

Chapter 22

Subdivision and Land Development

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Part 1**General Provisions****§22-101. Short Title.**

This Chapter shall be known as the “Modena Subdivision and Land Development Ordinance of 1982.”

(*Ord. 110, 4/5/1982, §101*)

§22-102. Purpose.

This Chapter is designed in accordance with and enacted through the authority provided by the Pennsylvania Municipalities Planning Code, Article V, 53 P.S. §10501 *et seq.*, for the following purposes:

A. To provide systematic and uniform guidelines for the submittal, review and disposition of a subdivision and land development plan.

B. To ensure that land development in the Borough shall conform to the intent of the Modena Zoning Ordinance [Chapter 27] and Comprehensive Plan.

C. To ensure coordination and conformance of subdivision and land development plans with improvements plans of the Borough concerning traffic circulation and community services.

D. To promote, protect, and facilitate the public health, safety and welfare of the community.

(*Ord. 110, 4/5/1982, §102*)

§22-103. Interpretation.

In interpreting and applying the provisions of this Chapter, all requirements shall be held to be minimum requirements for promoting the purposes of this Chapter. Where the provisions of this Chapter impose greater restrictions than those of any other statute, ordinance, or regulation, the more restrictive regulations shall be controlling.

(*Ord. 110, 4/5/1982, §103*)

§22-104. Authority.

No lot, tract or parcel of land shall be subdivided, and no land will be developed, and no street, alley, or other public thoroughfare shall be laid out, constructed, opened, or dedicated, and no related facilities including, but not limited to, water mains, storm sewers or sanitary sewers shall be constructed or dedicated for use except in strict conformance with this Chapter and the Modena Zoning Ordinance [Chapter 27] of 1981. Furthermore, no land development can occur without a final land development plan being duly approved and recorded.

(*Ord. 110, 4/5/1982, §104*)

§22-105. Amendment.

In accordance with the provisions of the Pennsylvania Municipalities Planning

Code, 53 P.S. §10101 *et seq.*, the Borough Council of the Borough of Modena may amend this Chapter from time to time through appropriate action in conformance with the law.
(*Ord. 110, 4/5/1982, §105*)

§22-106. Jurisdiction.

The Borough Council shall have jurisdiction of subdivision and land development within the Borough limits. In order that the actions of the Borough Council under this Chapter may be correlated with all relevant data and procedures, the Borough Council hereby designates the Planning Commission as the agency of the Borough Council.

A. All major plans shall be referred upon submission to the Borough Council or receiving agent within the Borough, the Planning Commission, for review. All other applications relating to subdivision and/or land development plans may be referred, upon request, to the Borough Council.

B. The Planning Commission shall make recommendations to the Borough Council concerning approval, disapproval, modification, and conditions for rejection of such plans. Plans that are disapproved pending the compliance with specified conditions shall be considered rejected until plans are in accord with conditions as determined by the Borough Council.

C. The Planning Commission shall make recommendations to the Borough Council concerning the interpretation of the granting of modifications to provisions and standards of this Chapter.

(*Ord. 110, 4/5/1982, §106*)

§22-107. Challenge and Appeals.

The decision of the Borough Council regarding the approval or rejection of subdivision or land development plans may be appealed directly to the Chester County Court as provided for in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 110, 4/5/1982, §107*)

Part 2**Definitions****§22-201. Language Interpretations.**

1. Unless otherwise stated, the following terms shall have the meanings given to them in this Part:

2. Words in the singular shall include the plural and words in the plural shall include the singular.

3. Words in the present tense shall include the future tense.

4. The word “person” includes a corporation, unincorporated association, and a partnership, as well as an individual.

5. The word “may” is permissive; and the words “shall” and “will” are mandatory.

6. The word “watercourse” shall include creeks, streams, rivers, ditches, channels, springs and all other permanently or seasonally wet areas.

(Ord. 110, 4/5/1982, §201)

§22-202. Definitions.

The following words and phrases shall have the meaning indicated for this Chapter, except where the context clearly states otherwise.

Act - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. §10101 *et seq.*

Agent - any party representing, working for, or in conjunction with the applicant, developer or municipality.

Alley - a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

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

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

Block - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the Borough.

Buffer - a strip of land, a mound, or a berm, planted and maintained in shrubs, bushes, trees, grass or other common ground cover material or within which no structure shall be located, or a wall, fence, or similar architectural screen when approved by the Council.

Building - any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals or

property of any kind.

Building setback line - an established line within a property parallel to and measured from the street right-of-way or property line, defining the minimum required distance in which no building shall be constructed. In the case of an interior lot, the building setback line shall be parallel to the street right-of-way but measured from the property line closest to the street of primary access.

Cartway - the portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

Clear sight triangle - an area of unobstructed vision at a street intersection; defined by lines of sight between points at a given distance from the intersection down the center lines of the streets.

Condominium - a form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act of 1980, 68 Pa.C.S.A. §3101 *et seq.*, land development plan.

Construction - the alteration of the building material or existing land surface, to include the cutting of trees or earthmoving activities in anticipation of land development, or the erection of structures and for incidental improvements thereon.

Council - the Borough Council of Modena Borough, Chester County, Pennsylvania.

Cul-de-sac - a street which is closed at one end and contains an adequate, finished turn-around at the closed end.

Developer - any landowner or authorized agent of such landowner, or tenant of a landowner, who makes or causes to be made a subdivision of land or a land development, including improvements thereto.

Double-frontage lot - a lot with front and rear frontage.

Drainage facility - any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision, land development or contiguous land areas.

Driveway - a private vehicular and pedestrian access between a public street and a parking area within a lot or property.

Earthmoving activity - activity resulting in the movement of earth or stripping of vegetative cover from the earth.

Easement - a right-of-way or interest in land, held by a party other than the property owner, granted but not dedicated for the limited use of private land for a public or quasi-public purpose such as a utility easement or access easement.

Engineer, Borough - a licensed professional engineer duly designated by the Borough of Modena to represent and to perform the duties of engineer as specified in this Chapter.

Floodplain - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse;

and/or any area subject to the unusual and rapid accumulation of surface waters from any source. The basis for delineation shall be prescribed in Part 10 "Flood Hazard District," of the Modena Borough Zoning Ordinance [Chapter 27].

Guarantee, maintenance - any security which may be required of a developer by the Borough and in conformance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, to secure the structural integrity of the improvements in accordance with design specifications as approved on final plans after completion and before dedication acceptance. For subdivisions and land developments it shall run for 18 months from the date of acceptance and be in the amount of 15 percent of the actual costs of installation. Such security may include, but is not limited to, performance bonds, escrow agreements, surety agreements, or irrevocable letters of credit.

Guarantee, performance - any security which may be required of a developer by the Borough and in conformance with §509 of the Municipalities Planning Code, 53 P.S. §10509, as amended, that certain improvements (see §411 herein) be completed before the approval of final plans. For subdivisions and land developments, improvements for which security is required to be completed within one year in an amount not exceeding 110 percent. Such security shall include, but is not limited to, performance bonds, escrow agreements, surety agreements, or irrevocable letters of credit.

Improvements - grading, paving, roads and streets, walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, stormwater retention and detention basins, and other related drainage facilities, recreational facilities and open space as may be required by this Chapter.

Land development -

(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 buildings.

(b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

Landowner - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee having remaining term of not less than 40 years, or other person having a proprietary interest in land.

Lot - a tract or parcel of land intended for separate use, improvement, building development, or transfer of ownership, and/or dedication.

Lot area -

Net - the total area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within any right-of-way.

Gross - the total land surface contained within the property lines of an individual parcel of land.

Lot, corner - a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, reverse frontage - a lot extending between and having frontage on a major thoroughfare and local street with vehicular access solely from the local street.

Mobile home - a transportable, dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, utility connections and construction so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

Mobile home lot - a parcel of land in a mobile home park or subdivision, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home either leased or held in private ownership.

Plan -

(1) *As Built*. A corrected final plan showing dimensions and locations of all streets and other improvements as actually constructed.

(2) *Final*. A complete and exact land development or subdivision plan which has been stamped by a registered professional surveyor, defining property lines, proposed streets, drainage facilities, easements, and other improvements, and which is to be recorded upon approval.

(3) *Improvements Construction*. A plan stamped by a registered engineer showing the construction details of streets, drains, sewers, water supply systems, bridges, culverts, and other improvements as required by these regulations, and including a horizontal plan, profiles, and cross-sections.

(4) *Preliminary*. A land development or subdivision plan prepared in accordance with §22-407, "Preliminary Plan Submission and Review" and providing the necessary details and information for review by the Borough in order to make a tentative decision for approval or rejection.

(5) *Profile*. A plan showing the vertical section of the existing road and proposed grade along the center line of any proposed street, and any street appurtenances to be constructed or installed, which must include a typical cross-section of the street construction; part of the required submission for an improvement construction plan.

(6) *Sketch*. An optional plan submitted for review and discussion prior to official application for preliminary plan approval prepared in lesser detail than those required for official plan submission and showing the general development concept and layout.

(7) *Erosion and Sedimentation Control*. A conservation plan as required by the Department of Environmental Resources and prepared by a person trained and experienced in erosion and sedimentation control methods and techniques generally showing how land is to be protected against erosion with vegetative and mechanical measures and how natural waterways are preserved and protected, before any earth moving activity is permitted.

Planning Commission - the Planning Commission of the Borough of Modena,

Chester County, Pennsylvania.

Planning Commission, County - the County Planning Commission, Chester County, Pennsylvania.

Public improvements - any drainage facility, street, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Borough may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Borough responsibility is established.

Resubdivision - a change in a plan of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Retention basin - a reservoir, formed from soil or other material, which is designed to retain permanently a certain amount of stormwater from a catchment area and which also may be designed to detain temporarily additional stormwater runoff from the catchment area. Retention basins also may receive fresh water from year-round streams. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

Right-of-way - the total width of any land reserved or dedicated as a street, alley, or crosswalk or for any other public or private purpose.

Sediment - solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site by water.

Sewage system, on-lot - a sanitary sewage treatment system that involves treatment by means of a septic tank or other approved method, which is normally owned, operated and maintained solely by the property owner, is confined to the property on which the dwelling unit exists and is approved by the appropriate regulatory agencies.

Sewage system public - a sanitary sewage collection and treatment system in which sewage flows or is pumped to an area-wide treatment facility (i.e., the South Coatesville Sewage Treatment Plant and Authority) that is owned and operated by a municipality or municipal authority.

Sight distance - the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Statutory review period - the length of time cited in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and required for the municipal review of preliminary and final plans for subdivision and land development, currently 90 days for review for each plan officially submitted.

Steep slope - those areas of the Borough where the slope of land surface exceeds 25 percent as delineated in Part 11 of the Modena Borough Zoning Ordinance [Chapter 27].

Stormwater - water which surfaces, flows, or collects during and subsequent to rain or snowfall.

Street - a right-of-way intended for the general use to provide means of approach for vehicles and pedestrians. The word “street” includes the words “road,”

“highway,” “thoroughfare,” and “way.”

(1) *Collector Street*. A street designed and located to provide a means to move traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Borough to major streets or a street used for commercial, industrial, or professional uses.

(2) *Cul-de-sac Street*. A local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround.

(3) *Local Street*. A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.

(4) *Major Street (Arterial)*. A street serving a large volume of comparatively high-speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

(5) *Private Street*. A local street, serving only abutting lots, that is not offered or required to be offered for dedication.

Structure - any man-made object having an ascertainable stationary location constructed or erected on the ground including, but not limited to, buildings, sheds, mobile homes, drainage facilities, and other similar constructions.

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

(1) *Major*. Any subdivision other than a minor subdivision.

(2) *Minor*. A subdivision to which:

(a) No street is to be constructed or widened.

(b) No other improvement that requires a bond or escrow as a performance guarantee is to be constructed.

(c) No earthmoving activities will take place except those normal to construction of a single family dwelling on each lot.

(d) No more than three lots are created.

Water supply -

(1) *Water Supply System, On-Site*. A system for supplying safe potable water from a single source to a single dwelling unit on the same lot.

(2) *Water Supply System, Public*. A system for supplying safe potable water in sufficient quantities for the proposed use, administered by a municipality, municipal authority or public utility as defined and regulated by the Pennsylvania Public Utilities Commission. Coatesville Municipal Water Authority is one such example.

(Ord. 110, 4/5/1982, §202)

Part 3**Subdivision and Land Development Control****§22-301. Subdivision and Land Development Control.**

1. No lot, tract or parcel of land will be subdivided, and no land will be developed, and no street, alley, sanitary sewer, storm sewer, water main or related facility will be laid out, constructed, opened or dedicated for public use or travel, or for the use of occupants of buildings abutting or to abut on them, except according to the provisions of this Chapter and the Modena Borough Zoning Ordinance of 1981 [Chapter 27].

2. No lot in a subdivision may be sold, no permit to build, alter or repair any building on land in a subdivision or land development may be issued, and no buildings may be erected in a subdivision or land development until a final subdivision or land development plan has been approved and, where required improvements have been completed or their completion has been assured by a corporate surety bond or the deposit in escrow of fund or securities sufficient to cover the cost of required improvements as estimated by the Borough Engineer or representing agent.

3. No Section of this Chapter shall be construed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 *et seq.*

4. The scope of this Chapter shall include all matters over which, by law, the Borough is authorized to exercise control by enactment and enforcement of this Chapter including, but not necessarily limited to:

A. All improvements within the tract undergoing subdivision or land development.

B. The improvement of adjacent public facilities, including streets and drainage facilities which border upon the tract.

C. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development, provided that the extent of required off-site improvements shall be economically feasible in relation to the size and scope of the proposed subdivision or land development.

(*Ord. 110, 4/5/1982, §301*)

Part 4**Subdivision Application and Review Procedures and Plan Requirements****§22-401. General Procedures.**

Hereafter, all preliminary and final subdivision or land development plans shall be reviewed by the Borough Planning Commission and the County Planning Commission and shall be approved or disapproved by the Borough Council in accordance with the procedure specified in this Chapter. Any application not processed as required hereafter shall be null and void unless it was made prior to the adoption of these regulations.

A. All subdivision applications shall be for the purposes of procedure, classified as either minor or major. Reference should be made to §22-202 for their definition.

B. Landowners submitting an application for subdivision or land development shall apply for and secure approval in accordance with the following procedures:

(1) *Minor Subdivision or Land Development Proposal.*

(a) Sketch plan (optional).

(b) Final plan.

(2) *Major Subdivision or Land Development Proposal.*

(a) Sketch plan (optional).

(b) Preliminary plan.

(c) Final plan.

C. Preliminary and final subdivision or land development plan submittals shall be made to the Borough Secretary, who will make the appropriate distributions for review. All plans shall be submitted with the necessary application forms and fees as determined by the Borough Council.

(Ord. 110, 4/5/1982, §401)

§22-402. Submission to Chester County Agencies.

Plans shall be submitted by the Borough to the following agencies for review:

A. *Chester County Planning Commission.* One print of all plans and referral letters and appropriate fees shall be submitted by the Borough Secretary to the Chester County Planning Commission for their review and comment.

B. *Chester County Health Department.* If a preliminary plan is submitted as hereinafter provided, two additional prints shall be submitted to the Chester County Health Department for review of matters relating to adequacy of the site to sustain on-site water and/or sewage disposal system. One additional print of the final plan shall be submitted to Chester County Health Department.

C. *Chester County Conservation District.* One print of preliminary plans shall be submitted to the Chester County Soil and Water Conservation District for review of matters relating to drainage and abatement of soil erosion.

D. The applicant shall submit such additional prints of all plans as may be necessary for forwarding by the Borough to the said County agencies for their reviews.

(*Ord. 110, 4/5/1982, §402*)

§22-403. Official Submission Date.

For the purpose of these regulations, the date of the next regularly scheduled meeting of the Planning Commission following the submittal of preliminary and final plans and application to the Borough Secretary, shall constitute the official filing date of the plan, pending placement on the meeting agenda and the acceptance of the submission by the Planning Commission. It is at this time that the statutory period for the disposition of the plan shall commence as stated in the Municipalities Planning Code, 53 P.S. §10101 *et seq.* That is, the governing body or the planning agency shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application).

(*Ord. 110, 4/5/1982, §403*)

§22-404. Extension of the Statutory Review Period.

The statutory review period for the disposition of preliminary or final plans may be extended for any reason if an agreement in writing to such an extension is received from the applicant, and agreed to by the Borough Council.

(*Ord. 110, 4/5/1982, §404*)

§22-405. Notation on Plans.

In order that a developer or agent of the developer may record a final plan, the approval of the Borough Council and the Borough Planning Commission shall be noted on the plan by the signature of two members of each body, and the respective dates of approval. At least six copies of the plan shall be signed, with the Borough retaining one copy. At the discretion of the Borough Council, preliminary plans need only the Planning Commission signatures.

(*Ord. 110, 4/5/1982, §405*)

§22-406. Sketch Plan Submission.

A sketch plan for all proposed subdivisions or development of land located within the Borough may, at the developer's option, be submitted to the Planning Commission for review. The sketch plan shall be presented to the Planning Commission at a pre-submission conference at which time the Planning Commission will discuss the plan and make any recommendations concerning changes for the preliminary plan submittal. A full discussion of the submittal process should take place at that time so a clear understanding of the procedure exists on behalf of the applicant.

A. *Sketch Plan Requirements.* Data furnished in a sketch plan shall be at the discretion of the applicant. It is suggested that a sketch plan should include the following information:

- (1) Statement of intent which shall contain the major planning assump-

tions, objectives, and concept of the proposed development.

(2) Sketch plan drawing which shall contain:

- (a) Sketch plan legibly drawn to a scale not smaller than 200 feet to the inch.
- (b) Location map at a scale not smaller than 1,000 feet to the inch.
- (c) Name and address of current owner of record.
- (d) Name of developer, if different from owner.
- (e) North arrow, graphic scale, and date of drawing.
- (f) Approximate tract boundaries and total acreage of the tract.
- (g) Zoning district(s).
- (h) All contemplated land uses.
- (i) Physical features such as streams, soil types, floodplains, ponds, lakes, and other wetlands, and contours at 5-foot intervals; and proposed major changes in these features.
- (k) An indicator of the contemplated intensity of use: gross density in residential developments or the number and nature of prospective tenants in office commercial, or industrial developments.
- (k) General location of streets and street right-of-way, both proposed and existing.

(Ord. 110, 4/5/1982, §406)

§22-407. Preliminary Plan Submission and Review.

Preliminary plans and necessary application forms and fees shall be submitted to the appropriate Borough official as outlined in §22-401.C, who shall forward two copies of the plan to the Chester County Health Department, one copy to the Chester County Planning Commission, two copies to the Borough Planning Commission, one copy to the Borough Engineer or representative agent, and copies as necessary to other appropriate County and State agencies.

A. *Review by the Borough Planning Commission.* The Borough Planning Commission shall review the preliminary plans at the first regular meeting of the Commission following submittal of the plans to the Borough as outlined in §22-403. The Planning Commission, following completion of its review (which shall not exceed 59 days) shall promptly send a written statement of its review and findings to the Borough Council and the applicant within 5 days, preferably prior to the next regularly scheduled Borough Council meeting. Any plan requiring an engineering review shall be reviewed by the Borough Engineer or representing agent whose comments shall be incorporated with those of the Planning Commission in its submittal to the Borough Council.

B. *Review by the County Planning Commission.* No action shall be taken by the Borough Planning Commission with respect to a preliminary plan until it has received and considered the recommendations and comments of the County Planning Commission. In the event that these recommendations are not forthcoming within 45 days of the plan's receipt by the County, the Borough Planning Commission may act without having considered the review. A referral letter from

the Borough shall accompany all plan submittals to the County. (See Appendix 22-C).

C. *Review by the Borough Council.* The Borough Council shall review the preliminary plan at this next regularly scheduled meeting following the submittal of the recommendations of the Borough Planning Commission, or at some other meeting or meetings of the Borough Council prior to the end of the statutory review period. At that time, the Council shall consider the recommendations of the Planning Commission and take one of three courses of action:

- (1) It shall approve the preliminary plan.
- (2) It shall reject the preliminary plan pending modifications to the final plan.
- (3) It shall reject the plan.

In the event that the plan is rejected pending modification, the Borough Council shall submit in writing a listing of the requested modifications and relate reasons to the applicant within 15 days of the decision. In the event that the Borough Council rejects the plan, the Council shall submit in writing a complete list of the reasons for that rejection to the developer within 15 days of the decision. Failure of the Borough Council to act within the limits of the statutory review period 90 days, total, from official filing date of the plan, as specified in the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, shall constitute approval of the plan. In addition, according to §508 of Act 247, the approval of a preliminary plan entitles the applicant to approval of the final plan in accordance with the terms and conditions attached to the preliminary plan.

D. *Preliminary Plan Requirements.* The following materials shall be submitted for consideration as the preliminary plan for subdivision or land development:

- (1) *Location Map.* A map drawn at a scale not smaller than 1,000 feet to the inch shall be provided by the applicant with the following information:

- (a) Location of the proposed subdivision or land development in relation to municipal boundaries, public roads, rights-of-way, public utilities, and adjacent zoning districts.

- (b) All adjoining properties within 500 feet of the property being developed.

- (2) *Contents of Plan Drawings.* Preliminary plans shall be drawn to a scale no smaller than 100 feet to the inch. This plan shall contain at least the following information:

- (a) Name and address of the owner of record, along with the appropriate tax data from the Tax Assessment Office necessary to identify the property.

- (b) Name and address of the developer, if different from the owner.

- (c) Name and address of the registered engineer, surveyor, landscape architect, land planner, or architect, who prepared the preliminary plan.

- (d) North arrow, graphic scale, and date of original drawing and any revisions; and approvals block (See Appendix 22-K).

(e) Tract boundaries, existing property lines, homes of adjacent property owners, and the total acreage of the tract.

(f) Significant physical features within the tract and the adjacent 400-foot peripheral strip including:

1) Contour lines at vertical intervals of not more than 2 feet for land with average natural slope of 8 percent or less, and at intervals of not more than 5 feet for land with average natural slope exceeding 8 percent.

2) Soil types, based on the USDA Soil Survey of Chester and Delaware Counties.

3) Floodplains and other natural water courses, wetlands, swales, ponds and reservoirs.

4) Existing vegetation coverage and proposals for improvements.

(g) Street and road profiles and cross-sections for all proposed development. Street profiles shall include:

1) Existing natural and proposed finished grades along the center-line and at both right-of-way lines.

2) The length of all vertical curves.

3) Existing and proposed sanitary sewer mains and manholes.

4) Existing and proposed storm sewers.

5) Location and elevations of street monuments.

(h) Proposed lot lines and lot numbers.

(i) Type of zoning (i.e., single family, multi-family, etc.) and a statement where applicable by the applicant indicating that the plans are or are not in conformity with zoning, building, sanitation, and other applicable ordinances and regulations, or if they are not conforming, the reasons for requesting an exception.

(j) Existing and proposed streets, street names, street right-of-way, and sidewalks (with dimensions).

(k) A plan showing the location, size and invert elevation of existing and proposed sanitary and storm sewers, manholes, inlets and culverts, water mains, fire hydrants and hydrant mains.

(1) Railroads, bridges, and other pertinent community facilities.

(m) A general landscaping plan showing the plantings to be made on the site (This may be omitted at the discretion of the Borough Planning Commission, depending on the size of the development. Notification of this option shall be made to the applicant).

(n) A description of the proposed systems for drainage, water supply, sewerage, and solid waste storage and/or disposal.

(3) A conservation plan for the control of erosion and sedimentation as required by State rules and regulations 25 Pa.Code, Chapter 10, "Erosion Control," shall be submitted.

(4) Where on-site sewage disposal facilities are anticipated, the applicant

shall submit a statement with regard to the suitability of the soil to absorb sewage wastes. Where, in the opinion of the Borough Engineer, or representing agent, doubt exists about the ability of the soil to absorb such waste, the Council may require that a feasibility report be prepared by a registered professional engineer certifying that the proposed quantities of waste generated within the subdivision or land development can be adequately and properly disposed of with an on-site sewage disposal facility.

(Ord. 110, 4/5/1982, §407)

§22-408. Final Plan Submission and Review.

Within 12 months of the approval of the preliminary plans, at least six copies of final plans and other materials as applicable shall be submitted to the Borough Secretary as outlined in §22-401.C, who shall forward two copies to the Borough Planning Commission, one copy to the Borough Engineer or representing agent, and copies to the appropriate County and State agencies.

A. *Submission to the County Planning Commission.* Subdivision of a final plan to the County Planning Commission shall be required only when the final plan departs substantially from the preliminary plan, or at the request of the Borough Planning Commission.

B. *Final Plan Review.* Following the official submission of the final plan as outlined in §22-403, the Borough shall act on the plan within the required statutory period (90 days). Failure to do so shall be deemed approval of the plan.

C. *Report by the County Planning Commission.* In the event that the County Planning Commission is required to review the final plan, such review shall take no more than 45 days following the submittal to the County. No action shall be taken by the Borough Planning Commission until the County review has been received. In the event that the County takes more than its allotted 45 days to review the plan, then the Borough Planning Commission may act on its own.

D. *Review by the Borough Planning Commission.* The Borough Planning Commission review shall follow the procedure for preliminary review, §22-407.

E. *Decision of the Borough Council.* Upon receipt of the recommendations of the Borough Planning Commission, the Borough Council shall, within the remainder of the statutory period for review, either approve, reject with conditions, or reject the final plan. The Borough Council shall notify the developer or the agent of the developer of the Borough Council decision within 15 days of such a decision, but before the end of the statutory review period.

F. *Final Plan Requirements.* All information required for preliminary plans shall be included in all final plans in addition to the following data which shall also be required on the final plan:

- (1) The tract boundary lines of the area being developed with accurate distances to hundredths of a foot and bearings to 15 seconds including all metes and bounds.
- (2) The location and elevation of all perimeter monuments.
- (3) A statement of the total area of the property being developed.
- (4) Number and type of dwelling units and their proposed locations (if

applicable), and other improvements to be made.

(5) Specifications for off-street parking, and the number of parking spaces provided.

(6) Architectural renderings of typical structures and improvements are not required but encouraged.

(7) The following data for all proposed and existing streets on or adjoining the tract:

(a) The name, proposed name, or number of the street.

(b) The cartway width and curb lines.

(c) The right-of-way width and lines.

(d) Final street profile, cross-sections and specifications.

(8) The location and widths of all private driveways and pedestrian walkways.

(9) Notation of any existing or proposed deed restrictions.

(10) Exact locations of fire hydrants, transmission lines, and all other utility easements and rights-of-way.

(11) Copies of relevant permits or certificates as may be required by the Pennsylvania Department of Transportation (PennDOT), the Department of Environmental Resources (DER), or other agencies.

(*Ord. 110, 4/5/1982, §408*)

§22-409. Staged Development.

In the event a subdivision or land development is to be constructed in stages, the final plan requirements shall apply only to those stages for which final approval is being sought.

(*Ord. 110, 4/5/1982, §409*)

§22-410. Subdivision and Land Development Agreement.

Every applicant for final plan approval shall execute a form of agreement to be approved by the Borough before the final plan is released by the Borough Council and filed on record. The agreement shall specify the following, where applicable:

A. That the owner agrees that he will lay out and construct all roads, streets, lanes or alleys together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space and restricted areas, erosion and sediment control measures in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that he shall complete these improvements within the time or times specified by the Borough Council.

B. That the owner guarantees completion and maintenance of all improvements by means of a corporate surety bond or deposit of funds or government securities in escrow, or irrevocable letter of credit acceptable to the Borough.

C. That the owner agrees to tender a deed or deeds of dedication to the

Borough for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements; provided, that the Borough shall not accept dedication of such improvements until their completion is certified as satisfactory by the Borough Engineer or representing agent.

D. Whenever a developer proposes to establish or continue a street which is not offered for dedication to public use, the Borough Council shall require the developer to submit, and also to record with the plan, a copy of an agreement made with the Borough Council on behalf of himself and his heirs and assigns, and signed by him, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:

(1) That an offer to dedicate the street shall be made only for the street as a whole.

(2) That the Borough shall not be responsible for repairing or maintaining any undedicated streets.

(3) That the method of assessing repair and maintenance costs of undedicated streets be stipulated, and shall be set forth in recorded deed restrictions so as to be binding on all successors or assigns.

(4) That if dedication be sought, the street shall conform to the Borough specifications or that the owners of the abutting lots shall, at their own expense, restore the street to conformance with the Borough specifications.

(Ord. 110, 4/5/1982, §410)

§22-411. Performance Guarantees.

1. Unless the applicant shall complete the installation of all subdivision improvements (including both public and private improvements) prior to final subdivision approval, the applicant shall deposit with the Borough financial security in an amount sufficient to cover the cost of all subdivision improvements (including both public and private improvements) and common amenities including, but not limited to, streets and roads, walkways, curbs, gutters, street lights, shade trees, stormwater detention and/or retention facilities, pipes and other related drainage facilities, or screen plantings, water mains and other water supply facilities, fire hydrants and sanitary sewage disposal mains and other sewage disposal facilities.

2. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit, restrictive or escrow account in such institution or with a financially responsible bonding company or such other type of financial security which the Borough may, in its reasonable discretion, approve.

3. The said financial security shall provide for, and secure to the public, the completion of all subdivision improvements for which such security is being posted within 1-year of the date fixed in the subdivision plan or subdivision agreement for completion of such improvements.

4. The amount of financial security shall be equal to 110 percent of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Borough Council of bona fide

bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security shall be increased by an additional 10 percent for each 1-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements.

5. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

6. As the work of installing the required improvements proceeds, the applicant posting the security may request the Borough Council to release or authorize the release of such portions of the financial security necessary for payment to the contractor performing the work. In such cases, §509 of the Municipalities Planning Code, 53 P.S. §10509, as amended, requires that the Borough Engineer certify in writing the improvements within 45 days from receiving the request by the applicant. Failure to act within 45 days results in an automatic approval for release of requested funds.

(Ord. 110, 4/5/1982, §411)

§22-412. Recording of the Final Plans.

Within 90 days of the applicant's execution of the subdivision and land development agreement and performance guarantee, the final plan shall be recorded by the applicant in the office of the Recorder of Deeds of Chester County.

(Ord. 110, 4/5/1982, §412)

§22-413. Permits.

1. Upon submission to the Borough of a copy of the Recorder of Deeds receipt for the recording of the final subdivision plan, the Borough Secretary shall issue a subdivision and land development permit to the applicant. No construction activities (including, earthmoving activities, but not including, soil or percolation testing, well drilling or similar engineering or surveying activities) shall be commenced by the applicant until the subdivision and land development permit has been issued by the Borough Secretary.

2. No application for a building permit under the Modena Borough Zoning Ordinance [Chapter 27] shall be submitted and no building permit under the Modena Zoning Ordinance [Chapter 27] shall be issued for any building in any subdivision or land development and no work shall be done on any building in any subdivision or land development until the final plans for said subdivision or land development have been approved as provided for and until a subdivision and land development permit pursuant to §22-410 hereof has been issued. Further, where final subdivision and land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be used for construction on any such lot until this condition has been complied with.

3. No water system or sewer system, including extensions to existing or proposed

Borough systems, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Resources or from other Federal, State or local agencies, as required.

(Ord. 110, 4/5/1982, §413)

Part 5**Design and Improvement Standards****§22-501. Application.**

1. The following principles, standards, and requirements shall be applied by the Council in evaluating plans for proposed subdivision and land development.

2. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety, and general welfare.

3. Where literal compliance with the standards herein specified is clearly impractical, the Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Chapter.

(*Ord. 110, 4/5/1982, §501*)

§22-502. Land Requirements.

1. Land shall be suited to the purposes for which it is to be subdivided or developed in conformance with the Borough Comprehensive Plan, Zoning Ordinance [Chapter 27], and other regulations.

2. Low lying wetlands which are swampy or are subject to periodic flooding shall not be platted for residential development or designated for such other uses as may involve danger to health, safety, or the general welfare of the citizens unless adequate permanent drainage is provided and unless provision is made and indicated on the plan for adequate and healthful disposal of sanitary sewage and drainage of surface and sub-surface water.

3. The design of subdivision and land developments shall preserve, insofar as possible, the natural terrain, natural drainage, existing topsoil and trees.

4. All portions of the tract being developed shall be taken up in lots, streets, public lands or other proposed uses so that remnants and land locked areas shall not be created.

(*Ord. 110, 4/5/1982, §502*)

§22-503. Street System.

1. Proposed streets shall be consistent with such street plans or parts thereof as have been officially prepared and adopted by the Borough, including recorded subdivision plans and the Official Map of the Borough.

2. All street grades, surfacing, and construction specifications shall conform to PennDOT regulations or standards where applicable.

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

4. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs in which event

adequate street right-of-way shall be provided as necessary.

5. Continuations of existing streets shall be known by the same name, but names for other streets shall not duplicate or closely resemble names for existing streets in the Borough and/or Post Office District.

6. Where streets and other public improvements continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in improvements provided.

7. No parking shall be permitted along the curb line of any street. There shall be a note on each preliminary and final plan indicating that all parking areas within the subdivision or land development shall be off the street.

8. Streets shall be graded to the full width of the right-of-way, surfaced, and improved to the grades and dimensions shown on the plans, profiles, and cross-sections submitted by the developer and approved by the Borough Council of Modena.

(Ord. 110, 4/5/1982, §503)

§22-504. Street Width.

1. The minimum right-of-way and cartway width for all new streets in the Borough shall be as follows:

Type of Street	Right-of-way	Cartway*
Arterial Street	70 feet	24 feet
Collector Streets, Commercial, and Industrial	60 feet	24 feet
Local Street	50 feet	24 feet
Cul-de-sac	100 feet (turnaround diameter)	80 feet (turnaround diameter)
Private Street	50 feet	18 feet

*Cartway widths do not reflect the potential need for acceleration or deceleration lanes or other types of channelization.

2. Additional right-of-way and cartway widths may be required by the Council where public safety or some other public interest is involved.

(Ord. 110, 4/5/1982, §504)

§22-505. Increase in Right-of-Way Width.

1. In the case where lots created within a subdivision are large enough to accommodate either further subdivision, or a higher intensity of development, and thus may result in higher traffic levels, the Borough may require that additional right-of-way be provided to permit the future development of a higher classification street.

2. Special topographic circumstances may result in cut/fill slopes extending beyond the standard right-of-way widths established in §22-504.1. These should in all circumstances be included within the right-of-way to ensure accessibility for maintenance operations.

(Ord. 110, 4/5/1982, §505)

§22-506. Street Alignment.

1. All changes in the horizontal alignment of street shall be made with horizontal curves.
2. To insure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 - A. *Local Streets* - 150 feet.
 - B. *Collector Streets* - 300 feet.
 - C. *Arterials* - 400 feet.
3. A tangent of at least 100 feet measured at the center line shall be required between reverse curves.
4. Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the centerline, for 4 feet above grade, this shall be as follows:
 - A. *Local Streets* - 100 feet.
 - B. *Collector Streets* - 200 feet.
 - C. *Arterials* - 250 feet.

(Ord. 110, 4/5/1982, §506)

§22-507. Street Grades.

1. Centerline grades shall be not less than 1 percent.
2. Centerline grades of all proposed roads shall not exceed the following:

Arterial Streets	Per PennDOT
Collectors Streets	7 percent
Local Streets	10 percent
Private Streets	12 percent

3. Vertical curves shall be used at change of grade exceeding 1 percent and shall be designed in relation to the extent of the grade change to provide the following minimum sight distances:
 - A. *Local Street* - 100 feet.
 - B. *Collector Street* - 200 feet.
 - C. *Major Thoroughfare* - 250 feet.
4. Maximum grades will not be permitted with minimum curve radii where feasible.

(Ord. 110, 4/5/1982, §507)

§22-508. Street Intersections.

1. Streets entering the opposite sides of another local street shall use right angle intersections whenever feasible, especially when local streets enter into major

thoroughfares. There shall be no intersection angle measured at the centerline of less than 75 degrees.

2. A minimum paving radius of 30 feet shall be provided at all intersections. The Council may increase the required radii where they consider such design advisable at intersections involving major thoroughfares.

3. Streets entering the opposite sides of another street shall either be directly across from each other or offset by at least 200 feet from centerline to centerline.

4. All necessary street name signs and traffic control signs shall be provided and erected by the developer and approved by the Council before acceptance.

5. No more than two streets shall intersect at the same point.

(Ord. 110, 4/5/1982, §508)

§22-509. Private Streets.

1. Private streets are prohibited within subdivisions, unless adequate off-street parking is shown to exist and proper maintenance of all improvements is guaranteed by the developer.

2. There shall be a notice on each preliminary and final plan indicating those streets that are not intended for dedication and the private streets will have off-street parking.

3. Private streets shall adhere to all design standards of a public street.

4. Private streets shall not be offered for dedication unless they meet all public street design standards.

(Ord. 110, 4/5/1982, §509)

§22-510. Driveways.

1. Private driveways, either individual or shared, shall be provided for all residences and the construction shall be in accordance with the regulations of this Section in order to provide safe access to Borough and State roads and to eliminate problems of stormwater runoff.

2. The width of a driveway within the legal right-of-way of the public road or when carried by a bridge shall be a minimum of 10 feet, and shall be a minimum of 8 feet at all other points within the property line. Adequate turnaround surface shall be provided on the property to egress to the street in a forward direction.

(Ord. 110, 4/5/1982, §510)

§22-511. Curbs.

1. Curbs may be required on new streets in subdivision or land developments which have a typical lot width at the building setback line of less than 125 feet. Where no curb is required, there shall be a stabilized shoulder provided with a minimum width of 6 feet.

2. In areas where curb is not used, provisions shall be made to avoid erosion to the satisfaction of the Borough Council.

3. All curbs shall be constructed in accordance with specifications for Class A

concrete as specified by the Pennsylvania Department of Transportation.

4. Curbs shall be constructed to regulations or standards of PennDOT or as approved by the Borough Engineer. Curbs may be either the vertical type of rolled curb and gutter type subject to the approval of the Borough Council. The transition from one type of curb shall be effected only at street intersections. Rolled curb and gutter shall not be used on collector or arterial streets.

5. Curbing shall be constructed in 10-foot lengths. A premolded expansion material having a minimum thickness of $\frac{1}{4}$ inch shall be placed between sections of curved curbing and at intervals of not more than 50 feet. Intermediate joints between 10-foot sections shall be formed of two layers of single-ply bituminous paper.

6. The depressed curb at driveways shall be no higher than $1\frac{1}{2}$ inch above the street surface.

(Ord. 110, 4/5/1982, §511)

§22-512. Sidewalks.

1. Sidewalks may be required on both sides of any new Borough street constructed in conjunction with residential or commercial activity.

2. Sidewalks shall be provided along all new streets and parking lots or areas located in developments unless it can be demonstrated to the satisfaction of the Borough Council that pedestrian traffic does not follow or mix with vehicular traffic.

3. All sidewalks shall be constructed in accordance with specifications for Class A concrete as specified by the Pennsylvania Department of Transportation.

4. Sidewalks shall be a minimum of 4 feet wide, except along collector and arterial streets, and adjacent to shopping areas, schools, recreation areas, and other community facilities, where they shall be a minimum of 5 feet wide.

5. Sidewalks shall have a minimum thickness of 4 inches where used solely for pedestrian traffic and a minimum thickness of 6 inches at all driveways. Premolded expansion joints shall be placed between sidewalks abutting curbs, buildings, walls, or other permanent structures. Sidewalks shall be constructed in slabs of no more than 8 feet.

(Ord. 110, 4/5/1982, §512)

§22-513. Easements.

Where easements are required for utilities such as water and/or sewer facilities intended for dedication, the requirements for easement shall be determined by the Borough Council. Easements shall similarly be established for other utilities. Local utility companies shall be consulted by the developer when locating easements. To the fullest extent possible easements shall be centered on or adjacent to rear or side lot lines.

(Ord. 110, 4/5/1982, §513)

§22-514. Sanitary Sewers.

1. *General.*

A. Each property shall be connected to a public sewer as required by the

Modena Zoning Ordinance [Chapter 27]. The subdivider shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made.

B. Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Resources standards and the Borough specifications. A copy of the approval of such system shall be submitted with the final plan.

C. Sanitary sewers shall not be used to carry stormwater.

2. *Sanitary Sewage Disposal System(s).*

A. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in this Chapter.

B. Whenever a subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such a facility approved by the Pennsylvania Department of Environmental Protection, or shall guarantee (by deed of restriction or otherwise), as a condition of the sale each lot or parcel within the subdivision, that such facilities can be installed by the purchaser of such lot or parcel.

C. In all other cases, the subdivider shall provide a public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Borough Engineer, the Borough Planning Commission and the Borough Council.

3. *Soil Percolation Test Requirements.*

A. Soil percolation tests shall be performed for all subdivisions wherein building(s) at the time of construction will not be connected to a public sanitary sewage disposal system in operation.

B. Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Resources and approved by the Chester County Health Department.

(Ord. 110, 4/5/1982, §514)

§22-515. Water Supply.

1. Adequate and potable water supply system(s) shall be installed consistent with design principles and requirements contained in this Chapter and Borough Standards, which are the U.S. Public Health criteria for drinking water as administered by the Environmental Protection Agency, Safe-Drinking Water Act, 42 U.S.C. §300f *et seq.*

2. Where the subdivider proposes that individual on-site water supply systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities can be installed by the purchaser of such lot or parcel. Individual on-site wells shall be subject to the Standards provided for within §501, Chapter 500, Rules and Regulations of the Chester County Health Department.

3. Wherever necessary, the subdivision shall be provided with a complete public water distribution system. The design and installation of such public system shall be

subject to the approval of the Borough.

4. All persons desiring to extend public water mains shall be required to enter into an extender's agreement, as shown in the Appendix 22-G.

5. Wherever a public water system is provided, fire hydrants suitable for the coupling of equipment serving the Borough shall be installed as specified by the Insurance Services Offices of Pennsylvania. Location of hydrants shall be approved by the Borough, in addition to the following:

A. Generally all fire hydrants will be located on an 8-inch line or a looped 6-inch line. Where a dead end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall be an 8-inch minimum diameter.

B. Fire hydrants shall be spaced in a development so that all proposed building(s) will be no more than 600 feet from the hydrant measured along traveled ways.

C. Hydrants shall be located in a manner to provide complete accessibility and so that the possibility of damage from vehicles or injury to pedestrians will be minimized.

(Ord. 110, 4/5/1982, §515)

§22-516. Stormwater Management.

1. *General.*

A. The management of stormwater on the site, both during and upon completion of the disturbances associated with the proposed subdivision or land development, shall be accomplished in accordance with the standards and criteria of this Section. The design of any temporary or permanent facilities and structures and the utilization of any natural drainage systems shall be in full compliance of this Chapter and the interpretations of the Borough Engineer.

B. At the time of application for a building permit for any approved lot created by a subdivision and/or improved as a land development under the terms of this Chapter, issuance of the permit shall be conditioned upon adherence to the terms of this Section.

2. *Erosion and Sedimentation.* All activities involving land disturbance, whether or not a plan is prepared or a permit obtained in accordance with this Chapter, shall be consistent with the following performance standards:

A. All land disturbance activities shall be conducted in such a way as to prevent accelerated erosion and resulting sedimentation. To accomplish this, all persons engaged in land disturbance activities shall design, implement, and maintain erosion and sedimentation control measures which effectively prevent accelerated erosion and sedimentation.

B. In order to prevent accelerated erosion and resulting sedimentation, land disturbance activities related to earth-moving operations, to construction (including, but not limited to, construction of buildings and other structures), and to paving activities, shall be conducted only in conformance with the following principles:

(1) There shall be no discharge of sediment or other solid materials from

the site as a result of stormwater runoff.

(2) No earth-moving or stripping of vegetation shall be conducted in areas of greater than 25 percent slope unless specific approval is obtained from the Borough Council and the Borough Engineer.

(3) Earth-moving and the addition of fill will be minimized to preserve the natural features and topography.

(4) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.

(5) To the maximum extent practical, natural vegetation shall not be removed except as provided in the approved final subdivision or land development plan or the zoning permit.

(6) The amount of disturbed area and the duration of exposure shall be kept to a practical minimum.

(7) Such other requirements or exceptions as are consistent with these terms in the foregoing principles may be imposed or allowed by the Borough Engineer.

3. *Protection of Adjacent Property.*

A. No person shall engage in earth-moving sufficiently close to a property line to endanger any adjoining public street, sidewalk, alley, or other public property from settling, cracking, or other damage which might result from such earth-moving. If, in the opinion of the Borough Engineer, the nature of the earth-moving is such as to create a hazard to life or property unless adequately safeguarded, the applicant shall construct walls, fences, guard rails, or other structures to safeguard the public street, sidewalk, alley, or other public property and persons.

B. No person shall dump, move, or place any soil, bedrock, or other material or divert or increase the flow of water so as to cause the same to be deposited upon or roll, flow or wash upon or over the premises of another without the express consent of the owner of such premises so affected, or upon or over any public street, street improvement, road, storm sewer drain, watercourse, or right-of-way or any public property.

4. *Permanent Stormwater Management.* All subdivision and land development activities involving an increase in impervious cover shall limit the amount of stormwater runoff to no greater the amount of run-off than existed on the original undeveloped site.

(Ord. 110, 4/5/1982, §516)

§22-517. Other Utilities.

1. The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distribution company, or as may be required by the applicable regulations issued by the Department of Transportation under the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C., Chapter 601, as amended, whichever is greater.

2. When any petroleum or petroleum transmission line traverses a subdivision or land development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required

between each proposed dwelling unit and the petroleum or petroleum products transmission lines.

3. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Borough and public utility concerned.

(Ord. 110, 4/5/1982, §517)

§22-518. Design Standards.

1. The Borough Council may require compliance with the following design standards contained in the Modena Borough Zoning Ordinance [Chapter 27]:

- A. *Screening*. Section 27-1308.1.
- B. *Storage*. Section 27-1308.2.
- C. *Landscaping*. Section 27-1308.3.
- D. *Interior Circulation and Emergency Access*. Section 27-1308.4.
- E. *Lighting*. Section 27-1308.5.
- F. *Off-Street Loading Requirements*. Section 27-1308.6.
- G. *Access and Traffic Control*. Section 27-1308.7.
- H. *Parking*. As required by Section 27-1308.8 and 27-1308.9.

(Ord. 110, 4/5/1982, §518)

§22-519. Monuments and Markers.

1. Monuments or markers (as noted) shall be noted in the final plan to define the following:

- A. The exact location of all streets, street curves, and street intersections. Such markers shall set the dimensions of the street to be laid out. (Monuments).
- B. The intersection of all lot lines. (Monuments).
- C. The dimensions of the tract to be developed. (Monuments).
- D. All angles in property lines of lots. (Markers)

2. Monuments shall be constructed of stone and shall be of a design satisfactory to the Borough Engineer. Monuments shall be permanently marked with a proper inscription on top. Markers shall consist of iron pipe at least 30 inches long and not less than $\frac{3}{4}$ of an inch in diameter.

3. Monuments and markers shall be placed so that the scored or marked permit shall coincide exactly with the intersection of the lines to be marked, and shall be set so the top of the marker is level with the ground.

(Ord. 110, 4/5/1982, §519)

§22-520. Public Facilities and Open Space.

In subdivisions which are intended to provide housing for more than ten families, or any subdivision that includes a new public street that is offered for dedication to the Borough, the Borough Planning Commission shall consider the need for suitable open areas for recreation and shall make recommendations thereon. The Borough Council shall require as a minimum that the following amount of playground and neighborhood

park acreage be provided.

A	Families to be Served	Minimum Playground and Neighborhood Park Acreage to be Recommended
	10-24	1.0 acre
	25-49	2.0 acre
	50-174	3.0 acre

B. Such area or areas may be dedicated to the Borough by the subdivider if the Borough Council approves such dedication.

(*Ord. 110, 4/5/1982, §520*)

§22-521. Lighting.

Reference should be made to §27-1308.5 of the Modena Borough Zoning Ordinance [Chapter 27] for specific light standards.

(*Ord. 110, 4/5/1982, §521*)

Part 6**Mobile Homes and Mobile Home Parks****§22-601. Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meaning ascribed to them in this Section:

Anchoring - the fastening of the mobile home to its pad (or stand) in order to prevent upset or damage due to wind, erosion, flooding, or other natural forces.

Health Department - the Chester County Health Department and/or the State Health Departments charged with the regulation, authorization control and permitting of mobile home parks on an annual basis specifically pertaining to sewage disposal, refuse storage and collection, fuel storage and use, and vector control.

Hitch - a device which is part of the frame or attaches to the frame of a mobile home and connects it to a mobile source for the purpose of transporting the unit.

Mobile home - a transportable dwelling intended for permanent occupancy contained in one unit, or in several sections designed to be joined into one integral unit capable of again being separated for repeated towing, and which arrives at a site complete and ready for occupancy except for utility connections and minor and incidental unpacking and assembly operations, and constructed so that it may be used without permanent foundation, including any addition or accessory structure, such as porches, sheds, decks or additional rooms. All mobile homes shall meet construction standards set by the U.S. Department of Housing and Urban Development. This includes all off-site manufactured housing with or without a permanent chassis.

Mobile home lot - A parcel of land, not necessarily in the mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased or sold by the park owner to the owner or occupants of the mobile home erected on the lot.

Mobile home pad - a concrete pad at least 6 inches in thickness with at least six tie-down rings to which the mobile home shall be secured, and equal in length and width to the dimensions of the mobile home to be placed thereon.

Skirts - panels specifically designed for the purpose of screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground elevation below.

(Ord. 110, 4/5/1982, §601)

§22-602. Permits, Licenses and Inspections.**1. Permits Required.**

A. It shall be unlawful for any person to construct, alter, extend, or operate a mobile home park within the Borough of Modena unless and until the party obtains:

(1) A valid permit issued by the Chester County Health Department, in the name of the operator, for a specified construction, alteration or extension proposed.

(2) A mobile home park permit issued by the Borough of Modena Zoning Officer in the name of the operator, which shall not be issued until a copy of the Health Department permit has been furnished, all permits for water supply and sewage systems shall have been obtained, and all other requirements contained herein including fees and plan requirements have been complied with, and final approval of the application has been granted by the Borough Council.

B. *Annual Licenses.* In addition to the initial permits, the operator of a mobile home park shall apply to the Chester County Health Department and to the Borough of Modena Zoning Officer on or before the fifteenth day of December of each year for an annual license to continue operation of the mobile home park during the following calendar year. The Zoning Officer shall issue the annual license upon satisfactory proof that the park continues to meet the standards prescribed by State, and County agencies with jurisdiction, and the standards of this Chapter.

C. *Fees.*

(1) Fees for the initial application, preliminary and final approvals, annual license, and inspection of a mobile home park during and following construction shall be prescribed by resolution of the Borough Council.

2. *Inspections.*

A. Upon notification to the licensee, manager or person in charge of a mobile home park, the Zoning Officer or his designated representative may inspect a mobile home park at any reasonable time to determine compliance with this Chapter.

B. Every person holding a mobile home park license shall cause to be kept a register that shall be open for inspection to any official of the Borough. Such register shall contain the following information for each mobile home:

(1) The lot number of the mobile home.

(2) The names of all persons living in such mobile home.

(3) The date of arrival of all mobile homes and the date of departure of all mobile homes that have been moved.

3. *Appeal of Mobile Home Park Permit Denial.* Where the applicant of licensee feels that the Council and representing Borough agent has failed to follow procedures or has misinterpreted or misapplied any provision of this Chapter in the review of an application for a mobile home permit or an annual license renewal, he may appeal such action to the Borough of Modena Zoning Hearing Board in accordance with §909 of the Municipalities Planning Code, 53 P.S. §10909.

(Ord. 110, 4/5/1982, §602)

§22-603. Maintenance of Common Areas and Facilities.

1. The operator and licensee of a mobile home park shall be responsible for maintaining all common facilities including, but not limited to, roads, parking areas,

sidewalks or pathways, common open space, water supply and sewage disposal systems, and service buildings, in a condition of proper repair and maintenance in accordance with all applicable codes and regulations of the Borough of Modena.

2. If it is noted by the Zoning Officer or representing agent of the Borough, that the operator and licensee have not maintained facilities in compliance with this Chapter, the operator and licensee shall have 30 days in which to correct any such violation. The operator and licensee will be notified in writing by certified mail, of such offense and necessary action.

(Ord. 110, 4/5/1982, §603)

§22-604. Density, Dimensional, and General Layout Regulations.

1. Regulations governing the density of dwelling units in any mobile home park and the dimensions of any mobile home park or mobile home lot therein shall be as specified in Part 14 of the Borough of Modena Zoning Ordinance [Chapter 27].

2. Every mobile home lot shall be clearly marked and shall contain driveways with unobstructed access to a public street. Mobile homes shall be located on such lots so that there will be a minimum of 25 feet between mobile homes and so that no mobile home, will be less than 75 feet from the exterior boundary of the mobile home park.

3. It shall be unlawful to locate a mobile home less than 50 feet from any public street or so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park. No mobile home lot, service building or, access road (with the exception of the entrance road) shall be located within 20 feet for any public street.

(Ord. 110, 4/5/1982, §604)

§22-605. Street System.

1. *Street Design and Construction Standards.* With the exception of those street standards specified in §§22-503 through 22-511 of this Chapter shall govern the design and construction of streets in a mobile home park.

2. *Park Entrances.* Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. At the discretion of the Borough Council a mobile home park may be required to have completely independent entrance and exit points located no closer than 200 feet from each other.

(Ord. 110, 4/5/1982, §605)

§22-606. Off-Street Parking.

1. Off-site common parking areas may be provided in lieu of the required two parking spaces on each mobile home lot, in which case parking shall be provided at the rate of two spaces for each mobile home lot not equipped with two parking spaces. Where common parking areas are provided they shall be located no greater than 150 feet from the mobile home lots they are intended to serve.

2. Additional parking spaces for vehicles of nonresidents shall be provided as off-street common parking, at the rate of 1½ spaces for each mobile home lot.

(Ord. 110, 4/5/1982, §606)

§22-607. Service Buildings.

1. Where a service building is provided, it may contain a toilet and lavatory for each sex and storage areas for occupants of the park. In addition, the applicant may provide laundry facilities, management office, repair shop, indoor recreational facilities and/or commercial uses to supply essential goods and services to park residents only.

2. Construction of service buildings shall be in compliance with all applicable building codes, and other applicable regulations of the Borough of Modena and shall be maintained in a clean, sanitary, and structurally safe condition.

(Ord. 110, 4/5/1982, §607)

§22-608. Water Supply.

The requirements of §22-515 of this Chapter shall be applicable to any system of water supply to any mobile home park. In addition, the following requirements shall apply to all mobile home parks :

A. Where required by the Borough, all units and structures within a mobile home park shall be connected to a public water supply system.

B. A fire hydrant system shall be incorporated into the public water system where required. Hydrants shall be no greater than 600 feet apart as measured in the street right-of-way. Where the density is not such as to justify the use of hydrants, the Council may waive requirements in favor of an alternative emergency system. Fire hydrants and fire hydrant locations shall meet the specifications of the Middle States Department, Association of Fire Underwriters.

(Ord. 110, 4/5/1982, §608)

§22-609. Sanitary Sewage Disposal.

The requirements of §22-514 of this Chapter shall be applicable to the system and facilities for sanitary sewage treatment and disposal, in addition to the following:

A. In all cases connection to a public sewage system is required.

(Ord. 110, 4/5/1982, §609)

§22-610. Refuse Disposal.

1. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than 200 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

2. All refuse storage shall be completely screened from view from any public right-of-way and any contiguous residential use. Screening shall consist of evergreen planting or an architectural screen.

(Ord. 110, 4/5/1982, §610)

§22-611. Stormwater Management.

The requirements of §22-516 of this Chapter shall be applicable to all mobile home parks concerning stormwater management including storm drainage and erosion

control measures.

(Ord. 110, 4/5/1982, §611)

§22-612. Utilities and Exterior Lighting.

1. An electrical outlet supply of at least 110 volts of 60-cycle alternating current shall be provided for each mobile home space. Such electrical outlets shall be grounded and weather-proofed.

2. Each mobile home lot will be provided with a walkway light located between the mobile home and parking area.

(Ord. 110, 4/5/1982, §612)

§22-613. Fuel Systems.

1. *Fuel Supply and Storage.*

A. *Liquified Petroleum Gas Systems.*

(1) The design, installation and construction of containers and pertinent equipment for the storage and handling of liquified petroleum gases shall conform to the Act of Pennsylvania Legislation 1951, December 27, P.L. 1793, as it may be amended; and to the regulations therefor promulgated by the Pennsylvania Department of Labor and Industry, or its successor.

(2) Liquified petroleum gas systems provided for mobile homes, service buildings, or other structures, when installed, shall be maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:

(a) Systems shall be provided for safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

(b) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

(c) All liquified petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.

(d) Vessels of at least 12 U.S. gallons and less than 60 U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than 5 feet.

(e) No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure. Vessels should be screened in accordance to §27-1308.1 of the Borough Zoning Ordinance [Chapter 27].

(f) All pipe connections shall be of a flare type.

B. *Fuel Oil Supply Systems.*

(1) All fuel oil supply systems provided for mobile homes, service

buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.

(2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

(3) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shut-off valves located within 5 inches of storage tanks.

(4) All fuel storage tanks or cylinders shall be securely placed and shall not be less than 5 feet from any mobile home exit, and not less than 3 feet from any window.

(5) Storage tanks located in areas subject to traffic shall be protected against physical damage. Storage tanks shall be screened in accordance with §27-1308.1 of the Borough Zoning Ordinance [Chapter 27].

(Ord. 110, 4/5/1982, §613)

§22-614. Fire Protection.

1. The mobile home park area shall be kept free of litter, rubbish and other flammable materials.

2. Portable hand-operated fire extinguishers of a type suitable for use on oil fires, and approved by the appropriate fire company or authorities shall be kept in each service building under park control and shall be required by the mobile home park operator to be placed in each mobile home in a fixed location preferably near a door but not in close proximity to cooking facilities.

3. All mobile home parks that shall be required to provide fire hydrants shall meet the specifications of the Middle States Department Association of Fire Underwriters, but in any case, in sufficient number to be within 600 feet of all existing and proposed structures and mobile homes, measured by way of accessible streets.

4. Where the water supply system does not provide at least 6-inch water main, there shall be provided a 2-inch frost-protected water riser within 300 feet of each mobile home or building.

5. Fire shall be made only for purposes of heating and cooking.

6. All mobile home parks shall be operated so as to comply with all State and local laws, ordinances and regulations pertaining to fire prevention.

(Ord. 110, 4/5/1982, §614)

§22-615. Miscellaneous Structural Requirements.

1. *Additions.* No permanent additions shall be built onto or become part of any mobile home unless they are in accordance with applicable State and local laws, ordinances and regulations.

2. *Alterations.* All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable State and local laws, ordinances, and regulations.

3. *Mobile Home Pad.* A concrete pad, properly graded, placed and compacted so

as to be durable and adequate for the support of the maximum anticipated loads during all seasons, shall be used for all mobile homes and in compliance with the Borough of Modena Building and Construction Codes [Chapter 5, Part 1].

4. *Anchoring.* Every mobile home placed within a mobile home park shall be anchored to the mobile home pad where it is located prior to the unit being occupied or used in any other way. The anchoring system shall be designed to resist a minimum wind velocity to 90 miles per hour.

5. *Stability.* Each mobile home placed within a mobile home park shall, prior to occupancy or other use, be affixed to its mobile home pad in such a way as to prevent tilting of the unit.

6. *Skirts.* Each mobile home placed within a mobile home park shall, prior to occupancy or other use, have a skirt installed which is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park. Skirting material shall be specifically designed for this purpose and adequately vented and allow for access to all utility connections. In no instance shall the area beneath the mobile home be used for storage.

7. *Accessory Structures.* Patios, car ports and other similar accessory structures shall be in compliance with all ordinances and codes as adopted by the Borough of Modena.

8. *Hitch.* The hitch or tow bar attached to a mobile home for transport purposes shall be removed and remain removed from the mobile home when it is placed on its mobile home pad.

(Ord. 110, 4/5/1982, §615)

§22-616. Common Open Space and Buffers.

Common Open Space Areas.

A. At least 15 percent of the gross area of each mobile home park, after subtraction of required buffer areas, shall be set aside as common open space for the use and enjoyment of the residents of the mobile home park. Such common open space shall be substantially free of structures except for those designed for recreational purposes. A minimum of 25 percent of the common open space shall be used for active recreation.

(Ord. 110, 4/5/1982, §616)

§22-617. Removal of Mobile Homes.

1. No mobile home shall be removed from the Borough without first obtaining a removal permit from the Borough of Modena Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly, 72 P.S. §5453.617a. Such permits shall be issued upon payment of real estate taxes assessed against the home and unpaid at the time the permit is requested.

2. Any person who removes a mobile home from the Borough of Modena without first having obtained a removal permit shall, upon summary conviction hereof, be sentenced to pay a fine of \$100 and costs of prosecution or undergo imprisonment for not more than 30 days or both.

(Ord. 110, 4/5/1982, §617)

Part 7**Construction and Acceptance of Public Improvements****§22-701. Construction Required.**

1. The applicant shall construct all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas and erosion and sediment control measures in conformance with the final plan as approved, the applicable provisions of the Pennsylvania Department of Transportation Specifications, Form 408, dated 1976, or the latest revision thereto, and all other applicable regulations.

2. No plat shall be finally approved for recording, and no building permits shall be issued until the developer has completed all required improvements or has provided a performance guarantee in accordance with §22-411, hereof.

(Ord. 110, 4/5/1982, §701)

§22-702. Inspections.

1. The construction or installation of all improvements shall at all times be subject to inspections by representatives of the Borough. If such inspection reveals that work is not in accordance with approved plans and specifications, that construction is not being done in a satisfactory manner, or that erosion or sediment controls are failing to prevent accelerated erosion or water or the sediment from leaving the site of construction, the said representative is empowered to require corrections to be made and/or the suspension of the subdivision approval and to issue a cease and desist order, which may include any or all of the following sanctions:

A. That no lot in the subdivision shall be conveyed or placed under agreement of sale.

B. That all construction of any lot for which a building permit has been issued shall cease.

C. That no further building permits for any lots shall be issued.

2. The said cease and desist order shall be terminated upon the determination by Borough representatives that the said defects or deviations from plan requirements have been corrected.

3. No underground pipes, structures, subgrades or base course shall be covered until inspected and approved by the Borough.

4. The developer shall notify the designated representative of the Borough (usually the Borough Engineer) at least 24 hours in advance of commencement of any construction operations requiring an inspection.

(Ord. 110, 4/5/1982, §702)

§22-703. Release from Improvement Bond.

1. When the developer has completed all the necessary and appropriate

improvements, the developer shall notify the Council, in writing, by certified mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. 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 mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Council and 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.

2. The Council shall notify the developer, in writing by certified mail, of the action of the Council with relation to approval, nonapproval or rejection of improvements.

3. If any portion of the said 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.

4. Improvement bonds, or funds in escrow, may be released in stages as construction of a significant portion of street including all other improvements, is completed and approved by the Council. The Council shall only release the amount specifically provided for the improvement in the performance guarantee agreement.

5. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and acceptance by the Borough, and 15 percent of the performance guarantee shall be held back until a maintenance guarantee as provided for in §22-706 has been posted and as-built plans are verified and accepted by the Borough.

(*Ord. 110, 4/5/1982, §703*)

§22-704. As-Built Plans.

Within 30 days after completion and approval by the Borough of subdivision and land development improvements as shown on final plans, and before acceptance of such improvements, the applicant shall submit to the Council a corrected copy of said plans showing actual dimensions and conditions of streets and all other improvements, certified by a professional engineer, to be in accordance with actual construction.

(*Ord. 110, 4/5/1982, §704*)

§22-705. Dedication and Acceptance of Public Improvements.

Upon completion of any public improvements shown on an approved subdivision plan and within 90 days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Borough. Said offer shall include a deed of dedication covering said public improvements. Together with a copy of a title insurance policy establishing that the developer has clear title to said property. Such documents are to be filed with the Borough Secretary for review by the Borough Solicitor. Deeds of dedication for public improvements may be accepted by resolution of the Council at a regular meeting thereof. The Council may require that at least 50 percent of the lots in any approved

subdivision or development (or phase thereof, if final plan approval has been in phases) have certificate of occupancy or dwellings occupied thereon prior to acceptance of dedication. Should the above-mentioned roads or streets, even though constructed according to these specifications, deteriorate before the said 50 percent of the lots have dwellings occupied thereon, such roads or streets shall be repaired in a manner acceptable to the Council before being accepted by the Borough.

(*Ord. 110, 4/5/1982, §705*)

§22-706. Maintenance Guarantee.

1. Where the Borough Council accepts dedication of all or some of the required improvements following completion (whether such dedication is of the fee or of an easement), the Council shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the performance guarantee, as described in §22-411 hereof, shall be for a term of 18 months from the date of the acceptance of dedication and shall be in an amount equal to 15 percent of the actual cost of installation of the improvements so dedicated.

2. The Borough Council may increase the percentage required in a maintenance bond if all lots in the subdivision or land development do not have dwellings or other principal buildings erected thereon prior to acceptance of dedication.

(*Ord. 110, 4/5/1982, §706*)

Part 8**Administration****§22-801. Hardship.**

1. If any mandatory provisions of this Chapter are shown by the applicant, to the satisfaction of the Borough Council, to be unreasonable and cause undue hardship as they apply to his proposed subdivision, the Borough Council may grant a modification to such applicant from such mandatory provisions, so that substantial justice may be done and the public interest secured; provided, that such modification will not have the effect of nullifying the intent and purpose of this Chapter.

2. In granting modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

(Ord. 110, 4/5/1982, §801)

§22-802. Records.

1. The Borough shall assign a subdivision application number to all applications, and all matters referring to this should be tied in with and filed in accordance with the subdivision case number. The Borough shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review.

2. All such records shall be public records.

(Ord. 110, 4/5/1982, §802)

§22-803. Fees.

1. Subdivision and Land Development application fees and initial escrow deposits for plan review and processing shall be fixed by the Borough Council by resolution. In addition to such fees and escrow deposits, all disbursements by the Township incident to plan review, approval and processing in excess of the amount required by escrow deposits, and all inspections of construction including, but not necessarily limited to, engineering fees, inspection fees, costs of materials or site testing and any maintenance costs prior to the acceptance of improvements by the Borough, shall be reimbursed to actual costs.

2. All such reimbursements for costs expended prior to establishment of the applicant's performance guarantee shall be made prior to issuance of any permits. All such reimbursements for costs expended during construction shall be made out of escrow funds established as the performance guarantee, on a monthly basis.

(Ord. 110, 4/5/1982, §803)

§22-804. Penalties.

Any person, partnership or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting

thereon, or who sells or offers to sell, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Chapter and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person or the members of such partnership, or the officers of such corporation or the agent of any of them, responsible for such violation shall pay a fine not exceeding \$1,000 per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violation shall be paid over to the Borough. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

(Ord. 110, 4/5/1982, §804)

Appendix 22-A

LIST OF CONSULTING AND APPROVING AGENCIES

The following agencies are often referred to by the Borough Council when a subdivision and land development plan has been submitted for approval. These agencies are important in that many of the requirements of the "Subdivision and Land Development Ordinance" are performed by these agencies when contacted by the Developer. Therefore, this list tries to indicate the situations in which each agency shall be contacted. If the developer knows of the need to contact any agency, he should make that agency aware of his proposed development.

<u>ITEM</u>	<u>AGENCY</u>	
Letter confirming water availability	Local Water Authority	Preliminary
Letter confirming sanitary sewer availability	Local Sewer Authority	Preliminary
Zoning Requirement	Borough Zoning Officer	Preliminary
Building Permit	Borough Zoning Officer	Construction
Sewage Permit, On-lot sewage tests	County Health Department	Construction
Proposed on-lot sewage and sewerage disposal revisions (3 units or more) to official Township Plan	Penna. Dept. Of Environmental Resources	Final
Sewage Feasibility Study	Engineer	Preliminary
Erosion and Sediment Control Permits and Plans	Penna. Dept. Of Environmental Resources	Final
Floodplain locations, soil survey and classifications	Chester County Soil And Water Conservation Dist.	Preliminary
Erosion and Sediment Control Plans	Chester County Soil And Water Conservation Dist.	Preliminary
Highway Permits	PennDOT	Final
Electric power lines and rights-of-way	Local Power Company	Preliminary
Street Light Plan	Local Power Company	Final
Location and depth of lines, acknowledgement of adjoining development	Gas Transmission Co.	Preliminary
Grade crossings, sidings, crossings and culvertings	Operating Railroad Co.	Preliminary
Street name approval	Postmaster	Preliminary

Appendix 22-B

Application # _____
Date _____
Received: _____

APPLICATION FOR REVIEW OF A PRELIMINARY PLAN BOROUGH OF MODENA, CHESTER COUNTY

The undersigned hereby applies for Review by the Planning Commission of the Preliminary Plan submitted herewith and described below:

1. Name of Subdivision: _____ Plan Dated: _____
County Deed Book No. _____ Page No: _____
Tax Parcel Page No. _____ Parcel No: _____
2. Name of Property Owner/s/: _____
(If corporation, list corporation's name and address and two officers of corporation)
Address: _____
Phone No: _____
3. Name of Applicant: _____
(If other than owner)
Address: _____
Phone No: _____
4. Applicant's interest if other than owner: _____
5. Engineer, Architect, Surveyor, or
Landscape Architect responsible for plan: _____
Address: _____
Phone No: _____
6. Total Acreage: _____ No. of Lots: _____
7. Acreage of adjoining land in same
Borough (if any): _____
8. Type of Development Planned:
(No. of Units/Lots) _____
_____ Single Family
_____ Two-Family
_____ Multi-Family
_____ Commercial
_____ Other (Specify)

Application # _____
Date Received _____

9. Will construction of buildings be undertaken immediately.?
By Whom?

Yes _____ No _____

Subdivider _____
Other Developers _____
Purchasers of Individual Lots _____

10. Type of water supply proposed . . .

Public (Municipal) System _____
(Length in Feet) _____
Individual On-Site _____

11. Type of sanitary sewage disposal proposed

Public (Municipal) System _____
(Length in Feet) _____
Live _____
Capped _____
Semi-Public (Community System) _____
Individual On-Site _____

12. Are all streets proposed for dedication?

Yes _____ No _____

13. Present zoning and zoning changes, if any, to be requested: _____

14. Have appropriate public utilities been consulted?

Yes _____ No _____

15. Material accompanying this application:

	Number	Item
a)	_____	Preliminary Plan
b)	_____	Copies of Deed Restrictions
c)	_____	
d)	_____	

16. List subdivision and land development projects you have been involved with for reference. _____

19. Amount or Fee Filed: _____

The undersigned represents that to the best of his knowledge and belief all the above statements are true, correct, and complete.

Date: _____

Signature of Owner or Applicant: _____
(by): _____

Appendix 22-C

SUBDIVISION REFERRAL LETTER

FROM: _____

DATE: _____

The enclosed subdivision _____ land development plan, in (sketch, preliminary, final) entitled _____ for your review by _____ Borough.

The property is presently owned by (Name & Address): _____ is dated: _____

The plan has been prepared by: _____ is dated: _____, Revised: _____ Following (lots, units road and parking). _____

This plan has been submitted to the _____ Chester County Health Department, (Two (2) copies of Plan with Two (2) Planning Modules, _____ Chester County Conservation District, _____ Pennsylvania Department of Environmental Resources, _____ Others.

Comments: _____

(Proposed Phase, Sections, Proposed Intent of Conveyance.)

The Municipality Planning Commission meets: _____
The Municipal Governing Body Meets: _____

This Plan is being forwarded on: _____: Under the Pennsylvania Municipalities Planning Code, the County Planning Commission must respond within (45 days) of the date the plan is officially forwarded.

It is understood that Pennsylvania Act 93 requires that no action may be taken by the Municipality until the Chester County Planning review is received, or the time limit expires.

Very truly yours,

(s) Signature

Appendix 22-D

SUBDIVISION REGULATIONS: PLAN CHECK LIST

1. PRELIMINARY PLAN PROCEDURE

A. Application

- 1/ Submit () copies of the Plan to the
Municipal Secretary or
- 2/ Submit () Application Forms to the
Municipal Secretary
- 3/ Submit appropriate fee to the Municipal
Secretary

 B. Official review date upon which an entire appli-
cation has been received _____
(ie., beginning of 90 day review period.)

 C. Applicant must request to be placed on the agenda
of the Municipal Planning Commission.

II. PRELIMINARY PLAN REQUIREMENTS

The following information is required to be placed on all
preliminary subdivision plans as a minimum.

A. Title Block

- 1/ Name of Plan
- 2/ Municipality in which land is located
- 3/ Date of Plan
- 4/ Scale of Plan (not less than 1 inch to 100 feet)
- 5/ North Arrow

B. Location Map

C. Approval Block

 D. Name and signature of Registered Professional Engineer,
Surveyor, Landscape Architect, or Land Planner

 E. Name, address, and telephone number of applicant

 F. Notarized signature block of owner/applicant

 G. Owner of record and address

 H. Adjacent property owners and subdivisions should be
identified

II. PRELIMINARY PLAN REQUIREMENTS

I. Tract Data

- 1/ Existing street on or adjacent to the tract;
including name, LR or T numbers, right-of-way
and cartway
- 2/ Location and dimensions of existing easements,
right-of-way- and public land
- 3/ All existing buildings, towers, sewer and water
lines, monuments, culverts, gas or oil pipelines,
fire hydrants and other improvements
- 4/ Zoning of the tract and all zoning boundaries,
if any, within 300 feet of the tract.
- 5/ Acreage of the tract, both gross and net.

J. Each Lot Being Subdivided

- 1/ Proposed lot layout with approximate dimensions
- 2/ Area of each lot
- 3/ Lot number
- 4/ All lots shall be enclosed on all sides by a lot
line
- 5/ Proposed building location and improvements
- 6/ Proposed building setback line
- 7/ Side and rear yard setback line
- 8/ Percolation test locations, if applicable
- 9/ Land dedicated for public use.

K. Environmental Data

- 1/ Contour lines at five (5) foot intervals
- 2/ Elevation data (ie., bench marks, when known)
- 3/ Soil type and boundaries
- 4/ Waterbodies/streams should be indicated

II. PRELIMINARY PLAN REQUIREMENTS

- ☐ 5/ Floodplain boundary
- ☐ 6/ Location of existing tree masses
- ☐ 7/ Stormwater Management facilities should be indicated
- ☐ 8/ Sedimentation and Erosion Control measures

☐ L. Roads

- ☐ 1/ Right-of-way width must be indicated, both existing and ultimate
- ☐ 2/ Right-of-way area to be dedicated or reserved for private use
- ☐ 3/ Cartway width must be indicated
- ☐ 4/ Proposed road name
- ☐ 5/ Road profiles
- ☐ 6/ Storm sewers are to be incorporated into all public streets.

☐ M. Utilities

- ☐ 1/ All sanitary sewer lines, grades, pumping stations, etc. indicated on the Plan when such systems are proposed
- ☐ 2/ All Public Water lines, storage tank, etc., must be indicated on the Plan when such systems are proposed
- ☐ 3/ A fire hydrant system must be incorporated when a public water system is proposed.

☐ N. Support Data

- ☐ 1/ Proposed improvements statement and diagrams
- ☐ 2/ Planning modules indicating soil suitability for on-site systems
- ☐ 3/ Certification by Engineer who prepared the plan that the plan is in conformance with zoning, building and other Borough regulations.

SUBDIVISION REGULATIONS: PLAN CHECK LIST

I. FINAL PLAN PROCEDURE

- ___ A. Application
 - ___ 1/ Submit () copies of the Plan to the Borough Secretary or
 - ___ 2/ Submit () Application Forms to the Borough Secretary
 - ___ 3/ Submit Appropriate Fee to the Borough Secretary
 - ___ 4/ This Application for a Final Plan must be within one (1) year of granting Preliminary Approval.
- ___ B. Official Review Date upon which an entire Application has been received _____
(ie., beginning of 90 day review period.)
- ___ C. Applicant must request to be placed on the Agenda of the Borough Planning Commission.

II. FINAL PLAN REQUIREMENTS

The following information is required to be placed on all final subdivision plans as a minimum:

- ___ A. Title Block
 - ___ 1/ Name of Plan
 - ___ 2/ Municipality in which land is located
 - ___ 3/ Date of Plan
 - ___ 4/ Scale of Plan (not less than 1 inch to 100 feet)
 - ___ 5/ North Arrow
- ___ B. Location Map
- ___ C. Approval Block
- ___ D. Name, Seal and Signature of Registered Professional Engineer, Surveyor, Landscape Architect, or Land Planner

II. FINAL PLAN REQUIREMENTS

- ☐ E. Name, address, and telephone number of applicant
- ☐ F. Notarized signature block of owner/applicant
- ☐ G. Owner of record and address
- ☐ H. Adjacent property owners and subdivisions should be identified
- ☐ I. Tract Data
 - ☐ 1/ Existing street on or adjacent to the tract; including name, (LR or T) numbers, right-of-way width, and cartway width.
 - ☐ 2/ Location and dimensions of existing monuments, easements, right-of-way, and public land on the tract.
 - ☐ 3/ All existing buildings, towers, sewer and water lines, monuments, culverts, oil or gas pipelines, fire hydrants, and other improvements on the tract.
 - ☐ 4/ Zoning of the tract and all zoning boundaries, if any, on or within 300 feet of the tract.
 - ☐ 5/ Acreage of the tract, both gross and net.
 - ☐ 6/ Tract limits and dimensions (dimensions in feet and to one hundredth of a foot).
- ☐ J. Each Lot Being Subdivided
 - ☐ 1/ Metes and bounds of all proposed streets, lots, and boundary lines; including the length of all lines, radii, curves, and tangents, whether for private or public use.
 - ☐ 2/ Area of each lot
 - ☐ 3/ Lot number
 - ☐ 4/ All lots shall be enclosed on all sides by a lot line
 - ☐ 5/ Proposed building location and improvements
 - ☐ 6/ House numbers for each lot should be shown

II. FINAL PLAN REQUIREMENTS

- ☐ 7/ Proposed building, side and rear yard setbacks
- ☐ 8/ Location of any permanent monuments and markers.
- ☐ 9/ Percolation test locations, if applicable
- ☐ 10/ Land dedicated for public use.
- ☐ K. Environmental Data
 - ☐ 1/ Contour lines at five (5) foot intervals
 - ☐ 2/ Elevation Data (ie., bench marks, when known)
 - ☐ 3/ Soil types and boundaries
 - ☐ 4/ Water bodies/stream should be indicated
 - ☐ 5/ Floodplain boundary
 - ☐ 6/ Location of existing tree masses
 - ☐ 7/ Stormwater Management Facilities should be indicated, including location, size and invert elevation of all proposed storm sewers, manholes, inlets, and culverts, etc.
 - ☐ 8/ Sedimentation and Erosion Control measures, including, temporary berms, retention basin, swales, seepage pits, etc.
- ☐ L. Roads
 - ☐ 1/ Right-of-way width must be indicated, both existing and ultimate
 - ☐ 2/ Right-of-way area to be dedicated or reserved for private use
 - ☐ 3/ Cartway width must be indicated
 - ☐ 4/ Proposed grades, degree of curvature, sight distances of roads on the plan
 - ☐ 5/ Metes and bounds of all streets including lengths of straight lines, radii, curves and tangents
 - ☐ 6/ Road profiles, showing the existing and proposed grade of the center line of the proposed road; stormwater and sanitary sewer lines proposed

FINAL PLAN REQUIREMENTS

- 7/ Street cross-sections should be included showing: the right-of-way width, cart-way width, type of curb and stormwater control, type of material for road paving, sidewalk width, if applicable, and underground utilities to be installed within the right-of-way
- 8/ Storm sewers are to be incorporated into all public streets.
- M. Utilities
 - 1/ Where off-site sewer service is proposed the final design for the location and size of sewer lines, manholes, pumping and sewage treatment facilities should be included
 - 2/ Where off-site water service is proposed the final design should include the location and size of all wells, storage tanks, water mains, valves and hydrants
 - 3/ A fire hydrant system must be incorporated when a public water system is proposed.
 - 4/ Street light location and type, if applicable.
- N. Support Data
 - 1/ Proposed improvements statement and diagrams
 - 2/ Planning modules indicating soil suitability for on-site systems
 - 3/ Certification by Engineer who prepared the plan that the plan is in conformance with zoning, building and other Borough regulations.

Appendix 22-E

Equivalent
EX-8CE-117
C.C.M.D.

CHESTER COUNTY HEALTH DEPARTMENT SITE INVESTIGATION AND PERCOLATION TEST REPORT FOR ON-LOT DISPOSAL OF SEWAGE

Applicant _____ Telephone _____ Application No. _____ Date of Test _____
Property Address _____ Municipality _____ County _____
Soil Type _____ Slope _____ % Person conducting test _____
Average Stabilized Percolation Rate _____

Percolation Data:

Hole No.	Depth of Hole	Water Remaining After Presoaked	30 min		60 min		90 min		120 min		150 min		180 min		210 min		240 min	
			in	drop	in	drop	in	drop	in	drop	in	drop	in	drop	in	drop	in	drop

PLOT PLANS OF LOCATION OF TEST PITS AND PERCOLATION HOLES

..... being duly sworn according to law that the facts set forth in the foregoing
NAME—PRINT OR TYPE
report are true and correct and are in accordance with the standards outlined by the current Rules and Regulations of the Chester County Health Department.

*Sworn to and subscribed
before me this day
of
19.....

Notary Public _____

.....
Signature of Individual Conducting Test

.....
Address

*If above is completed by a Sanitarian who is registered by the Board for Registration of Sanitarians in Pennsylvania or a Professional Engineer Registered in Pennsylvania he may enter his Registration Number here in lieu of having a Notary Public Certification.

Soil Description:

Provide soil profile description by horizons from each pit dug for evaluation. Include the following items in describing each soil horizon: depth in inches, soil texture (USDA), mottling (if present), percentage of coarse fragments (by volume), depth to noticeable water seepage (if present), depth to water level in excavation (if present), any other pertinent data.

Inches	Description of Horizon
0 To _____	_____
_____ To _____	_____
_____ To _____	_____
_____ To _____	_____
_____ To _____	_____
_____ To _____	_____
_____ To _____	_____

Appendix 22-F

Code No. _____

PLANNING MODULE FOR LAND DEVELOPMENT

Component I - Minor Subdivision (Return the completed module to the appropriate municipality)

I-A

THIS MODULE IS TO BE COMPLETED FOR RESIDENTIAL DEVELOPMENTS ONLY OF 10 LOTS OR LESS PROPOSING TO UTILIZE SUBSURFACE SEWAGE DISPOSAL SYSTEMS.

NOTE: BEFORE ACTUALLY CONDUCTING THE TESTS, THE DEVELOPER SHOULD CONTACT THE CERTIFIED SEWAGE ENFORCEMENT OFFICER FOR VERIFICATION OF SOILS INFORMATION WHICH MUST ACCOMPANY THE MODULE.

NAME OF RESIDENTIAL SUBDIVISION _____

TYPE OF DEVELOPMENT

☐ SINGLE FAMILY RESIDENCES

☐ DUPLEXES

☐ APARTMENTS

☐ TOWNHOUSES

☐ OTHER _____

COUNTY(IES): _____

MUNICIPALITY(IES): _____

OWNER(S) OF DEVELOPMENT: _____

TOTAL NUMBER OF LOTS OR DWELLING
UNITS _____

ADDRESS(ES): _____

SMALLEST LOT: _____ SQ. FT.

TOTAL ACREAGE OF SUBDIVISION: _____

DISTANCE TO NEAREST SEWER LINE : _____

LOCATION OF RESIDENTIAL SUBDIVISION: (EXAMPLE -

NORTH SIDE OF RT. 75, 2.7 MILES EAST OF THE INTER-

SECTION OF RTS. 75 AND L.R. 245111) _____

PROPOSED SUBDIVISION WILL BE PROVIDED
WITH A WATER SUPPLY FROM:

☐ INDIVIDUAL WELLS

☐ CENTRAL WATER SUPPLY


NAME OF WATER COMPANY: _____

INCLUDE A BRIEF DESCRIPTION OF ADJACENT PROPERTIES AND SURROUNDING AREAS AS TO LAND USE AND LIST ALL ADJACENT PROPERTIES WHICH THE OWNER OR SUBDIVIDER HAS TITLE OR EQUITABLE INTEREST THEREIN (EXAMPLE - 7 RESIDENTIAL PROPERTIES NORTH AND ADJACENT, 15 UNIT COMMERCIAL SHOPPING CENTER ACROSS THE STREET). _____


1-B

ATTACH TO THIS MODULE COMPLETED SOIL INFORMATION USING FORM (ER-BCE-117). THE LOCAL AGENCY'S CERTIFIED SEWAGE ENFORCEMENT OFFICER OR CONSULTING SOIL SCIENTIST IS TO VERIFY THE SOIL EVALUATIONS. THE LOCATIONS OF ALL TEST EVALUATIONS ARE TO BE MAPPED ON A PLOT PLAN BY THE DEVELOPER WHICH SHALL INCLUDE SOIL TYPE AND SOIL BOUNDARIES. THIS PLOT PLAN IS TO BE ATTACHED TO THIS MODULE.

INDICATE ON THE PLOT PLAN THE FOLLOWING: (USE LISTED SYMBOLS)

 TEST PIT EXCAVATIONS

LOT SIZES (MUST BE SUFFICIENT SIZE
IN ORDER TO MAINTAIN ISOLATION
DISTANCES)

 REPRESENTATIVE PERCOLATION TESTS
(WHERE NECESSARY TO VERIFY SOIL PERMEABILITY)

I hereby swear and/or affirm to the information in 1-A and 1-B above and to the conditions which allow the use of this minor subdivision component of the planning module for land development, and that I am fully aware if any development occurs in conflict with the intent of this module, then other applicable components of the planning module for land development must be completed for municipal action and approved by the Pennsylvania Department of Environmental Resources.

NOTARY SEAL

Notary	Date Expiration
Signature Subdivider	Date
Telephone No	A/C -

1-C - TO BE COMPLETED BY MUNICIPALITY'S CERTIFIED SEWAGE ENFORCEMENT OFFICER.

THIS SUBDIVISION GENERALLY QUALIFIES AS SUITABLE FOR SUBSURFACE SEWAGE DISPOSAL UTILIZING .

☐ STANDARD SYSTEMS ☐ ALTERNATE SYSTEMS ☐ COMBINATION OF STANDARD
AND ALTERNATE SYSTEMS

THIS SUBDIVISION DOES NOT QUALIFY AS SUITABLE FOR SUBSURFACE SEWAGE DISPOSAL ☐

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED IN 1-B AND 1-C OF THIS MODULE IS TRUE AND ACCURATE. NOTHING IN THIS MODULE IMPLIES THAT EACH AND EVERY LOT SHALL QUALIFY FOR AN INDIVIDUAL ON-LOT SEWAGE DISPOSAL PERMIT NOR DOES THIS MODULE CONSTITUTE INDIVIDUAL PERMIT APPROVAL.

Signature of Sewage Enforcement Officer

Certification Number

Date

THIS PROPOSED PLAN SUPPLEMENT/REVISION SHALL BE DEEMED APPROVED PROVIDED THAT NO ADDITIONAL INFORMATION HAS BEEN REQUESTED, OR OBJECTIONS RAISED BY DER TO THE MUNICIPALITY WITHIN 15 DAYS AFTER RECEIPT BY DER AT THE PROPER COUNTY OFFICE, AND PROVIDED FURTHER THAT ALL INFORMATION IS COMPLETE, TRUE AND CORRECT.

Appendix 22-G

RECOMMENDED STATEMENTS WHICH WILL BE SEPARATE INSTRUMENTS REFERENCED TO FINAL PLAN

1. Where lot sizes are based on the availability of public water supply /and or sewerage disposal systems, the applicable certificates shall be used.

a. WATER

It is hereby certified that the final plan known as (Name of
(Subdivision or Land Development) has been examined by the
(Name of Company or Authority) and that approval is
hereby given for the provision of water to all lots in this development
by the (Name of Company or Authority).

(Signature of Engineer or Officer of
Company or Authority)

b. SEWER

It is hereby certified that the final plan known as (Name of
(Subdivision or Land Development) has been examined by the
(Name of Company or Authority) and that approval is
hereby given for the provision of sanitary sewer facilities to all lots
in this development by the (Name of Company or Authority)

(Signature of Engineer or Officer of
Company or Authority)

Appendix 22-H

Recommended Certificates and Acknowledgments to Appear on the Final Plan, as Applicable

1. Certification by Engineer or Surveyor that the Survey and Plan are Correct:
 - a. I certify that this survey and plat are correct _____
 - b. A seal which includes the name of the engineer or surveyor.

2. Certification of Ownership and Acknowledgement of Subdivision and Land Development Plans: _____.

On this, the _____ day of _____, 19____, before me, the undersigned officer, personally appeared _____ (Name of Owner) who being duly sworn according to law, deposes and says that he is the owner and/or equitable owner of the property shown on this plan, and that he acknowledges the same to be his act and plan and desires the same be recorded as such according to law.

Witness my hand and seal the day and date above written.

My Commission Expires:

(Notary Public or other officer)

3. The Offer of Dedication

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat, and that all proposed streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public use.

4. Certificate for Approval by the Borough Council _____

Approved by resolution of the Borough Council _____ of Borough of Modena this _____ day of _____, 19____.

President

Vice President

Secretary

5. RECORDING CERTIFICATE:

The recording certificate will be stamped on the plan when it is recorder at the Office of the Recorder of Deeds at the Courthouse in West Chester, Pennsylvania. A clear space of approximately 4-1/4" x 1-3/4" shall be allowed on the plan for this purpose.

Appendix 22-I

IMPROVEMENTS AGREEMENT

Prior to the review of the final plan of any subdivision or land development, a duplicate original of this Agreement must be filed with the Borough Planning Commission. A signed copy of such an agreement must be filed with the Borough Council (including a performance guarantee in a form satisfactory to the Borough Solicitor) equal to the amount of the total estimated improvements prior to approval of the final plan.

IMPROVEMENTS AGREEMENT

In Re: _____
Name of Subdivision or Land Development Location

The undersigned developer hereby agrees to provide throughout his development and as shown on the plat of _____ dated _____
19 _____, the following municipal improvements:

<u>Improvements</u>	<u>UNIT</u>	<u>(1) ESTIMATED CONSTRUCTION COST</u>
Street grading	_____	_____
Street base	_____	_____
Street paving	_____	_____
Curbs	_____	_____
Sidewalks	_____	_____
Storm Sewer facilities	_____	_____
Sanitary sewers:	_____	_____
Trunk lines	_____	_____
Mains	_____	_____
Laterals or House connections	_____	_____
Force mains	_____	_____
Pump Stations	_____	_____
Treatment plants	_____	_____
On-site sewage facilities	_____	_____
Water mains	_____	_____
On-site water supply	_____	_____
Fire hydrants	_____	_____
Street monuments	_____	_____
Street name signs	_____	_____
Street lights	_____	_____
Planting	_____	_____
As Built Plan	_____	_____
TOTAL ESTIMATED COST OF	\$	_____

The above improvements shall be constructed in accordance with all municipal requirements and specifications, and conformance with this provision shall be determined solely by the Borough Council.

The developer intends to be legally bound hereby.

Signature of Developer
(If corporation, to be signed by president and
attested to by secretary, together with corporate seal)

Dated: _____, 19 _____.

Acceptance

Approved by resolution of the Borough Council of the Borough of
Modena at the meeting of _____, 19 ____.

President
Borough Council

Appendix 22-J

CHESTER COUNTY HEALTH DEPARTMENT

326 North Walnut Street
West Chester, Pennsylvania 19380
Telephone (215) 431-6237

FOR OFFICIAL USE ONLY

Received Payment \$

Expires

Certificate #

APPLICATION FOR CERTIFICATE OF REGISTRATION TO OPERATE A MOBILEHOME PARK

Application for certificate of registration shall be made at least one month before expiration date of existing license or prior to submitting plans for a new mobilehome park. The certificate of registration is not transferable.

Application is, hereby, made for a certificate of registration to operate. By this application it is agreed that the park will comply with the provisions of the County Health Department Rules and Regulations applicable to mobilehome parks. It is further agreed that said mobilehome park shall be open to inspection by the County Health Department.

Submit appropriate fee with application to above address. The fee for mobilehome parks with 10 or less spaces is ten dollars (\$10.00). The fee for parks with more than 10 spaces is one dollar (\$1.00), per space. Submit check or money order payable to "TREASURER OF CHESTER COUNTY" (DO NOT SEND CASH) for the appropriate fee. Add \$1.00 for each duplicate license requested.

PLEASE PRINT

PARK NAME OWNER'S NAME

PARK ADDRESS OWNER'S ADDRESS

PARK or MANAGER'S
TELEPHONE # OWNER'S TELEPHONE #
TOWNSHIP, CITY
OR BOROUGH

LOCATION—STREET OR HIGHWAY ROUTE #

NUMBER OF SPACES APPROVED BY
CHESTER COUNTY HEALTH DEPARTMENT

NUMBER OF SPACES OCCUPIED

DATE PARK WAS CONSTRUCTED AND
DATE OF ADDITON(s)

PARK SIZE IN ACRES

PARK POPULATION—NUMBER OF ADULTS..... NUMBER OF CHILDREN.....

.....
Signature of Owner

.....
Date of Signature

The inspection form that follows must be completed by the owner or by a consulting Sanitarian employed by the owner. Insert N/A if question is not applicable to your park.

	YES	NO		
1. Is this a renewal application?	14. Is rodent control maintained?	.....
2. Is valid license visible to public?	15. Is fly control maintained?	.....
3. Is water source from a municipal system?	16. Is each mobilehome unit free of refuse and junk?	.....
4. If private well, do you have copy of bacteriological tests results for past year on file?	17. Are any flammable materials stored under mobilehome units?	.....
5. Do you have copy of chemical test results for past year on file?	18. Are any fuel oil tanks or lines leaking?	.....
6. Is sewage system connected to municipal system?	19. Are all fuel oil and propane tanks secure?	.....
7. If private sewage system, is system functioning properly?	20. Are all electrical lines, cables and cords buried or raised a minimum of seven (7) feet above ground?	.....
8. Have the septic tanks been pumped and cleaned within the past year?	21. Are all utilities provided at all times to each occupied space?	.....
9. Are all sewage lines from mobilehome units to septic tanks tight and not leaking?	22. Is service building provided?	.....
10. Are garbage and refuse storage areas kept clean?	23. Is service building clean and well lighted?	.....
11. Is garbage and refuse stored in metal containers with tight fitting covers?	24. Have all additions to park been approved by the Chester County Health Department?	.....
12. Do you dispose of garbage or refuse in park?	25. Is swimming pool provided?	.....
13. If you contract with a refuse removal service, please give name:			26. Swimming pool size is .....ft. by .....ft. and is .....ft. deep.	

Any deficiencies noted must be corrected within a reasonable period or an action plan or correction must be submitted to the Department.

.....Being duly sworn according to law that
 Name—Print or Type
 the facts set forth in the foregoing inspection form are true and correct and are in accordance with the standards outlined by the current Rules and Regulations of the Chester County Health Department.

☐ Check here when requesting a duplicate license. Add \$1.00 for each duplicate.

*Sworn to and subscribed before me thisday of
 19.....

 Notary Public

.....
 Signature

 Address

*If the form is completed by a Sanitarian who is registered by the Board for Registration of Sanitarians in Pennsylvania, he may enter his Registration Number here in lieu of having a Notary Public Certification.

Appendix 22-K

Approvals Block - Sample

Approved by the Modena Borough Council this _____,
_____ 19____.

President

Member

Vice-President

Member

____//____

Approved by the Modena Borough Planning Commission
this _____, _____ 19_____.

Chairman

Member

Member

Member

____//____

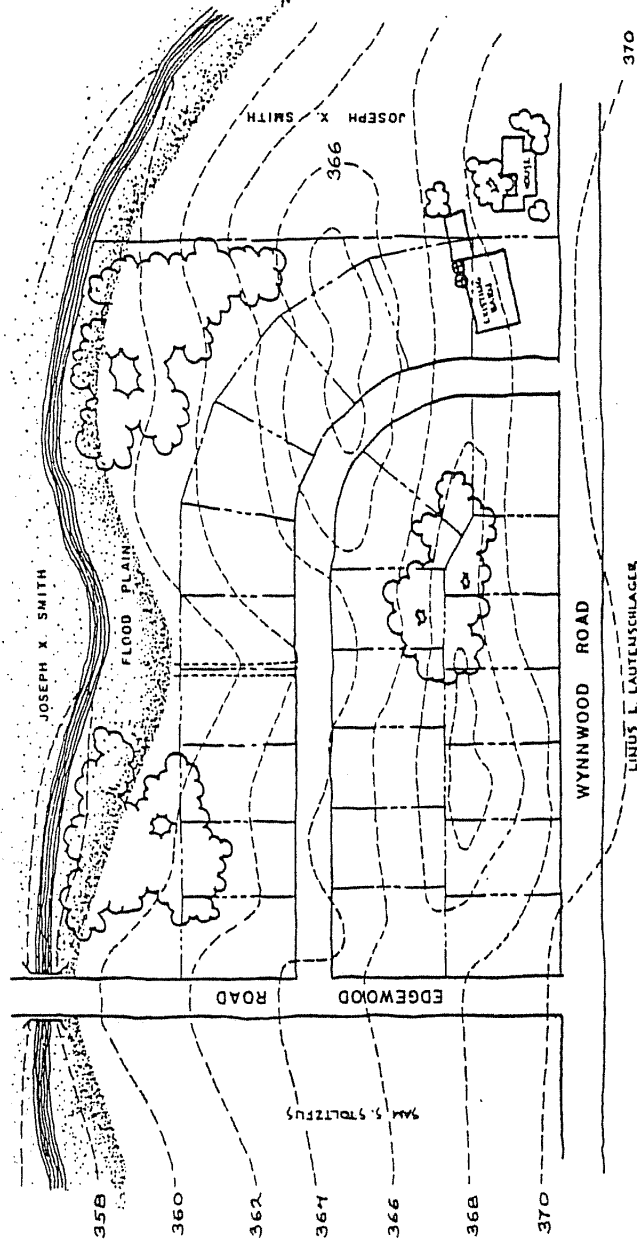
Approved by the Modena Borough Engineer this _____,
_____ 19_____.

Engineer

____//____

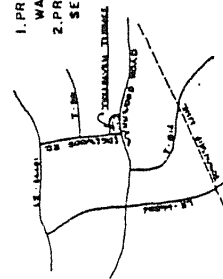
Reviewed by the Chester County Planning Commission
this _____, _____ 19_____.

SAMPLE SKETCH PLAN



NOTES:

1. PROPERTY TO BE SERVED BY EXISTING 10" WATER MAIN IN WYNNWOOD ROAD.
2. PROPERTY TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS.



LOCATION MAP
SCALE - 1" = 1000'

SKETCH PLAN

TREHAVEN TERRACE

TOWNVILLE TOWNSHIP - ANY COUNTY, PENNA.
SCALE - 1" = 100'

DATE - MARCH 15, 1974

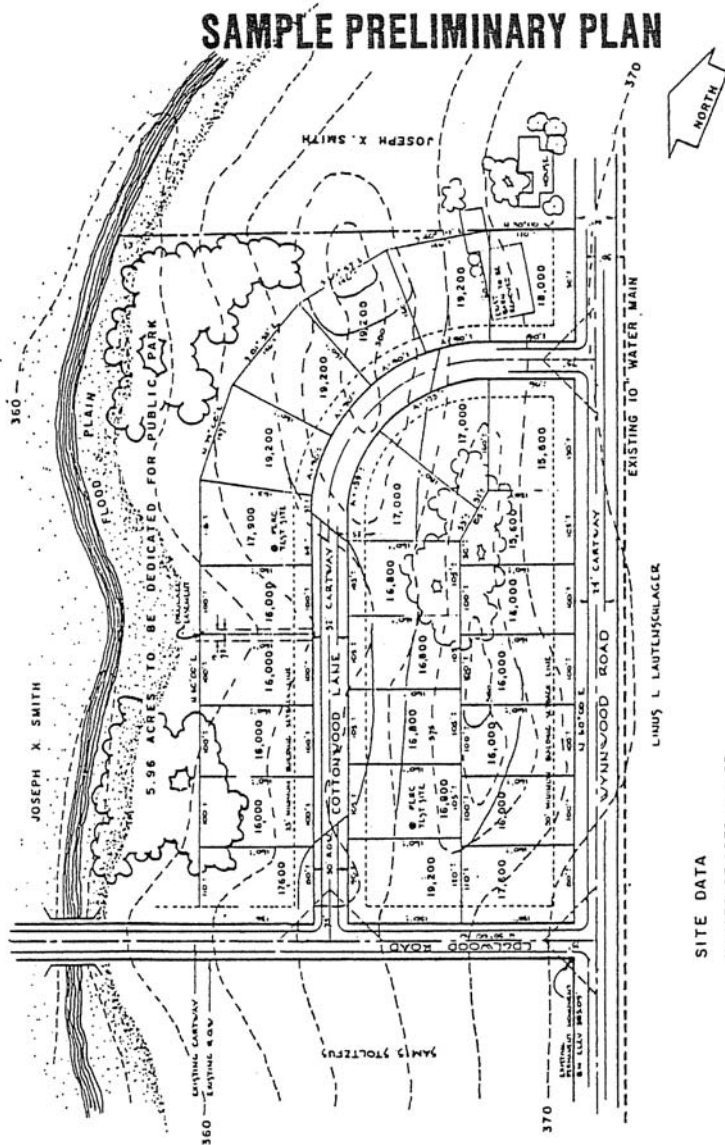
LAND DEVELOPMENT ENGINEERS
TOWNVILLE, PENNSYLVANIA

OWNER - SUBDIVIDER

JOHN A. JONES

R.D. 1

TOWNVILLE, PENNSYLVANIA



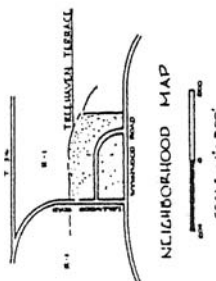
SAMPLE PLAN does not necessarily depict actual plan requirements of this Ordinance. See Section 407 and 408 for Preliminary and Final Plan Requirements, respectively.

SITE DATA

NUMBER OF LOTS — 25
 NUMBER OF ACRES — 18.3
 ZONING — R-1
 TYPE OF DEVELOPMENT — SINGLE FAMILY DETACHED

OWNER — SUBDIVIDER

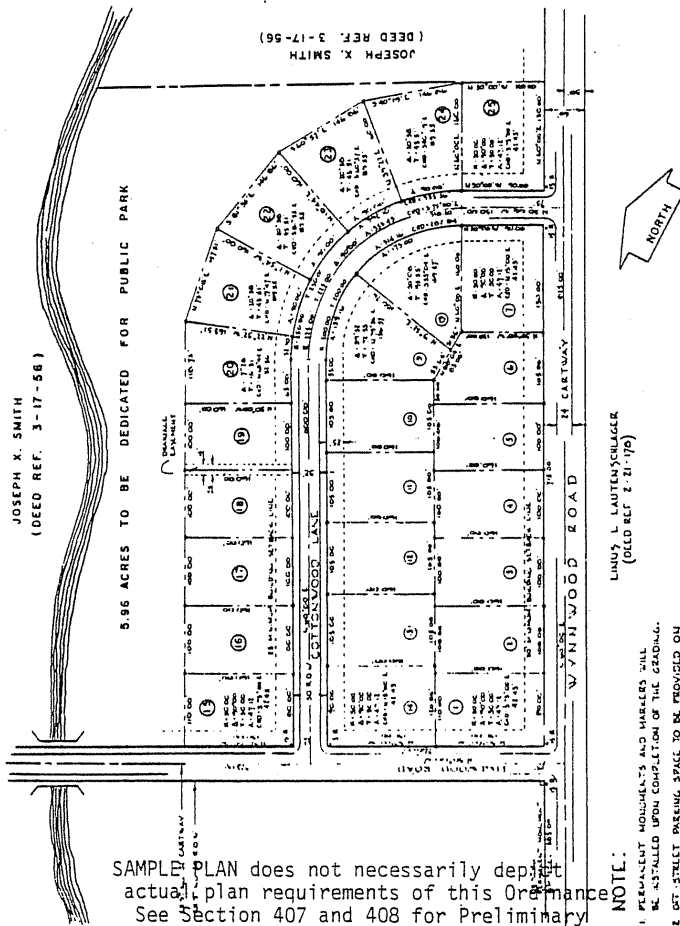
JOHN A. JONES
 R.D. 1
 TOWNVILLE, PENNSYLVANIA



PRELIMINARY PLAN OF TREEHAVEN TERRACE

TOWNVILLE TOWNSHIP
 ANY COUNTY PENNSYLVANIA
 SCALE: 1" = 100'
 JUNE 1, 1974
 LAND DEVELOPMENT ENGINEERS
 TOWNVILLE, PENNSYLVANIA

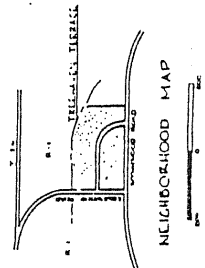
SEAL



SAMPLE PLAN does not necessarily depict actual plan requirements of this Ordinance. See Section 407 and 408 for Preliminary and Final Plan Requirements, respectively.

NOTE:

1. PRELIMINARY PLANS AND MAPS WILL BE INSTALLED UPON COMPLETION OF THE GRADING.
2. LOT STREET PARKING SPACE TO BE PROVIDED ON EACH LOT.
3. ON-LOT INSPECTION AND APPROVAL OF SEPTIC TANKS AND TIRE FIELD INSTALLATION.
4. ETC.
5. ETC.



ON THIS, THE _____ DAY OF _____, 19____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED _____, OWNER OF THE PROPERTY SHOWN ON THIS PLAN, AND HE ACKNOWLEDGES THE SAME TO BE HIS ACT AND PLAN AND DESIRES THE SAME TO BE RECORDED AS SUCH AND ACCORDING TO THE PLAT THEREON HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC USE.

OWNER'S SIGNATURE _____
 NOTARY PUBLIC
 MY COMMISSION
 EXPIRES _____, 19____

APPROVED BY THE _____ (MUNICIPALITY) THIS _____ DAY OF _____, 19____
 APPROVED BY THE _____ (MUNICIPALITY) PLANNING COMMISSION THIS _____ DAY OF _____, 19____

REVIEWED BY:

MUNICIPAL ENGINEER _____ DATE _____
 REVIEWED BY THE ANY COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 19____
 CHAIRMAN _____ DIRECTOR _____

SOURCE OF TITLE _____ OWNER-SUBDOR _____
 RECORDED IN DEED _____ JOHN A. JOHNSON
 BOOK _____ VOLUME _____ R.D. 1
 PAGE _____ TOMNVILLE, PENNA.

I CERTIFY THAT THIS SURVEY AND PLAT ARE CORRECT.

SIGNATURE _____
 SEAL

SAMPLE FINAL PLAN

FINAL PLAN OF TREEHAVEN TERRACE

TOWNVILLE TOWNSHIP
 ANY COUNTY PENNSYLVANIA
 SCALE: 1" = 100' OCTOBER 1, 1974



LAND DEVELOPMENT ENGINEERS
 TOWNVILLE, PENNSYLVANIA



