, and devices to retard stormwater drainage.

(8) Areas with mature trees or forests as defined herein.

(9) Proposed landscaping by type of feature (tree, shrub, ground cover, etc.), as well as walls, fences, outdoor lighting, etc.

(10) Proposed signs showing elevation view and noting height of the top of the sign above the ground below, and dimensions of sign faces and distances from property lines.

(11) Areas subject to soil erosion, landslide prone soils, natural watercourses or drainageways, and wetlands.

(12) Elevation of each wall of each proposed structure showing architectural treatment, or, optionally, a rendered perspective drawing of a structure showing two walls at least one facing the access street.

(13) The name and address of the owner, developer, engineer and architect (if involved) with the Pennsylvania seals of the professional preparing the surveys and drawings, together with verification from the owner, if not the developer, that he concurs with the plan.

(14) North arrow, graphic scale, title and date of submission.

(15) A narrative describing the present and proposed use of the property.

(16) A traffic impact study shall be required if the proposed use or uses generates 50 a.m. or p.m. peak hour trips or more.

(17) Environmental impact statements as specified in subsection .5

5. *Environmental Impact Statement.*

A. *Environmental Impact Statement Requirements.* Where a combination of one or more of the following site characteristics are present, the Council may recommend that an environmental impact statement be submitted as part of the application. Where indicated, all information submitted shall comply with standards established by the Pennsylvania Department of Environmental Protection, and shall be received by the Council at least 10 days prior to a scheduled review.

(1) Construction activity in undermined areas with less than 100 feet of overburden, as designated by the Bureau of Mining and Reclamation.

(2) Construction activity or encroachment involving a natural stream, watercourse or wetland.

(3) Construction activity within a landslide-prone area as delineated on Landslide Susceptibility Maps as maintained by the Pennsylvania Geological Survey or as prepared by recognized experts acceptable to the Borough Engineer.

(4) Construction activity involving the removal of 10,000 square feet or more of forest or construction activity involving the removal of natural vegetation of 3 acres or more in the area.

(5) Construction activity within 100 feet of any wetland.

B. *Environmental Impact Statement Content.*

(1) A description of the project. A map indicating:

(a) Limit of the following slope areas.

- 1) 0 - 15%
 - 2) 15 - 25%
 - 3) Over 25%
- (b) All natural watercourses and wetlands.
 - (c) Undermined areas with less than 100 feet of overburden.
 - (d) Landslide-prone soils.
 - (e) All forested areas.
- (2) An assessment of the environmental impact of the proposed development with particular attention paid to those items as outlined in §22-307.5.
- (3) A list of all licenses, permits and other approvals required by municipal, County, State and Federal law and the status of each shall be required before final consideration of the land development plan. Where applicable, the applicant shall submit at the time of consideration of final approval stream encroachment or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.
- (4) A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.
- (5) Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geo-technical consultant for undermining and landsliding problems, etc.

C. *Waiver of Environmental Report Requirement.* The Council may waive the requirement for an environmental impact statement if an applicant requests said waiver in writing, and further, provided said development meets all the standards of the Zoning Ordinance [Chapter 27], does not involve the relocation, improvement or alteration of any streamway, and no portion of the site is located within a flood hazard or flood-prone area as delineated on the FEMA map for Connoquenessing Borough. [Ord. 76]

D. *Waiver of Requirements.* Provided the land development plan application is in conformance with all applicable provisions of this Chapter, and that the applicant has requested such in writing, the Council may waive, alter, or reduce any requirement or standards of this Chapter as it relates to a land development plan application, under the following circumstances. [Ord. 76]

- (1) *Suitable Alternative.* Whenever a proposal is offered which presents an alternative which conforms to the spirit and intention of this Chapter.
- (2) *Unusual Site Characteristics.* Whenever a physical feature exists on or adjacent to the site which prevents a literal conformance to requirements or standards.

E. *Request for Additional Information.* Whenever it is determined by the Council at the outset of the review that additional information is needed in order to make an informed recommendation related to the land development plan

application, the Council will notify the applicant of such and said information shall be provided at the applicant's expense before the application will be considered complete. [Ord. 76]

6. *Preventative Remedies.*

A. 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.

B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants.

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) 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.

(4) 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.

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

(Ord. 71, 10/4/2001, §307; as amended by Ord. 76, 12/29/2003)

Part 4**Modification****§22-401. Purpose.**

Where the Council finds that extraordinary hardships may result from strict compliance with this Chapter, it may vary the requirements so that substantial justice may be done and the public interest secured; provided, that such modification will not have the effect of nullifying the interest and purpose of this Chapter.

(*Ord. 71, 10/4/2001, §401; as amended by Ord. 76, 12/29/2003*)

§22-402. Granting.

In granting modifications, the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standard or requirements so varied or modified.

(*Ord. 71, 10/4/2001, §402; as amended by Ord. 76, 12/29/2003*)

§22-403. Procedure.

All requests for a modification shall be in writing and shall be a part of the application for final approval or development. The request shall state the facts of unreasonableness or hardship, the provision or provision involved and the minimum modification necessary. The Council shall keep a written record of action taken.

(*Ord. 71, 10/4/2001, §403; as amended by Ord. 76, 12/29/2003*)

Part 5**Design Standards****§22-501. Application of Standards.**

The following minimum subdivision principles, standards, and requirements will be applied by the Council, Borough staff and consultants hired to provide comment in evaluating applications for preliminary and final plat approval.

(*Ord. 71, 10/4/2001, §501; as amended by Ord. 76, 12/29/2003*)

§22-502. Land Requirements.

1. Land shall be suited for the purpose for which it is to be subdivided.
2. Land subject to hazards of life, health, and safety such as strip or surface mined land, quarry land, open ditched and land subject to flooding or subsidence shall not be subdivided for residential purposes until all such hazards have been eliminated or unless guarantee is given that adequate safeguards against such hazards are provided by the subdivision plat.

(*Ord. 71, 10/4/2001, §502*)

§22-503. Street Requirements.

1. Proposed streets shall be properly related to Borough, Township, County and State road and highway plans which have been prepared and officially adopted and/or filed as prescribed by law.

2. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.

3. Local streets shall be so laid out in curvilinear fashion where practical, so as to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.

4. Where a subdivision plat abuts or contains an existing or proposed arterial street, the Council may require local access streets, reverse frontage lots, or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with arterial streets, and separation of local and through traffic. [*Ord. 76*]

5. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

6. Wherever a tract to be subdivided borders an existing half or partial street, the unimproved part of the street shall be plotted within such tract.

7. Cul-de-sac end streets may be permitted when it is clear that through traffic at such a street end is not essential to the street system in that district, or to the development of adjacent properties in the area, or the topography of the ground prohibits the future extension of the streets. The maximum length of a cul-de-sac street shall be 800 lineal feet, exclusive of the turn-around portion.

- A. A turn-around with a cartway diameter of 80 feet with a right-of-way

diameter of 100 feet shall be required at the end of all streets.

B. Unless future extension is clearly impracticable or undesirable, the turn-around right-of-way shall be placed adjacent to a property line, and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into an adjoining tract.

8. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further resubdivision shall be provided as necessary.

9. Reserve strips, restricting or controlling access to adjacent streets or properties shall be prohibited.

10. *Maximum Allowable Grades. Centerline of Streets.*

A. Arterial streets - 6%

B. Collector streets - 10%

C. Local streets 12%. (See §22-202.)

D. Cul-de-sac - the maximum grade of the turn-around pavement portion of the cul-de-sac shall be 5%.

11. Minimum grades on all streets shall not be less than 1%.

12. Vertical curves of proper and adequate length shall be installed on all street grade changes exceeding 1 %, and provide a minimum sight distance computed as follows:

$MSSD = 1.47Vt + (V_2)/(30[ftg]j)$ where:

MSSD = Minimum Sight Stopping Distance

V = Velocity of vehicle (mph)

t = perception time of motorist

f = wet friction of pavement

g = % grade of road divided by 100

or the following if greater.

Design Speed = 60 mph Arterial Streets 500 feet

Design Speed = 40 mph Collector Streets 275 feet

Design Speed = 30 mph Local Streets 200 feet

Sight distance shall be measured from a point 3.5 feet above the surface of the road to a point 0.5 feet above the surface of the road.

13. *Alignment.*

A. Whenever street lines are deflected in excess of two degrees, connection shall be made by horizontal curves.

B. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be designed in accordance with the American Association of Highway and Transportation Officials publication "A Policy on Geometric Design of Highways and Streets."

14. *Widths.* Minimum street right-of-way widths and cartway (roadway) widths shall be as follows:

Type of Street	Cartway	Right of Way
Arterial	40 feet	60 feet
Collector	26 feet	50 feet
Local	23 feet	50 feet

Additional right-of-way and cartway widths may be required by the Council for the following purposes:

A. To promote public safety and convenience.

B. To provide parking space in commercial districts and in areas of high-density residential development.

C. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformation with above standards may be required.

D. Where anticipated traffic flows and vehicle size warrants additional widths, increases in base material and cartway widths will be established by the Council and the Borough Engineer. [Ord. 76]

15. *Street Intersections.*

A. Curbs, where required, shall be installed by the developer along the streets or where deemed necessary for public safety as determined by the Council. The curbs shall be of the type and material as specified and approved by the Council. All curbs at intersections shall be rounded by a minimum radius of 25 feet for local streets, 30 feet for collector streets, and 40 feet for arterial streets.

B. Where the grade of any street at the approach to an intersection exceeds 5%, a leveling area shall be provided with a transitional grade not to exceed 2% for a distance of 25 feet from the nearest right-of-way line of the intersection.

C. Multiple intersection of more than four roads shall be prohibited.

16. *Street Offsets.* Street offsets of less than 125 feet shall be avoided.

17. *Reverse Curves.* Reverse curves shall be designed to accommodate anticipated volumes of traffic at designed speeds, and have a minimum target separation of 50 feet.

18. *Alleys.*

A. Not permitted in residential areas.

B. Permitted in commercial and industrial areas subject to design approval of the Council. [Ord. 76]

19. *Driveways.*

A. Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway serves, and shall be designed and constructed in accordance with the requirements of Pa.Code, Title 67, Chapter 441, "Access to Highways."

B. Private driveways which function as local streets providing access to individual residential lots shall be designed in accordance with this Part and in compliance with the minimum standards for public streets.

(Ord. 71, 10/4/2001, §503; as amended by Ord. 76, 12/29/2003)

§22-504. Lots.

1. Residential lots shall be subdivided in accordance with the terms of the Borough of Connoquenessing Zoning Ordinance [Chapter 27] and the provisions contained herein.

2. Subdivision and development of land other than for residential purposes shall be subject to review by the Council insofar as size, depth, width of lots, access to public roads and parking are concerned. [Ord. 76]

3. The frontage width of lots fronting a cul-de-sac shall be a minimum of 50 feet at the right-of-way line. The side yard setback requirements will be calculated from the front of the structure and extended from both sides of the structure to the side property lines.

4. All lot lines shall be set perpendicular or radial to the centerline of the street whenever possible. All nonradial lines shall be denoted as such on the plat.

5. Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.

6. Where two such vehicular access areas abut one another, a combined driveway shall be required to a distance of 150 feet. The minimum 20-foot width may be reduced to 15 feet on each lot.

7. Lots proposed as flag lots shall not be approved by the Council unless the developer can demonstrate that a modification or variance is warranted in accordance with the provisions of this Chapter. Where a lot is proposed requiring an extended access to a public or private right-of-way for vehicular ingress and egress and a modification or variance is granted, the land upon which the private driveway is to be constructed shall be a minimum of 20 feet in width. [Ord. 76]

(Ord. 71, 10/4/2001, §504; as amended by Ord. 76, 12/29/2003)

§22-505. Building Lines

The building lines shall be in accordance with the terms of the Borough of Connoquenessing Zoning Ordinance [Chapter 27].

(Ord. 71, 10/4/2001, §505)

§22-506. Blocks.

1. Block length shall not exceed 1,200 feet nor be less than 500 feet.

2. Blocks shall be at least two lots in depth except for reverse frontage lots.

3. Exceptionally long blocks shall be provided with crosswalks with a minimum right-of-way reservation of 12 feet, and a 4-foot paved walk.

4. The depth-to-width ratio of usable lot length shall be at a maximum of two and one-half to one.

(Ord. 71, 10/4/2001, §506)

§22-507. Easements.

1. Easements for sanitary sewer and stormwater sewer shall have a minimum width of 20 feet and be placed at the side or rear of lots whenever possible. When the

Council determines that easements are required to extend proposed or future utilities the required easements shall be provided.

2. Anchor easements shall be approximately 4 feet by 30 feet and placed on a lot line, at such locations as deemed appropriate by the utility requiring such easements.

3. Aerial easements shall be a minimum of 15 feet, and located as deemed appropriate by the utility requiring such easements.

4. 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 the natural flow of water and to provide sufficient width for maintenance, but not less than 20 feet.

(Ord. 71, 10/4/2001, §507)

§22-508. Reserved Areas.

Reserve strips surrounding the property or areas reserved for any purpose which shall make any area unprofitable for regular or special assessments or which may revert to untended nuisance areas, will not be approved by the Council.

(Ord. 71, 10/4/2001, §508; as amended by Ord. 76, 12/29/2003)

§22-509. Street Names.

The developer may choose his street names subject to the approval of the Council and the Butler County Emergency Management System. No street, other than an extension, may be given the name of an existing street in the Borough of Connoquenessing postal service area of which the Borough of Connoquenessing is a part.

(Ord. 71, 10/4/2001, §509; as amended by Ord. 76, 12/29/2003)

§22-510. Access.

In subdividing land it shall be done in a manner that will not have the effect of barring adjacent property owners from access to the streets and ways of the allotment.

(Ord. 71, 10/4/2001, §510)

§22-511. Utilities.

1. *Easements.* Easements for all utilities shall be provided across lots or centered along the rear or side lot lines where necessary and shall not be less than 15 feet in width.

2. *Water.* All new subdivisions must be provided with public water supply systems, or, in small subdivision cases only, where there are no existing public water supply systems existing near the subdivision, each lot in the plan must be provided with an individual water supply system approved by the appropriate health authority.

3. *Sanitary Sewers.* All lots in a new subdivision must be connected into a public sanitary sewer system. In exceptional cases where no public sewers are available, the Planning Commission may approve small subdivisions (not more than five lots) with the following conditions:

- A. A minimum of 5 acres of land is used.
- B. Prior and written approval of the appropriate health authority.

4. *Storm Sewers.* Storm drainage facilities must be designed throughout the entire subdivision so as to handle all the anticipated peak discharges of stormwater from the property being subdivided, plus all the anticipated runoff that will occur on abutting properties at a higher elevation when those properties will be fully developed. The anticipated peak discharge shall be calculated according to criteria established by the Borough Engineer relative to peak storm cycles.

5. *Electric and Telephone.* In all subdivisions submitted after the effective date of this Section, all electric, telephone and other utilities shall be installed underground, in properly located and recorded easements.

(Ord. 71, 10/4/2001; as added by Ord. 76, 12/29/2003)

Part 6 Improvements

§22-601. Grading.

1. Streets shall be graded to street profile grades and cross sections as established on and presented with the preliminary plats and as approved by the Council. Street cross sections shall be in accordance with standards and specifications established by the Borough.

2. Streets shall be graded to the full width of the street right-of-way and slopes of a minimum of 2 feet to 1 foot shall be constructed commencing at the street right-of-way and extending on to the lots of properties adjoining the street right-of-way, this applies to both cut and fill sections.

3. Subgrade of streets shall be brought to the proper grade and contour, and shall be rolled, and cross rolled using compaction equipment meeting the requirements of PennDOT Pub. 408, or an acceptable alternative. Compaction of the subgrade shall also meet the density requirements of PennDOT Pub, 408, or an acceptable alternative. Where subgrades displaying pronounced elasticity or deformation under rolling equipment is found and stability cannot be obtained, the unsuitable material shall be removed and replaced until the subgrade is suitability stabilized.

4. No base course shall be placed until the street subgrade has been inspected and approved by the Borough Engineer. Said inspections shall be paid for as specified in Part 7 of this Chapter.

(Ord. 71, 10/4/2001, §601)

§22-602. Under Drainage.

1. In areas where springs, poor soil drainage conditions, wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed street pavement there shall be constructed pipe underdrain, stone underdrain or subgrade drains according to current Pennsylvania Department of Transportation specifications, subject to approval of drawings by the Borough Engineer.

2. If during construction unknown poor drainage conditions are encountered by the owner, he shall notify the Borough Engineer and correct such conditions encountered at the direction of the Borough Engineer to his complete satisfaction.

3. Permanent pipe underdrain of a size, depth, width and slope as determined by the Borough Engineer shall be installed on the upper or high side, and all cut areas where they are required or necessary to prevent the infiltration of water under the paved roadway.

(Ord. 71, 10/4/2001, §602)

§22-603. Curbing.

1. Type of curb used and location required to be determined by the Council and subject to their approval before installation of the same.

A. Curbs within a residential subdivision shall be a rolled curb and gutter type, allowing the placement of driveways/access ways along the curb without requiring modification to the curb. [*Ord. 76*]

2. Concrete curbs shall be of the following types in accordance with standards and specifications established by the Borough.

- A. Straight curb (8" x 24")
- B. Battered curb (6" x 8" x 24")
- C. Rolled curb and gutter
- D. Combined curb and sidewalk
- E. Extruded concrete

3. Bituminous curbing shall be wedged construction and installed on both sides of the street in accordance with standards and specifications established by the Borough.

(Ord. 71, 10/4/2001, §603; as amended by Ord. 76, 12/29/2003)

§22-604. Road Specification.

1. *Subgrade.* Fill shall be compacted in 6-inch lifts to 97%-modified proctor. Final subgrade shall be proof rolled to visible non-movement with a 10-ton vibratory roller or a loaded tri-axle truck. Areas of unstable soil shall be undercut removing poor soil and replacing with stable soil. The Borough Engineer may require geotextile fabric or other type of soil stabilizing measure at his discretion during construction. The Borough Engineer shall witness subgrade proof rolling within 2 days of placing stone sub-base.

2. *Sub-base.* 8 inches of 2A limestone material and installation shall be provided in two compacted lifts all in accordance with PennDOT Publication 408.

3. *Pavement.* Shall consist of a minimum of one 3½-inch layer of ID-2 bituminous concrete binder and two layers of 1 inch ID-2 bituminous concrete wearing in accordance with PennDOT Publication 408. Binder shall be placed immediately after sub base is placed. The first layer of wearing shall be placed immediately following the binder prior to receiving any traffic. The second layer of binder shall be placed after 50% of the lots or land is developed or 16 months after approval of the plan. Prior to placement of the second inch of binder the surface of the road shall be pressure washed and cracks shall be filled and settlements shall be corrected. A bituminous tack coat shall cover the existing pavement prior to placing the final wearing course. All materials and construction shall be in accordance with PennDOT Publication 408.

(Ord. 71, 10/4/2001, §604)

§22-605. Sidewalks.

1. Sidewalks shall be provided by the developer and approved by the Council. [Ord. 76, 12/29/2003]

2. Sidewalks shall be of Portland concrete 4 inches in thickness except at driveways where they shall be a minimum of 6 inches in thickness. Sidewalks shall be a minimum of 4 feet in width exclusive of the width of the curb in the manner approved in the preliminary plat.

3. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having sidewalks on one or both sides.

4. Sidewalks, where provided, shall be within the right-of-way and in residential areas, where conditions permit, 2 ½ feet from the curb. Sidewalks should line up with

walks in adjoining subdivisions.

(*Ord. 71, 10/4/2001, §605*)

§22-606. Street Signs.

1. Street name signs shall be installed at each street intersection in accordance with type of materials, design and standards established by the Council prior to the occupancy of any dwellings.

2. A traffic control signage plan and supporting documentation shall be submitted for approval and shall be installed prior to occupancy of any dwellings.

3. All traffic control, no parking and speed limit signs shall meet PennDOT standards and locations for such signs or where applicable shall be determined by the Council.

(*Ord. 71, 10/4/2001, §606*)

§22-607. Sanitary Sewers.

1. Installation of sanitary sewers, including house lines, laterals, trunk lines, manholes, and other appurtenances, shall comply with the rules and regulations of the municipal authority having jurisdiction and subject to inspection by the same.

2. In areas where a municipal sewer is not available (over 175 feet from the nearest point of the subdivision), is not planned, is not topographically feasible, or where an easement cannot be obtained through adjoining property, individual septic tanks, individual on-lot septic disposal systems or private sanitary sewage treatment systems may be permitted, subject to approval of drawings and design by the Council and the Pennsylvania Department of Environmental Protection. Any development of three EDUs or more will be required to tap into the municipal system.

3. In areas where a municipal sewer is available, all properties within the subdivision shall be connected thereto. The developer shall extend the sanitary sewer main to the extent of the subdivision as required by the Borough Engineer. [*Ord. 76*]

4. In areas where a municipal sewer is planned to be available, but not yet built, laterals shall be extended to the center of the street, or into right-of-way and trunk lines provided to the edge of the subdivision closest to the municipal trunk location and capped. Until such times as the municipal sewer becomes available, individual septic tanks, or a private sanitary sewage treatment system must be installed. In the case of a private treatment system, a connecting sewer shall be provided to connect into the municipal system.

5. All individual properties now using sanitary sewage facilities and all future properties requiring sanitary sewage facilities shall be connected to the municipal sewage system if it is available.

(*Ord. 71, 10/4/2001, §607; as amended by Ord. 76, 12/29/2003*)

§22-608. Sanitary Sewage Treatment Plant.

1. Installation of sanitary sewage treatment plants and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Protection and the Council.

2. No building permit will be issued for any construction or development until

either an individual sanitary sewage disposal system or a sanitary sewage treatment plant installation has been approved by the Council upon receipt of written approval of said system by the Pennsylvania Department of Environment Protection pursuant to the requirements of the "Pennsylvania Sewage Facilities Act" (Act 537), as amended. [A.O.]

(*Ord. 71*, 10/4/2001, §608; as amended by *Ord. 76*, 12/29/2003)

§22-609. Stormwater Management.

1. Adequate stormwater drainage facilities shall be installed in conformance with a stormwater management plan to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause a detrimental effect. The stormwater management plan shall ensure to the satisfaction of the Borough that rates of runoff after development are not greater than the runoff which would occur on the site in its natural state.

2. The stormwater management plan shall comply with the Pennsylvania Stormwater Management Act, P.L. 869, No. 167, and be prepared in accordance with standards and specifications established by the Borough.

3. All materials and methods of construction and installation shall meet and comply with the requirements of PennDOT Pub. 408, current edition and their Standards for Roadway Construction Series RC-0 to 100, current edition.

4. Approved precast concrete inlets and metal castings shall be placed at all low points, street intersections and at points along both sides of the street to ensure adequate drainage, but in no case shall the distance between inlets along the street exceed 300 feet unless approved by the Borough Engineer. Inlets at street intersections shall be placed on the tangent and not on the curved portion unless approved by the Borough Engineer.

5. Manholes and metal castings of the type shown on the standards and specifications established by the Borough shall be installed at all changes in alignment and grades of stormwater sewers as may be directed by the Borough Engineer to provide for proper maintenance. Inlets may be substituted for manholes where practical.

6. Stormwater sewers shall be located in the street right-of-way or in a drainage easement.

7. Stormwater sewers shall be reinforced concrete or a high density polyethylene corrugated pipe with an integrally formed smooth interior and have a minimum diameter of 15 inches and a minimum grade of ½ %. Storm sewers for arterial streets shall be designed to handle the 50-year storm, for collector streets, the 25-year storm, and for local streets, the 10-year storm at a minimum.

8. In the design of stormwater sewer installations, special consideration shall be given to avoidance of problems which may arise from concentration of stormwater runoff over adjacent properties, including release or discharge of stormwater onto and across adjacent land when required.

9. Bridges and culverts shall be designed to support the expected loads, to carry expected flows, and be constructed the full width of the right-of-way, where deemed necessary by the Borough Engineer.

10. Stormwater management plans shall be in compliance with Borough Engineer's guidelines adopted by resolution and be submitted for approval with preliminary plat application. Such plan shall include pipe sizes and materials, details of proposed catch basins and inlets, location of manholes and finish elevations.

11. All proposed stormwater detention facilities shall be located on land to be dedicated and accepted by a homeowners association or the organization formed expressly for the maintenance of said facilities.

12. There shall be reserved in all residential subdivision of more than three acres including more than five building lots, one or more areas for the temporary detention of overland stormwater run-off. Said common detention area shall be identified on the preliminary plat and shall be incorporated as described in a covenant and deed restrictions document to be filed with the final subdivision plat. The covenants and deed restrictions document shall also include.

A. A mechanism for the transfer of title to all homeowners of the subdivision of that area upon which the common temporary detention facility is situate.

B. Provisions for the collection of monthly of annual fees for the maintenance of the common temporary detention facilities.

C. A procedure for the deposition of fees collected into an account from which payment for maintenance is withdrawn.

D. A procedure for the designation of an individual or individuals responsible for the monitoring of said account and for the collection and dispersal of fees.

E. A minimum 20-foot access easement shall be provided to a public right-of-way for service by maintenance vehicles and equipment.

F. A statement of non-liability shall be included on the final plat for recording which indemnifies Connoquenessing Borough from maintenance responsibilities or damages occurring because of the negligence of the homeowners responsible for maintenance of the temporary detention facilities.

G. Provisions for transfer of maintenance responsibilities to the Borough in the event that the homeowner fails to provide such maintenance as per the Pennsylvania Municipalities Planning Code and amendments thereto (§705).

(Ord. 71, 10/4/2001, §609)

§22-610. Water Supply.

1. If public water supply is available or definitely planned for the area by the Borough of Connoquenessing, then provisions shall be made for its immediate and eventual use.

2. Community wells or project wells for water supply shall be approved by the Pennsylvania Department of Environmental Protection and the Council.

3. All water supply systems shall be constructed as per the specification of the municipal authority with jurisdiction and approved by the same, and copies of such agreements for supply of water service shall be submitted to the Council for approval.

4. Fire hydrants shall be installed as per the Borough's specifications for locations and must meet minimum static pressure levels as specified for fire protection.

(Ord. 71, 10/4/2001, §610)

§22-611. Monuments.

Permanent monuments of reinforced concrete or metal shall be installed after all grading and improvements have been installed to identify all street right-of-ways and set in locations as determined by the Borough Engineer. The developer shall furnish a certification that monuments have been set in the locations as shown on the recorded subdivision plan.

(Ord. 71, 10/4/2001, §611)

§22-612. Street Trees.

The developer shall submit a planting plan to the Council for approval. The planting plan shall show proposed locations and species. Trees are to be placed inside the property lines and spaced at not more than 100 foot on center, with a minimum of one tree per lot.

- A. Trees shall be of the same species.
- B. Trees shall be of a minimum 3-inch caliper.

(Ord. 71, 10/4/2001, §612; as amended by Ord. 76, 12/29/2003)

§22-613. Space for Special Purposes.

1. Easements, adequate for all utilities - see §22-507.
2. Buffer area or planting screen minimum width - 10 feet, where required.

(Ord. 71, 10/4/2001, §613)

§22-614. Existing Natural Conditions.

In wooded areas or where other natural conditions exist, in such a manner that their presence adds to the desirability of a subdivision, the Council shall require that the developer preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required for the construction of the improvements in accordance with the improvement standards included herein and approved by the Council.

(Ord. 71, 10/4/2001, §614)

§22-615. Grading Plan.

1. At the time of submission of a subdivision plan or development plan for preliminary approval, a grading plan shall be presented for review. The grading plan shall identify the existing and proposed grade contours at 2-foot intervals with sufficient elevations to show proposed grading of streets, lots, drainage ways, stormwater detention ponds and any other proposed grading activity. Where grades are less than 4%, the contour intervals shall be at 1 foot and slope directions shown with arrows. Where grades are minimum, spot elevations shall be provided.

2. *Topsoil Preservation.* No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored in accordance with the approved erosion and sedimentation control plan as required under §27-303.3.AA. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding, both temporary and

permanent, or planted in accordance with the approved erosion and sedimentation control plan as required under §27-303.3.AA.

(*Ord. 71, 10/4/2001, §615*)

§22-616. As-Built Plans.

After completion of all required improvements the developer shall have his engineer or surveyor prepare and submit for Borough approval plans and profiles showing the exact location, elevation, grade, size, stormwater detention pond volumes and material used to install all facilities. Said plans shall be dated, signed and sealed by the person preparing plan and be submitted on reproducible linen or mylar.

(*Ord. 71, 10/4/2001, §616*)

§22-617. Soil Erosion and Sedimentation Control.

1. All subdivisions or land developments proposing earth disturbance shall provide a soil erosion and sedimentation control plan.

2. The developer shall obtain any and all necessary permits and approvals from the Butler County Conservation, Department of Environmental Protection or the EPA.

(*Ord. 71, 10/4/2001, §617*)

§22-618. Lampposts.

1. Lampposts shall be provided by the developer along streets within a subdivision.

2. Lampposts shall be of a type and style approved by the Council.

3. The costs of operating and maintaining the lampposts shall be paid by the developer and/or homeowners association.

(*Ord. 71, 10/4/2001; as added by Ord. 76, 12/29/2003*)

Part 7

Condition of Acceptance

§22-701. Performance Requirements.

1. Before approving any subdivision plan, the Council shall require a written agreement that necessary grading, paving and street improvements, sidewalks, street lights, fire hydrants, water mains and sanitary sewers, as may be required by the Borough, shall be installed by the developer in strict accordance with the design standards and specifications of the Borough, within a specified time period. Such agreement shall be prepared by the Borough Solicitor at the expense of the developer.

2. When requested by the developer in order to facilitate financing, the Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat shall not be signed nor recorded until the financial improvements agreement is executed. If within 90 days, unless written extension is granted by the Council, the financial improvement agreement is not executed, then the resolution or letter of contingent approval shall expire.

(Ord. 71, 10/4/2001, §701)

§22-702. Performance Guarantees.

1. The Council shall insure, through receipt of certificates of compliance submitted and attested by the Borough Engineer, that required improvements have been installed according to the specifications of the final plat, or alternately require the posting of adequate surety to cover the cost for such improvements. The Council shall specify one of the following alternatives for guaranteeing compliance with the requirements of this Section for the developer requesting final approval of a plat. The decision of which alternative shall be required is that of the Council and final approval of a plat shall not be granted until the surety required is fully provided.

2. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 % of the cost of completion estimated as of 90 days following the developer's scheduled date of completion. The amount estimated shall be prepared by a licensed professional engineer for submittal to the Borough by the applicant or developer. If the amount of the estimated financial security is contested by the Borough Engineer, a third licensed professional engineer chosen mutually by the applicant or developer and the Borough shall estimate the amount of financial security necessary, which estimate shall be presumed fair and reasonable. Fees for the services of the third engineer shall be paid equally by the Borough and the applicant or developer.

A. *Completion of Improvements Prior to Final Approval.* Prior to final plat approval, the developer shall complete, in a manner satisfactory to the Council and the Borough Engineer, all improvements required in these regulations specified in the final subdivision plat, and as approved by the Council and shall dedicate same to the Borough in accordance with these regulations. Final plat approval shall not be granted until the dedication of said improvements has been accepted by the Council.

B. *Guarantee of Future Performance.* In lieu of requiring the completion of all improvements prior to final plat approval, the Borough may, at its discretion, enter into a contract with the developer whereby the developer shall guarantee to complete all improvements required by this Chapter, or otherwise specified by the Council in a manner satisfactory to the Council. To secure this contract, the developer shall provide, subject to the approval of the Council, one of the following guarantees.

(1) *Surety Bond.* The developer shall obtain a security bond from a surety bonding company authorized to do business in the state of Pennsylvania. The bond shall be payable to the Borough and shall be in an amount sufficient to cover the entire cost, as estimated by the Borough Engineer, as herein provided, for the installation of all improvements. The duration of the bond shall be until such time as the improvements are accepted by the Borough in accordance with the requirements of this Chapter.

(2) *Escrow Account.* The developer shall deposit cash, or other instruments readily convertible into cash at face value, either with the Borough, or in escrow with a bank. The form of any instruments other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the Borough Solicitor. The amount of the deposit shall be at least equal to the cost, as estimated by the Borough Engineer, of installing all required improvements, plus 10 %. In case of an escrow account, the developer shall file with the Council an agreement between the financial bank and himself guaranteeing the following.

(a) That the funds of said escrow account shall be held in trust until released by the Council and may not be used or pledged by the developer as security in any other matter during the period.

(b) That in the case of a failure on the part of the developer to complete said improvements, the bank shall immediately make the funds in said account available to the Borough for use in the completion of those improvements.

(3) *Irrevocable Letter of Credit.* An irrevocable letter of credit in an amount equal to the cost of all required improvements, as estimated by the Borough Engineer, plus 10%, shall be posted naming the Council as beneficiaries. The financial institution which provides the irrevocable letter of credit shall be first approved by the Council. Failure on the part of the developer to complete said improvements shall cause the funds posted as an irrevocable letter of credit to be more available to the Borough upon written notice of a claim against said funds.

(Ord. 71, 10/4/2001, §702)

§22-703. Release from Improvement Bond; Procedure.

1. When the developer has completed all of the required improvements, the developer shall notify the Council, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy to the Borough Engineer.

2. The Council shall, within 10 days after receipt of such notice, direct and

authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

3. The Council shall notify the developer in writing by certified or registered mail within 15 days of receipt of the Engineer's report of the action of said Council with relation thereto.

4. If any portion of the required improvements shall not be approved or shall be rejected by the Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Council or the Borough Engineer.

6. The applicant or developer shall be charged by the Borough of Connoquenessing for all fees reasonable and necessary to cover costs incurred by the Borough for engineering review and inspection of improvements as outlined in this Part. In the event that the amount of the expense is disputed, the following procedures shall be implemented:

A. If within 20 days of receipt of the balance of the originally deposited funds a disagreement with the amounts charged for engineering review and inspection occurs, a licensed professional engineer shall be appointed by mutual agreement, as a third party to review and determine reasonable and necessary expenses.

B. The engineer so appointed shall at his sole discretion review documentation and hear evidence necessary to render a decision within 50 days of the receipt of the balance in question. The applicant shall be required to pay the entire amount determined in the decision immediately.

C. In the event that within the 20-day period following receipt of the deposit balance, the Borough and applicant cannot agree on the appointment of the licensed professional engineer, then upon application of either party, the Court of Common Pleas of Butler County shall appoint such engineer. In no case can the engineer so appointed have provided services to either party within the 5 years preceding the appointment.

D. The fee of the appointed professional engineer for determining the reasonable and necessary expenses for review and inspection of improvements shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

7. At the time of final approval and prior to the issuance of any required Borough permit, a 10 % deposit shall be made by the applicant with the Borough for the costs of

review and inspection where public utilities and facilities are proposed. Said 10% shall be calculated as 10% of the total costs of installation of said public utilities and facilities. Any funds unexpended at the time of acceptance of the aforementioned public utilities and facilities shall be returned to the applicant.

(*Ord. 71, 10/4/2001, §703*)

§22-704. Remedies to Effect Completion of Improvements.

1. In the event that any improvements which may be required have not been constructed and installed as provided for in the written agreement, this Chapter and the requirements of the Council or in accord with the approved final plan, the Council shall enforce any corporate bond or other security by appropriate legal and equitable remedies.

2. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Council, may at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

3. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

(*Ord. 71, 10/4/2001, §704*)

§22-705. Maintenance Bond.

1. Before the Borough Engineer shall issue to the Council a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development and in compliance with the specifications, standards, ordinances and requirements of the Borough, the developer shall be required to deposit with the Borough a corporate maintenance bond, or other surety acceptable to the Borough Solicitor, in such amount, under such conditions, and in such form as shall be required by the Council. The maintenance bond shall guarantee the repairs and maintenance by the developer of the public improvements in the subdivision or development, for a period of 18 months from the date of final and official acceptance of the above said improvements and facilities by the Council. The amount of the maintenance bond shall not exceed 15% of the actual cost of installation of said improvements.

2. The repairs and maintenance required to be performed by the developer shall extend only to making good any inherent defects which become manifested in the materials and workmanship under ordinary conditions and shall not be held to cover any breakage or damage caused by improper use or by accident resulting from circumstances over which the developer has no control.

(*Ord. 71, 10/4/2001, §705*)

§22-706. Acceptance of Public Improvements.

Upon completion of the inspection and approval of the public improvements, the developer shall submit a request to the Council, in writing, to accept the dedication of

the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare a resolution or ordinance and shall be submitted at least 20 days prior to the regular meeting of the Council. At the regular meeting, the Council shall enact a resolution or ordinance accepting the public improvements as part of the Borough's public facilities, subject to the posting of the maintenance bond required by this Chapter.

(Ord. 71, 10/4/2001, §706)

§22-707. Final Inspection of Public Improvements.

Prior to the end of the 18-month period when the maintenance bond expires and before the maintenance bond is released, the Borough Engineer shall make a final inspection and certify in writing to the Council that all the public improvements are in good order. If any repairs are required or maintenance needed, the developer shall be notified in writing, and such repairs or maintenance shall be done and approved prior to certification by the Borough Engineer.

(Ord. 71, 10/4/2001, §707)

§22-708. Snowplowing.

The applicant shall be responsible from the time there is at least one occupant in the proposed development to plow snow and disperse anti-skid material on development roads as may be necessary to provide ingress and egress to the occupants at the applicant's cost, prior to the acceptance of dedicated streets.

(Ord. 71, 10/4/2001, §708)

§22-709. Higher Standards.

1. No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Borough or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Borough. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum and the Council may, as it deems advisable, revise said specifications and requirements to secure a higher standard of improvements and community development.

2. No stormwater drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system, and facilities or any other facilities or improvements will be accepted as a part of the Borough's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Borough.

(Ord. 71, 10/4/2001, §709)

§22-710. Recording Plat.

1. Upon approval of this final plat, the developer shall within 60 days of such final approval deliver to the Borough offices the following plats and documents for Borough signatures.

A. One original linen or mylar and two duplicate mylars and six prints.

B. Four sets of prints of the final construction drawings and supporting documents.

C. Executed homeowners association document, signed and recorded by participating property owners and meeting the requirements of, §22-609.12.

D. Executed developer's agreement meeting the requirements of §22-701, "Performance Requirements," and of §22-702, "Performance Guarantees," of this Chapter.

2. At the time of submittal of the plans and documents as specified in this Section, the developer shall pay to the Borough a fee equal to the prevailing fee of the Butler County Recorder of Deeds for recording the original plat and any homeowners association documents required to be recorded in such office, plus a fee for all municipal services rendered as set forth in the appropriate fee resolutions.

3. Upon recording of plats and homeowners association documents, the Borough shall apprise the developer of the official filing date as well as the appropriate recording reference data and make available one duplicate mylar plat and one set of approved construction drawings plus a copy of the homeowners association documents.

4. After an approved subdivision plan shall have been officially recorded, the streets, parks, and other public improvements shown thereon shall be considered to be a part of the official plan of the Borough.

5. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan, or the owner may note on such plan that any improvements have not been offered for dedication to the Borough.

6. Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Borough and accepted by ordinance or resolution, or until it shall have been condemned for use as a public street, park or other improvement.

7. Any single nonresidential land development whether occurring on one lot or on a combination of parcels under single ownership and phased over a period of years shall be recorded with Butler County as an approved site plan following completion of all contemplated improvements and structures. One mylar drawing shall be submitted to the Butler County Recorder of Deeds and two paper copies filed with the Borough of Connoquenessing.

(Ord. 71, 10/4/2001, §710)

§22-711. Approval Refused by Council.

In any case where the Council shall refuse to approve any plats submitted to them in accordance with this Chapter, any person aggrieved by the action of the Council may appeal as provided by law to the Court of Common Pleas of Butler County, Pennsylvania.

(Ord. 71, 10/4/2001, §712)

§22-712. No Responsibility of Borough Where Plans Not Approved.

If any road or any drainage facilities in connection therewith shall be opened,

constructed, or dedicated for public use or travel, except in strict accordance with plats approved and recorded as herein provided, neither the Council nor any public authority shall place, construct, or operate any sewer, drain, water pipe or other facilities, or do any work of any kind, in or upon such road; and neither the Council nor any other public authority, shall have responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public. Provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodating of other territory.

(Ord. 71, 10/4/2001, §713)

Part 8**Fees****§22-801. Fee.**

1. All applications submitted for the review and approval of plans of subdivision and plans of land development prepared in preliminary or final form shall be accompanied by a review fee and a deposit in accordance with a schedule of fees and charges established, or to be established, and adopted by resolution of the Council to defray, or to help defray, any cost that may be incurred by the Borough in viewing and inspecting the site of the subdivision or land development, and reviewing the application, data and the plans submitted relative to the same.

A. A report shall be made at the time of application for preliminary and final subdivision approval with the Borough of Connoquenessing in order to cover the costs of engineering review and inspection of proposed improvements, legal fees and other consultants' fees whose services are required in order to provide a comprehensive review of the subdivision application.

B. A review fee, as established by resolution of the Council, and fees as charged to the Borough for activities related to the subdivision application shall be deducted from the deposit as invoices are received.

C. A full accounting of all expenses incurred during the review and approval of a subdivision application, whether preliminary or final, shall be kept by the Borough Secretary and made available to the applicant.

D. Upon completion of all improvements to the satisfaction of the Borough Engineer, and upon a full and complete release of all sureties posted relative to the improvements proposed, the remaining balance of the deposit shall be returned to the applicant upon receipt of a written request to do so.

2. The schedule of fees and charges established or to be established may vary, and be regulated in accordance to the scope and complexity of the plan of subdivision and land development project, such as:

A. Number of parcels or lots in plan.

B. Site development plans.

C. Utility development plans.

D. Applicant's plan of construction and development of the land, structures and facilities thereon, and appurtenant thereto.

E. Number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.

3. Where a plan of subdivision or land development for any reason has been rejected by the Council, the applicant when resubmitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the Borough's schedule of fees and charges for such submittals. [Ord. 76]

4. All review fees shall be made payable to the Borough of Connoquenessing. All review fees deducted from the original deposit are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be

reason or cause for the return of any fee submitted.

5. The applicant shall reimburse the Borough of Connoquenessing for all costs associated with the review and approval, or denial, of an application for subdivision or land development which exceed the amount of the original deposit.

(*Ord. 71*, 10/4/2001, §801; as amended by *Ord. 76*, 12/29/2003)

Part 9**Amendments****§22-901. Enactment of Subdivision and Land Development Ordinance Amendment.**

1. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by §504 of the Pennsylvania Municipalities Planning Code. [*Ord. 76*]

2. At least 30 days prior to the date of the hearing on the amendment, the Borough shall submit the proposed amendment to the Butler County Planning Commission for recommendation.

3. Within 30 days after adoption, the Council shall forward a certified copy of the amendment to the subdivision and land development ordinance to the Butler County Planning Commission.

(*Ord. 71, 10/4/2001, §901; as amended by Ord. 76, 12/29/2003*)

§22-902. Publication, Advertisement and Availability of Ordinance.

1. Proposed subdivision and land development ordinance amendments shall not be enacted unless notice of proposed enactment is given, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Council shall publish the proposed ordinance amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included in the public notice:

A. A copy of the full text shall be supplied to the newspaper of general circulation in the Borough at the time the public notice is published.

B. An attested copy of the proposed ordinance amendment shall be filed in the Butler County Law Library which may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance amendments.

2. In the event substantial amendments are made in the proposed ordinance amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

3. Subdivision and land development ordinance amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(*Ord. 71, 10/4/2001, §902*)

Part 10**Enforcement Remedies****§22-1001. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter enacted under Act 247, the Pennsylvania Municipalities Planning Code, and all amendments thereto, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough of Connoquenessing the right to commence any action for enforcement pursuant to this Section.

(Ord. 71, 10/4/2001, §1001)

Part 11**Preventive Remedies****§22-1101. Preventive Remedies.**

1. In addition to other remedies, the Borough of Connoquenessing may institute and maintain appropriate actions at 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 of Connoquenessing 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 ordinance adopted pursuant to Act 247, the Pennsylvania Municipalities Planning Code. This authority to deny such a permit or approval shall apply to any of the following applicants.

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

(Ord. 71, 10/4/2001, §1101)

Part 12**Certificates, Affidavits, Approvals, Etc.****§22-1201. Certificates.**

The certificates quoted below shall be inscribed on the plan as quoted, and shall be properly signed and attested when the plan is submitted to the Council. All certificates shall be placed on the final plan in an arrangement suitable for placement of all required seals.

(*Ord. 71*, 10/4/2001, §2101; as amended by *Ord. 76*, 12/29/2003)

Owners Adoption
(Individual)

Know all men by these presents, that (I or We) _____
(Name of Owners)

of the Borough of Connoquenessing, County of Butler, State of Pennsylvania, for (myself, ourselves), (my, our) heirs, executors, administrators and assigns, do hereby adopt this as (my, our) Plan of Subdivision of (my, our) property, situate in the Borough of Connoquenessing, County of Butler, Commonwealth of Pennsylvania, and for divers advantages accruing to (me, us), do hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, lands, rights-of-way, easements, ways and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings and in consideration of the approval of said plan and any future acceptance of said public highways, rights-of-way and easements by the Borough of Connoquenessing, (I or We) _____ hereby agree to and by these presents do
(Name of Owners)

release and forever discharge the Borough of Connoquenessing, its successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways, and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon _____
(Name of Owners)

(my, our) heirs, executors, administrators and assigns and purchasers of lots in this plan.

In witness whereof, (I or We) hereunto set (my, our) hands(s) and seal(s) this _____ day of _____, A.D. 200__.

Witness:

(Owner or Owners) (SEAL)

(Owner or Owners) (SEAL)

My commission expires the _____ day of _____, A.D., 200__.

The foregoing adoption and dedication is made by _____
(Name of Individual Owner or Owners)

with the full understanding and agreement that the approval of the Borough Council of the Borough of Connoquenessing, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds Office of Butler County, County Court House, Butler, Pennsylvania, within 90 days of date of said approval.

(Owner or Owners) (SEAL)

Individual Acknowledgment

Commonwealth of Pennsylvania}

} SS:

County of

}

Before me, the subscriber, a notary public in and for said County and Commonwealth, personally appeared the above named _____

(Owner or Owners)

who acknowledged the foregoing release and dedication and plan of subdivision to be (his, her, their) act and deed and desired the same to recorded as such.

Witness my hand and notarial seal this ____ day of _____ 200__.

Notary Public

SEAL

My commission expires the ____ day of _____, 200__.

Owners Adoption
(Corporation)

KNOW ALL MEN BY THESE PRESENTS:

That _____, by virtue of a resolution of its board of directors, does hereby adopt this as its Plan of Subdivision of its property situate in the Borough of Connoquenessing, County of Butler, Commonwealth of Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, streets, lands, rights-of-way, easements, ways and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings, and in consideration of the approval of said plan and any future acceptance of said public highways, rights-of-way and easements by the Borough of Connoquenessing, _____ hereby covenants and agrees to and by

(Name of Corporation)

these presents does release and forever discharge the Borough of Connoquenessing, its successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon _____ its successors and assigns and

(Name of Corporation)

purchasers of lots in this plan.

In witness whereof, the said corporation has caused its corporate seal to be affixed by the hand of its President and same to be attested by its Secretary, this ____ day of _____, A.D., 200__.

SEAL
(Name of Corporation)

Attest:

SEAL
(Name and Title of Officer)

SEAL
(Name and Title of Officer)

The foregoing adoption and dedication is made by _____
(Name of Corporation)

with full understanding and agreement that the approval of the Borough Council of the Borough of Connoquenessing, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds office of Butler County, Court House, Butler, Pennsylvania, within 90 days of date of said approval.

SEAL
(Name of Corporation)

SEAL
(Name and Title of Officer)

Owners Adoption
(Limited Partnership)

KNOW ALL MEN BY THESE PRESENTS:

That _____, a Pennsylvania Limited Partnership, does hereby adopt this as its Plan of Subdivision of its property situate in the Borough of Connoquenessing, County of Butler, Commonwealth of Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, streets, lands, rights-of-way, easements, ways and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings, and in consideration of the approval of said plan and any future acceptance of said public highways, rights-of-way and easements by the Borough of Connoquenessing, _____ hereby covenants and agrees to and by

(Name of Limited Partnership)

these presents does release and forever discharge the Borough of Connoquenessing, its successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon _____ its succes-

(Name of Limited Partnership)

sors and assigns and purchasers of lots in this plan.

In witness whereof, the said Limited Partnership has caused its seal to be affixed by the hand of its General Partner, this ____ day of _____, A.D., 200__.

(Name of Limited Partnership)

By: _____, its General Partner

By: _____
(Name & Title)

The foregoing adoption and dedication is made by _____
(Name of Limited Partnership)

with full understanding and agreement that the approval of the Borough Council of the Borough of Connoquenessing, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds Office of Butler County, Court House, Butler, Pennsylvania, within 90 days of date of said approval.

(Name of Limited Partnership)

By: _____ its General Partner

By: _____
(Name & Title)

General Partnership Adoption

KNOW ALL MEN BY THESE PRESENTS:

That _____ a Pennsylvania General Partnership, does hereby adopt this as its Plan of Subdivision of its property situate in the Borough of Connoquenessing, County of Butler, Commonwealth of Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, streets, lands, rights-of-way, easements, ways and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings, and in consideration of the approval of said plan and any future acceptance of said public highways, rights - o f - w a y a n d e a s e m e n t s b y t h e B o r o u g h o f Connoquenessing, _____ hereby covenants and agrees

(Name of General Partnership)

to and by these presents does release and forever discharge the Borough of Connoquenessing, its successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon _____ its successors and assigns and

(Name of General Partnership)

purchasers of lots in this plan.

In witness whereof, the said General Partnership has caused its seal to be affixed by the hand of its General Partner this ___ day of _____, A.D., 200__.

(Name of General Partnership)

By: _____ (SEAL)
(Name of General Partner(s))

By: _____
(Name & Title)

The foregoing adoption and dedication is made by _____
(Name of General Partnership)

with full understanding and agreement that the approval of the Borough Council of the Borough of Connoquenessing, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds Office of Butler County, Court House, Butler, Pennsylvania, within 90 days of date of said approval.

(Name of General Partnership)

By: _____ (SEAL)

(Name of General Partner(s))

By: _____
(Name & Title)

Corporation Acknowledgment

Commonwealth of Pennsylvania }
 }
County of } SS:

On this ____ day of _____ A.D., 200__ before me, a notary public in and for said County and Commonwealth, personally appeared _____, (Name)
_____ of _____ who being duly (Title of Officer) (Name of Corporation)

sworn, deposes and says that he was personally present at the execution of the adoption, release and dedication and saw the common and corporate seal of the said corporation duly sign and sealed by and as for the act and deed of the said _____ for the uses and purposes therein (Name of Corporation)

mentioned, and that the name of this deponent subscribed to the said release and dedication as _____ of _____ (Title of Officer) (Name of Corporation)

in attestation of the due execution and delivery of said release and dedication of this deponent's own and proper respective handwriting.

(Name of Officer) (SEAL)

(Title of Officer)

Sworn to and subscribed before me the day and date above written.
Witness my hand and notarial seal this ____ day of _____, A.D., 200__.

(SEAL)

My commission expires the ____ day of _____, A.D., 200__.

Limited Partnership Acknowledgment

Commonwealth of Pennsylvania }
 } SS:
County of Butler }

On this ____ day of _____, 200__, before me, the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of _____, a Pennsylvania _____ as General Partner of _____, a Pennsylvania Limited Partnership, and that he, as such _____, being authorized so to do, executed the foregoing agreement for the purposes therein contained, by signing the name of the partnership, as general partner of _____ by himself as _____.

In witness whereof, I hereunto set my hand and official seal.

(Notary Public)

My commission expires the ____ day of _____, A.D., 200__.

General Partnership Acknowledgment

Commonwealth of Pennsylvania} SS:
County of }

On this ____ day of _____, 200__, before me, a notary public, the undersigned officer, personally appeared _____, and _____ who acknowledged themselves to be the partners of _____, a General Partnership, and that they as such partners, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the General Partnership by themselves as partners.

In witness whereof, I hereunto set my hand and official seal.

(Notary Public)

My commission expires the ____ day of _____, A.D., 200__.

Borough Planning Commission Approval

This plat of subdivision has been approved by the Planning Commission of the Borough of Connoquenessing, Butler County, Commonwealth of Pennsylvania on this ____ day of _____, A.D. 200__.

Attest:

Secretary

Chairman

Approval by Borough of Connoquenessing

The Borough Council of the Borough of Connoquenessing, Butler County, Pennsylvania, hereby gives public notice that it is approving this plan of subdivision for recording purposes only. The approval of this subdivision plat by the Borough of Connoquenessing does not constitute an acceptance of the roads, streets, alleys, stormwater and sanitary sewage drainage facilities, easements or rights-of-way, water mains or any other services or improvements shown on this plan nor an assumption of maintenance responsibility, nor will the same be accepted or maintained until constructed in accordance with all Borough specifications and requirements and officially accepted by action of the Borough Council.

This plat of subdivision approved by the Borough Council of the Borough of Connoquenessing, Butler County, Pennsylvania on this ____ day of _____ A.D. 200__.

Attest:

Secretary of Council

President of Council

SEAL:

**Butler County Planning Commission Acknowledgment
for One Lot Subdivision**

Reviewed with comments by the Butler County Planning Commission. Letter to Connoquenessing Borough Council dated _____, A.D. 200__.

(Executive Director) (SEAL)

For Multi-lot Subdivision

Reviewed with comments by the Butler County Planning Commission at a meeting held this ____ day of _____, A.D. 200__. Letter to Connoquenessing Borough Council dated _____, A.D. 200__.

(Executive Director) (SEAL)

Borough Engineer's Approval

(Required for Major Subdivisions and Land Development Plans)

Approved by the Borough Engineer of Connoquenessing Borough this ____ day
of _____, 200__.

(Signature)

(Registration No.)

**Owners Acceptance of Responsibility for Provided
Stormwater Drainage Facilities and Control of
Stormwater Water Drainage**

Know all men by these presents, that (I, We) _____
of the Borough of Connoquenessing, County of Butler, Commonwealth of Pennsylvania,
for ourselves, our heirs, executors, administrators and assigns, and for our grantees and
their subsequent purchaser, do hereby accept full and complete responsibility, liability,
expense and provision of facilities for the control of stormwater drainage over, across
and through this subdivision of land until such time as (I or We), our heirs, executors,
administrators and assigns construct stormwater drainage facilities in accordance with
Borough's specification and requirements and the same is officially accepted by action
of the Borough Council, Connoquenessing Borough, and until such formal acceptance
(I or We) for ourselves, our heirs, executors, administrators, and assigns do hereby
release the Borough of Connonquenessing from any responsibility in connection
therewith. This acceptance of responsibility shall be binding
upon _____ our heirs, executors, administrators, and assigns,
and all purchasers of lots in this plan of subdivision.

In witness whereof, we hereunto set our hands and seals this ____ day of _____,
A.D. 200__.

_____ SEAL
(Owner or Owners)

_____ SEAL
(Owner or Owners)

Witness my hand and notarial seal this ____ day of _____, A.D. 200__.

_____ SEAL
(Notary Public)

My commission expires the ____ day of _____ A.D., 200__.

Appendix "A"

"Stormwater Management"

The Land Development or Subdivision shall be provided with the appropriate stormwater management conveyances and controls to transfer and release stormwater in a manner not exceeding the flow or velocity which would naturally occur if the property was undeveloped.

A. Points of stormwater discharge shall be evaluated and compared to an undeveloped property with a natural grade. These pre-development and post-development conditions shall be analyzed using the hydrologic study method of determining the pre-development and post-development discharge TR-55 (Technical Release 55 "Urban Hydrology for Small Watersheds" by the United States Soil and Conservation Service) and the SCS Unit Hydrograph Method. Computer programs may be necessary to assist in the analysis and design. Storms of the 1-, 2-, 5-, 25- and 50-year return frequency shall be determined and controlled. The analysis and design to control the 1-year storm shall allow 50% of the pre-development peak discharge during the 1-year post-development storm. All subsequent storms shall be permitted to discharge at the respective pre-development rate. For Connoquenessing Borough and surrounding area the rainfall depths for the 24-hour storm shall be as follows:

1-year = 1.8 inches

2-year = 2.5 inches

5-year = 3.1 inches

25-year = 4.2 inches

50-year = 4.7 inches

100-year = 5.1 inches

Post-development storms shall be routed through the site and detention structure to compute an outlet hydrograph, which shall then be compared to the pre-development condition.

B. For purposes of determining pre-development runoff curve numbers the property shall be considered to have been meadows in good condition.

C. Stormwater runoff may be controlled by any means acceptable to the Borough and the Borough Engineer. Stormwater detention facilities shall be designed to safely contain the water, release it at the acceptable rates for the 1-, 2-, 5-, 25- and 50-year storm, provide a safe environment and be able to handle the full force of a 100-year storm without failure.

D. An earthen stormwater detention pond may be used as a means of stormwater run off. These shall be constructed in accordance with the following minimum criteria:

(1) The interior slopes of the pond shall have a maximum slope of 3 horizontal to 1 vertical and the exterior embankment slopes shall have a maximum slope of 2 horizontal to 1 vertical.

(2) Embankments shall have a minimum top width equal to the depth

of the pond but in no case less than 4 feet.

(3) The top of the embankment shall be above the elevation of the water exiting the emergency spillway during a 100-year storm event a distance of 1/6 the depth of the pond from top to bottom, i.e. a pond with a depth of 12 feet shall have a 2-foot freeboard.

(4) The embankment shall be constructed with a clay material to prevent the migration and erosion of water through the soil embankment. If such a material can not be obtained measures shall be taken to prevent water passing through the soil. The soil shall be compacted in 6 to 8-inch lifts to a condition of visible non-movement with a 10-ton roller or to 95% modified proctor. Prior to placing fill material in the embankment, topsoil shall be stripped from the embankment area and a keyway shall be excavated to lock in the embankment soil. The bottom width of the keyway shall be equal to the embankment top width. The depth of the keyway shall be equal to the depth of the pond free board.

(5) A minimum of 4 inches of fertile topsoil shall be placed on the embankment, then the entire disturbed area of the pond shall be seeded and mulched. If necessary to control erosion, jute matting shall be used. Seeding, mulching and fertilizing shall be in accordance with Pennsylvania Department of Transportation Publication 408 and utilizing Formula B seed mixture. Until grass is established to a 70% uniform cover, the pond shall be inspected after each rain event for erosion damage.

(6) The outlet structure shall be constructed for long term maintenance free operation. The discharge pipe passing through the embankment shall be equipped with an anti-seep collar to prevent erosion around the pipe from water migration out of the pond.

(7) The pond shall be equipped with an emergency spillway designed to handle the 100-year post-development storm.

E. Storm sewers and other stormwater conveyances shall be designed for the appropriate storm return frequencies as follows:

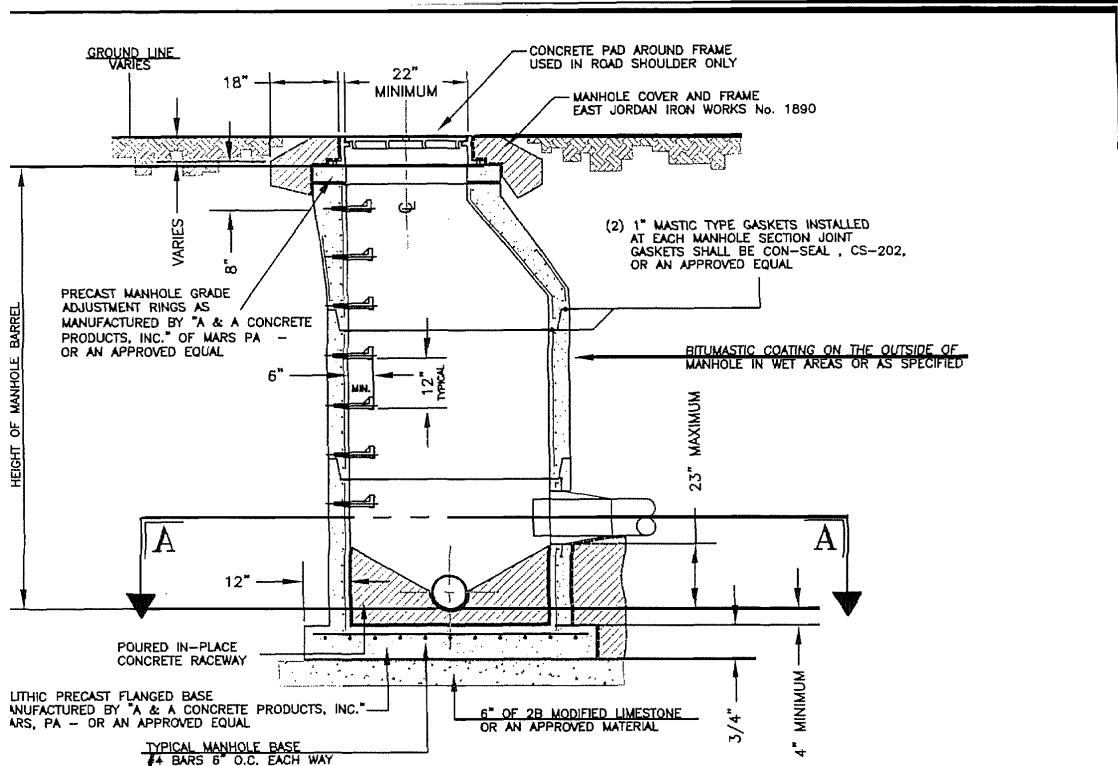
Arterial: 50-year storm

Collector: 25-year storm

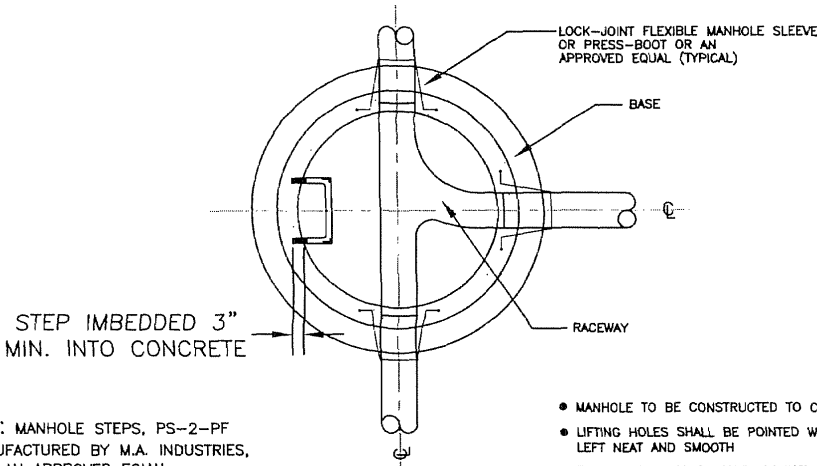
Local: 10-year storm

Where storm sewers must carry water to a watercourse or a detention structure and the surcharge of stormwater conveyances results in the misdirection of flows, then the stormwater conveyances must be increased to carry the necessary flows. The rational formula may be used for storm sewer design sizing for areas less than 2 acres.

Appendix "B" "Typical Improvement Details"



TYPICAL ECCENTRIC MANHOLE SECTION
SCALE: NONE




NOTE: MANHOLE STEPS, PS-2-PF
MANUFACTURED BY M.A. INDUSTRIES,
OR AN APPROVED EQUAL

- MANHOLE TO BE CONSTRUCTED TO CONFORM TO A S T M C-478
- LIFTING HOLES SHALL BE POINTED WITH MORTAR, MADE WATERTIGHT LEFT NEAT AND SMOOTH
- FLAT TOPS SHALL BE USED IN INSTALLATIONS LESS THAN 5 FEET, AT THE ENGINEERS DISCRETION

SECTION "A-A"
SCALE: NONE

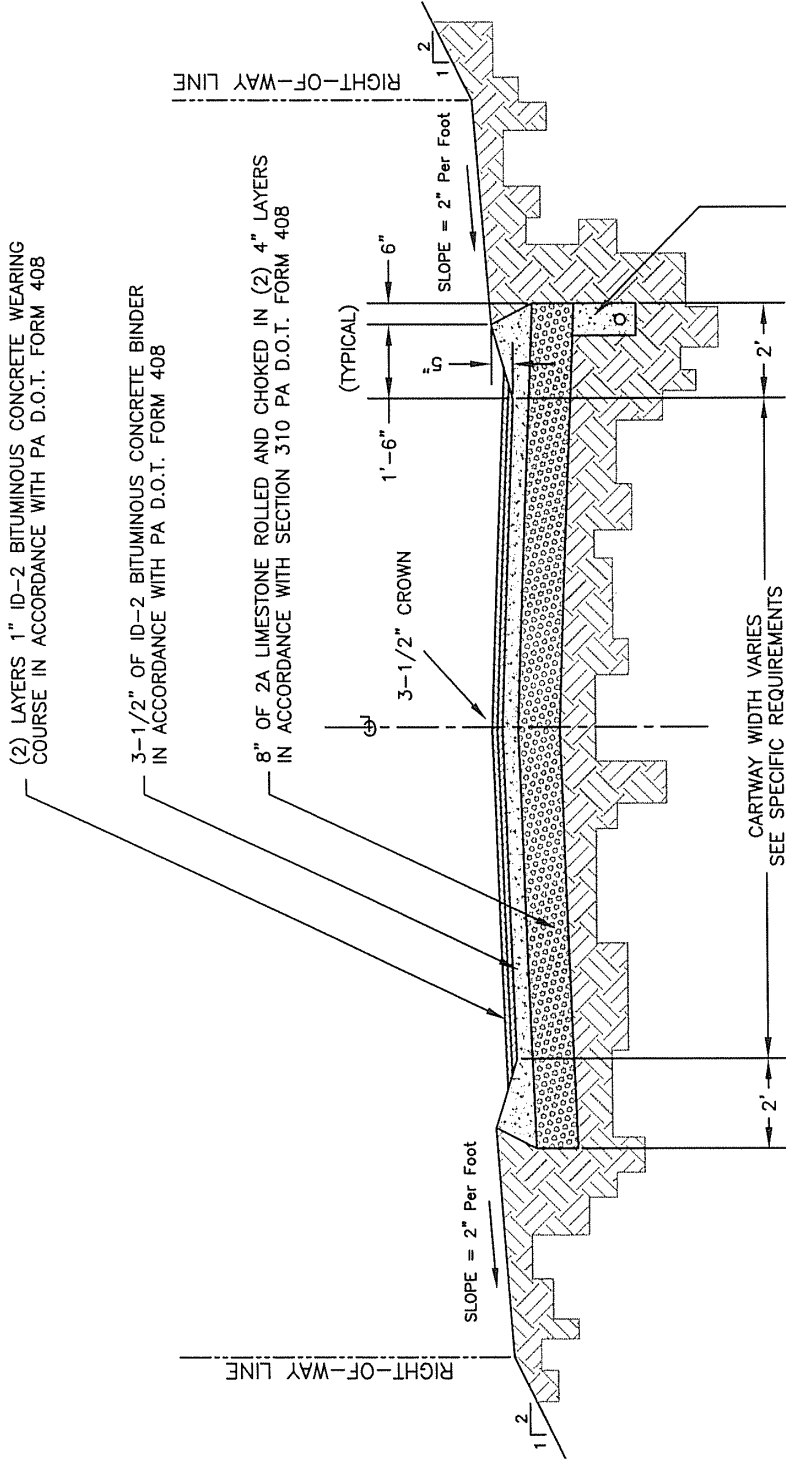
E BOROUGH OF CONNOQUENESSING
STANDARD DETAIL
SANITARY SEWER MANHOLE
Date: May. 29, 2001 * Scale: AS NOTED * Rv: ~~28:6~~



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TYPICAL ROAD SECTION

SCALE: NONE

UNDERDRAIN - 4" PERFORATED PVC PIPE & No. 28 (AASHTO No. 57) GRAVEL AROUND PIPE SEE "STANDARD DETAIL - UNDERDRAIN"

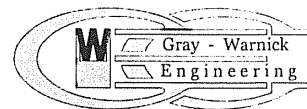
NOTE: PIPE UNDERDRAINS SHALL BE CONSTRUCTED WHERE REQUIRED BY THE BOROUGH

THE BOROUGH OF CONNOQUENESSING

STANDARD DETAIL

TYPICAL ROAD SECTION

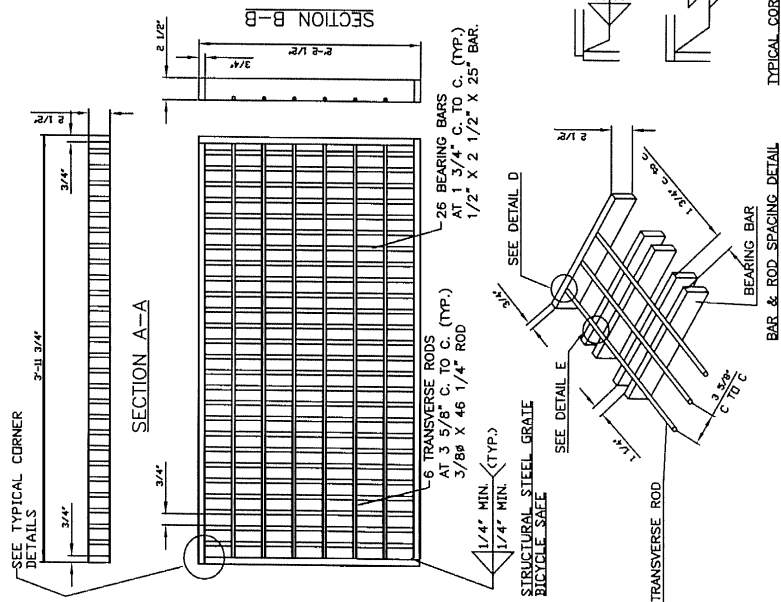
Date: May. 29, 2001 * Scale: AS NOTED * By: *JES*



Dwg. No. 01512B-D8

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- NOTES:**
1. THIS SHEET DEPICTS THE DIMENSIONS REQUIRED FOR UNIFORMITY AND INTERCHANGEABILITY. IT DOES NOT INCLUDE DETAILS REQUIRED FOR FABRICATION OR MANUFACTURING. ONLY GRATES SUPPLIED SHALL BE PERMITTED.
 2. WELD STRUCTURAL STEEL GRATES IN ACCORDANCE WITH THE REQUIREMENTS OF PUBLICATION 408, SECTION 1105.03(R).
 3. PROVIDE TRANSVERSE BARS, MEETING THE REQUIREMENTS OF PUB.408.
 4. PROVIDE BICYCLE-SAFE, STRUCTURAL STEEL OR CAST IRON VANE GRATES FOR INSTALLATION ONLY WHERE BICYCLE TRAFFIC IS ANTICIPATED, SUCH AS CURBED ROADWAYS IN URBAN AREAS OR ROADWAYS SPECIFICALLY ESTABLISHED AND SIGNED AS BIKEWAYS OR HAVING BIKE LANES. ALTERNATE BICYCLE-SAFE GRATE DESIGNS SHALL REQUIRE A SHOP DRAWING SUBMISSION, AS SPECIFIED IN NOTE 1, AND SHALL CONFORM TO THE DIMENSIONAL REQUIREMENTS FOR PROPER INSTALLATION WITH THE CURRENT CONCRETE TOP UNITS.
 5. FABRICATE SLOTS BY BURNING, DRILLING, SHEARING OR PUNCHING. HAVE THE BOTTOM OF ALL BURNED OR DRILLED SLOTS CONFORM TO THE SHAPE OF THE ROD.
 6. PROVIDE STRUCTURAL STEEL GRATES WITH THE GRATE SPACERS LOCATED FLUSH ALONG THE TOP SURFACE OF THE GRATE.
 7. DO NOT USE CAST IRON GRATES WITHIN THE TRAVEL LANES. THESE GRATES ARE PERMITTED AT THE EDGE OF OUTSIDE SHOULDERS, SWALES, WIDE MEDIAN SWALES AND INFIELD AREAS THAT ARE OUTSIDE TRAVEL LANES OR CURB ROADWAYS.



GRATE DETAIL
SCALE: NONE

THE BOROUGH OF CONNOQUENESSING
STANDARD DETAIL
CATCH BASIN - GRATING
Date: May. 29, 2001 * Scale: AS NOTED * By: *JES*

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Dwg. No. 01512B-D6

