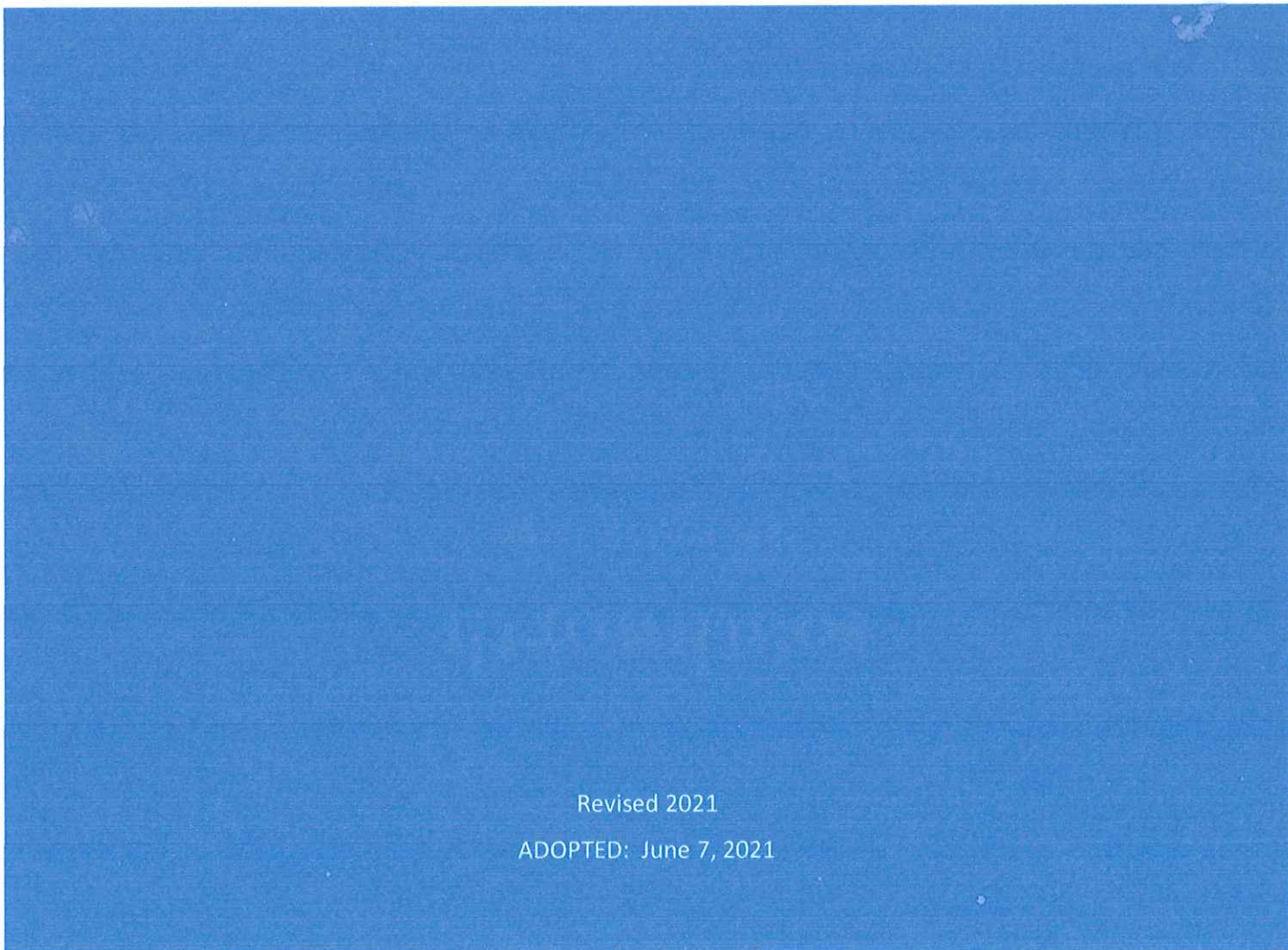




SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE(SALDO)
THE BOROUGH OF MONTROSE



Revised 2021

ADOPTED: June 7, 2021

THE BOROUGH OF MONTROSE
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE
BOROUGH OF MONTROSE
ORDINANCE NO. 2021-04

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of Montrose, Pennsylvania by authority of and pursuant to the provisions of an Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

ARTICLE I

TITLE, PURPOSE AND AUTHORITY

Section 100. Repealer and Conflict

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Council of the Borough of Montrose shall repeal and replace in total all subdivision and land development ordinances and amendments adopted by the Council of the Borough of Montrose prior to the effective date of this ordinance, provided however that preliminary plans before the Borough Council prior to this date shall be considered under the provisions in effect at the time of filing such plans with Borough Council.

This repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceedings pertaining to any violation of the aforesaid ordinances, or any applicable predecessor ordinances and regulations, and all provisions of the said repealed ordinances shall remain in full force and effect, and are not repealed hereby as the said sections pertain to any such violation. This Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Borough pertaining to land use. If any other ordinance, code or regulation of the Borough is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

Section 101. Title

These regulations shall be known and may be cited as the “Borough of Montrose Subdivision and Land Development Ordinance.”

Section 102. Purpose

102.01

The purpose of these regulations is to regulate the subdivision and development of land and to promote public health, safety and general welfare; to further the orderly layout and use of the land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide for safe ingress and egress; to avoid hazards of soil or topographical conditions; to manage the drainage hazards for the proposed development and surrounding properties; and to promote proper monumenting of land, proper subdividing and accurate conveyancing by legal description.

102.02

In addition, this ordinance is adopted in order to ensure the development of the Borough in conformity with officially adopted regional, county and local municipal plans and policies.

Section 103. Authority

103.01 Grant of Power

The Borough Council has jurisdiction and control of the subdivision of land within the Borough limits as specified in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

103.02 Adoption of Regulations

The Borough Council of Montrose, by authority of Article V of Act 247 cited above has adopted the following regulations governing the subdivision and development of all land located within the Borough of Montrose limits.

103.03 Jurisdiction

The Borough Council of Montrose shall have jurisdiction and control over the subdivision of all lands located within the municipality. All subdivisions shall be submitted first to the Borough of Montrose Planning Commission for review

and comment; then to the Borough Council for approval before the same shall be recorded.

Before submitting the subdivision to Borough Council, the planning Commission shall transmit one (1) copy of the proposed plan to the Susquehanna County Planning Commission for review and the Susquehanna County Planning Commission shall make a report thereon to the Borough of Montrose Planning Commission. Pending the receipt and consideration of such report, the Borough of Montrose Planning Commission shall defer formal comment thereon, but if such report is not received by the Borough of Montrose Planning Commission within thirty (30) days from the submission of said plan to the County Planning Commission final action by the Borough may proceed.

103.04 Powers

The Borough Council shall have all powers necessary to enforce the provisions of these regulations without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by these regulations.
- B. To require that improvements to the land be made as defined by these regulations.
- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- D. To require adherence to these regulations and their standards.
- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
- F. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health and will not violate State laws and will accomplish the purpose of these regulations.
- G. To take no action on lands that are involved in litigation at the time of application for subdivision or land development, or any time during the review of the plan, including any action brought against the Planning

Commission or Borough Council or its representatives relative to the subject plan.

Section 104. Application of Regulations

104.01 Application to Subdividers and Land Developers

Any person intending to develop or subdivide land as defined herein, shall prepare a preliminary and final plan in accordance with Article III. The plan shall be prepared and submitted to the Borough Planning Commission for review as follows:

- A. Pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended, Article V, Section 513, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Borough Council.
- B. Subdivision or land development plans recorded with the County Recorder of Deeds prior to the date of adoption of these regulations are exempt for the provisions of these regulations.

104.02 Notification of County Planning Commission

A certified copy of these regulations shall be filed with the Susquehanna County Planning Commission. All amendments to these regulations shall in like manner be filed with the Susquehanna County Planning Commission.

104.03 Interpretation

The provisions of these regulations shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Borough and shall not be deemed a limitation or repeal of any power granted to the Borough by the Commonwealth of Pennsylvania.

104.04 Compliance and Violations

- A. Compliance – No person shall divide or develop land within the Borough which results in a subdivision or land development or a replat as defined herein; nor shall a subdivision or land development or replat be recorded and no street shall

be laid out, no lot shall be conveyed, rented or leased, nor shall improvements be made to the land without compliance with all requirements of these regulations, the provisions of the Pennsylvania Municipalities Planning Code, Act 247 as amended, the rules and regulations of the Pennsylvania Department of Environmental Resources; and the Pennsylvania Department of Transportation, if the land abuts on a state primary or secondary highway or connecting street, nor shall any subdivision or land development conflict with an adopted plan or policy a zoning ordinance, official map or any other Borough ordinance.

- B. Violations – It shall be unlawful to build upon, install improvements, divide, convey, lease, rent, record or monument any land in violation of these regulations or statutes of the Commonwealth of Pennsylvania. The Borough may institute appropriate action or proceedings to enjoin violators of these regulations or take other action according to applicable statutes of the Commonwealth of Pennsylvania.

104.05 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

- A. Pending Action - From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Susquehanna County Subdivision and Land Development Ordinance or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. Project Completion and Effect of Litigation - When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the Susquehanna County Subdivision and Land Development Ordinance or other governing ordinance or plan shall be

applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition that was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

- C. Five Year Initiation - Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- D. Substantially Completed Improvements - Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Susquehanna County Planning Commission, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.
- E. More Than Five Years - In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Susquehanna County Planning Commission in

its discretion.

F. Sections - Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless the Susquehanna County Planning Commission approves a lesser percentage in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

G. Landowner Failure - Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in subdivision and other governing ordinance enacted by the County subsequent to the date of the initial preliminary plan submission.

104.06 Abrogation, Greater Restrictions, Severability and Repealer

A. Abrogation and Greater Restrictions

These regulations do not repeal, abrogate, annul, impair, or interfere with any existing easements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law, excepting previous subdivision regulations of the borough of Montrose. However, wherever these regulations impose greater restrictions the provisions of these regulations shall govern unless expressly prohibited by the Pennsylvania Municipalities Planning Code, Act 247 as amended.

B. Severability – The provisions of this ordinance are severable. If any provision, sentence, clause or section of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such constitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this ordinance. It is hereby declared to the intent of the Council of the Borough of Montrose that this ordinance would have been adopted had such

unconstitutional, illegal or invalid sentence, clause or section had not been included herein.

104.07 Effective Date

This Ordinance shall take effect immediately upon its adoption.

ARTICLE II

DEFINITIONS

Section 201 Inclusions

201.01 General Terms

As used in these Regulations, words in the singular include the plural and those in the plural include the singular. The word “person” includes a corporation, sole proprietorship, unincorporated association, and a partnership as well as an individual. The word “street” includes avenue, boulevard, court, expressway, highway, lane, arterial and road. The word “watercourse” includes channel, creek, ditch, drain, dry run, spring and stream. The word “may” is permissive, the words “shall” and “will” are mandatory.

Section 202 Definitions

202.01 Specific Terms

As used in these Regulations terms or words shall be defined as follows:

- **Accessory Use or Structure:** A use of land or of a structure, or portion thereof, customarily incidental and subordinate in extent or purpose to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.
- **Alley:** A public or private way affording only secondary means of access to abutting property.
- **Block:** An area bounded by streets.
- **Borough:** The Borough of Montrose, Susquehanna County, Pennsylvania.

- Borough Council: The Borough Council of the Borough of Montrose, Susquehanna County, Pennsylvania
- Building: Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property.
- Cartway: Means the graded or paved portion of a street used for vehicular travel excluding shoulders.
- Clear sight triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.
- Commercial Use: Any use of land involving an occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.
- Commission or Planning Commission: The Borough of Montrose Planning Commission unless otherwise noted.
- Commission Engineer: The engineer or other qualified person designated by the Montrose Borough Planning Commission or Borough of Montrose Council to perform all administrative and/or supervisory duties required of the Commission Engineer by the provisions of these Regulations.
- Commonwealth: The Commonwealth of Pennsylvania unless otherwise noted.
- County Planning Commission: The Susquehanna County Pennsylvania Planning Commission unless otherwise noted.
- Cul-de-sac: A minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.
- Dedication: The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

- Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made, a subdivision of land or a land development.
- Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.
- Development Improvements or Improvements: All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the municipality to produce a usable and functional development; including, but not limited to, roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.
- Double Frontage Lot: Means a lot fronting on two generally parallel streets or highways.
- Easement: A right-of-way granted for limited use of private land for a public, quasi-public or private purpose.
- Flood Plain: Means the area of inundation which functions as a storage or holding area for flood water or as defined by municipal plan policy or as identified on the HUD FIA Flood Hazard Boundary Maps.
- Industrial: Type of land used to deal with manufacturing, warehousing and/or production of a product.
- Interior Walk: Means a right-of-way for pedestrian use extending from a street into a block or across a block to another street.

- Land Development: Any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

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

(3) Any development of land (including but not limited to seasonal recreation developments, campsites, camping grounds, multiple dwelling units, industrial land developments, shopping centers and other developments intended to be used for commercial or industrial purposes) even though any streets or right-of-way may not be dedicated to public use; and lots, tracts or parcels may not be divided for the purpose of conveyance, transfer or sale, even though the owner does not transfer legal title or equitable title (for example: structures for rental purposes).

B. A subdivision of land.

C. The definition of land development shall not include the following:

(1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units unless such units are intended to be a condominium.

(2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Borough.

- Lot or Zone Lot: A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- Lot Area: The horizontal land area contained within the property lines of a lot measured in acres or square feet.

- Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- Lot, Depth: The mean horizontal distance between the front and the rear lot lines.
- Lot Lines: The property lines bounding the lot.
 - A. Lot Line, Front. The property boundary line separating the lot from the street legal right-of-way line.
 - B. Lot Line, Rear. The lot line opposite and most distant from the front lot line.
 - C. Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
 - D. Lot Line, Street or Alley. A lot line separating the lot from a street or alley.
- Lot Width: The average horizontal distance as measured between the side lot lines and parallel to the front lot line.
- Mobile home: A transportable, single family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, and which is subject to U.S. Department of Housing and Urban Development regulations. This type of dwelling shall be governed by the Montrose Borough Ordinance regulating mobile homes and mobile home parks.
- Mobile home court or park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. This type of development shall be governed by the Montrose Borough Ordinance regulating mobile homes and mobile home parks.

- Mobile home lot: A parcel of land in a mobile home park which is leased by the park owner to the occupants of the mobile home erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
- Motor home: Means a self-contained recreational vehicle that moves under its own power.
- Municipality: Shall be construed to mean the political subdivision known as the Borough of Montrose, Susquehanna County, Pennsylvania unless otherwise noted.
- Pavement: The portion of a street or alley intended for vehicular use.
- Plan or Plat: A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation including the following:
 - A. Sketch Plan: An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Commission.
 - B. Preliminary Plan: A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan prepared by a Registered Professional Engineer or Land Surveyor.
 - C. Final Plan: A complete and exact plan identified as such with the wording Final Plan in the title, with the seal of a Registered Professional Engineer or Land Surveyor affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
 - D. Record Plan: The copy of the final plan which contains the original endorsements of the Planning Commission and which is intended to be recorded with the County Recorder of Deeds.

- Public hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance and the MPC.
- Public improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement or other facility for which the local government does assume the responsibility for maintenance and operation at the time of the subdivision submission.
- Public meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), as amended, known as the "Sunshine Act." (From MPC)
- Public notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
- Registered Professional Engineer or Surveyor: A person registered and licensed to practice engineering and/or land surveying within the Commonwealth of Pennsylvania.
- Replat: A change in a map 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.
- Reserve strips: A right-of-way reserved for use as a street, alley, interior walk or for other public purposes.
- Reserve frontage: Means a lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.
- Right-of-way: Land reserved for use as an access, street, drainage facility or other private, public or community use.

- Setback:
 - A. Front: A required open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line and measured perpendicular to the improvement at the closest point to the front lot line.
 - B. Required: The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this Ordinance.
 - C. Rear: A required open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line and measured perpendicular to the improvement at the closest point to the rear lot line.
 - D. Side: A required open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line and measured perpendicular from the side lot line to the closest point of the improvement.
- Sewer permit: Permit issued by the Montrose Municipal Authority allowing public sewage service.
- Sight distance: The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.
- Street: A public or private thoroughfare which affords the principal means of vehicular access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other such thoroughfare except an alley. Classes of streets are as follows:
 - A. Major traffic streets are those serving large volumes of comparatively high-speed and long-distance traffic and include facilities classified as main and secondary highways by the Pennsylvania State Department of Transportation

- B. Collector streets are those which in addition to giving access to abutting properties, intercept minor streets and provide routes, carrying considerable volumes of traffic to community facilities and to major traffic streets.
- C. Minor streets are those used primarily to provide access to abutting property.
- D. Marginal access streets are minor streets parallel to major traffic street that provides access to properties but controlling access to the major street.

- Street, public: A right-of-way dedicated or open to public use.
- Subdivider: See "Developer"
- Subdivision:
 - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Provided however,

- That cemeteries are exempt from the provisions of this ordinance.
 - Mobile homes and mobile home parks shall be governed by separate Borough Ordinance.
- A. Minor Subdivision: Any subdivision fronting on an existing public street, not involving any new street or streets or the extension of municipal facilities
 - B. Major Subdivision: Any subdivision that is not a minor subdivision, addition subdivision or lot line adjustment subdivision.

C. Addition Subdivision: (Also known as *an add-on subdivision*.) A minor subdivision involving the realignment of lot lines or the transfer of land to increase the size of an existing contiguous lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and no new lots are created. An addition lot may not be separately conveyed from the new parcel without approval of the Borough Council.

D. Lot-Line Adjustment: Any minor subdivision that proposes a minimum change in an existing single lot line between two parcels.

- Tract: Means an area of land identified as a single plot for tax purposes prior to a land division which creates a lot or parcel.
- Trailer: Means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device) and so designed that it is or may be mounted on wheels and used as a conveyance on highways, roads, or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracts.
- Trailer coach: See Trailer
- Travel trailer: See Trailer
- Travel trailer park: Means any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the travel trailer park its facilities or not. "Travel Trailer Park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purposes of inspection and sale.

ARTICLE III

PLAN PROCESSING

Section 301 General

All plans for the subdivision and/or development of land within the corporate limits of the Borough of Montrose shall be submitted to and reviewed by the Borough of Montrose Planning Commission and other Municipal, State and/or County Officials as provided in this Ordinance and shall be approved or disapproved by the Borough of Montrose Council in accordance with the procedures specified in this Article.

Section 302 Sketch Plan

302.01 Optional - Sketch Plans

Applicants are encouraged, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor subdivision Plan. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission.
- B. Determine if the plan is a major or a minor subdivision and/or land development.
- C. Assist applicants and officials to develop a better understanding of the property.
- D. Establish an overall design approach that respects its special or noteworthy features while providing for the density permitted under the ordinance.
- E. Determine the extent to which the plan generally conforms with the provisions of this Ordinance.

302.02 Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

302.03 Review of Sketch Plan

The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the Borough. The review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this and other ordinances and may suggest possible plan modifications that would increase its degree of conformance.

Section 303 Preliminary Plans for Major Subdivisions

All applications for preliminary plans for major subdivisions shall be submitted to the Borough of Montrose Planning Commission and processed in accord with this §303.

303.01 Official Submission of Preliminary Plans

A. Plans to be Filed with the Commission

Eight (8) copies or a number more than eight (8) as specified by the Commission of the Preliminary Plan and all required supporting documentation shall be submitted to the Zoning Officer / Borough Secretary by the Applicant or their authorized representative at least fourteen (14) days prior to the next Planning Commission meeting.

B. Preliminary Plan Filing Fee

The Borough shall collect a Preliminary Plan filing fee as established by resolution of the Borough of Montrose Council for all subdivisions.

1. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions.
2. The Applicant shall pay the fee at the time of initial submission of the application to the Zoning Officer / Borough Secretary, made payable to the Borough of Montrose.
3. Engineering Costs - The cost of engineering or surveying work required by the Commission to ensure compliance with these regulations shall be borne by the developer.

303.02 Distribution of the Preliminary Plan

The Zoning Officer / Borough Secretary shall promptly, after the date of submission and after all required fees have been collected, refer the Preliminary Plan and applicable supporting documents to the Susquehanna County Planning Commission for their review and comment in accordance with §103.03 and may refer the Preliminary Plan to the following who shall provide any comments and recommendations in writing to the Planning Commission.

A. The Planning Commission / Borough Engineer

B. Any other Engineer or Consultant designated by the Planning Commission.

303.03 Official Date of the Preliminary Plan Submission

The official date of the Preliminary Plan submission shall be the date of the Planning Commission meeting next following submission of a complete plan to the Zoning Officer / Borough Secretary.

A. If the first meeting of the Planning Commission following the date of plan submission occurs more than thirty (30) days following the date of submission to the Zoning Officer / Borough Secretary, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission.

303.04 Completeness

At the first regularly scheduled meeting of the Planning Commission following the receipt of the plan the Planning Commission shall determine if the plan submission is complete. If the submission does not include the required number of copies of all required documents, the applicant shall be notified in writing of the deficiencies and the submission shall be rejected and returned to the applicant. The ninety (90) day review period shall not commence at that time.

303.05 Preliminary Plan Review and Action

A. Planning Commission Review and Action Period

The Planning Commission shall review the plan, make its recommendation regarding the Preliminary Plan and communicate in writing such

recommendation to the Borough Council for consideration at the Borough Council's next meeting following the Planning Commission meeting.

B. Susquehanna County Planning Commission Comments

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the Susquehanna County Planning Commission, or after thirty (30) days following transmittal of the Preliminary Plan to the Susquehanna County Planning Commission.

C. Borough Council Review and Action Period

The Borough Council shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for review and action, including written communication to the Applicant, exceed ninety (90) days from the date of the Planning Commission meeting.

D. Approval with Conditions

When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Borough Council meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant, as provided in §303.05.3. When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, the conditional approval of the Preliminary Plan shall become an automatic disapproval. The Applicant may submit a new Preliminary Plan as required by §303 of this Ordinance, including a new filing fee.

E. Denials

When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Preliminary Plan is considered, and communicated in writing to the Applicant as provided in §303.05.3.

303.06 Public Hearing

The Borough Council may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

303.07 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

Section 304 Final Plans for Major Subdivisions

All Final Plans for major subdivisions shall be submitted and processed in accord with this §304.

304.01 Final Plan Application

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. Preliminary Plan approval in accord with §303 of this Ordinance or the Applicant has fulfilled all conditions established by the Borough Council for the Preliminary Plan approval.
- B. All improvements such as roads and drainage facilities (see definition of *improvements* in Article II) that are shown on the Preliminary Plan have been completed or guaranteed in accord with Article VII of this Ordinance.

304.02 Final Plan Conformation

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to §303.

304.03 Five-Year Protection From Ordinance Changes

In accord with §104.05 of this Ordinance and §508(4) of the Municipalities Planning Code, when a preliminary Plan has been approved without conditions or approved by

the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and complete any aspect of the approved development in accord with the terms of such approval within five (5) years from such approval.

304.04 Sections

Final Plans may be submitted in sections in accord with §508(4)(v)(vi) and (vii) of the Municipalities Planning Code, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

- A. Each section in the subdivision, except the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Borough Council may approve a lesser percentage.
- B. When a Final Plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries, the order of submission, and a schedule of submission shall be submitted to the Planning Commission for recommendation to the Borough Council prior to submission of the first section.

304.05 Official Submission of Final Plans

A. Plan to be Filed With the Planning Commission

Twelve (12) copies of the Final Plan and all required supporting documentation shall be submitted to the Zoning Officer / Borough Secretary by the Applicant or their authorized representative at least fourteen (14) days prior to the next Planning Commission meeting.

B. Distribution of the Final Plan

The Zoning Officer / Borough Secretary shall promptly, after the date of submission and after any required fees have been collected, refer the Final Plan and applicable supporting documents to the Susquehanna County Planning Commission for their review and comment in accordance with §104.02 and may refer the Final Plan to the following who shall provide any comments and recommendations in writing to the Planning Commission.

1. The Planning Commission / Borough Engineer

2. Any other Engineer or Consultant designated by the Planning Commission.

304.07 Official Date of the Final Plan Submission

The official date of the Final Plan submission shall be the date of the Planning Commission meeting next following submission of a complete plan to the Zoning Officer / Borough Secretary.

- A. If the first meeting of the Planning Commission following the date of plan submission occurs more than thirty (30) days following the date of submission to the Zoning Officer / Borough Secretary the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission.

304.08 Completeness

At the first regularly scheduled meeting of the Planning Commission following the receipt of the plan the Planning Commission shall determine if the plan submission is complete. If the submission does not include the required number of copies of all required documents, the applicant shall be notified in writing of the deficiencies and the submission shall be rejected and returned to the applicant. The ninety (90) day review period shall not commence at that time.

304.08 Final Plan Review and Action

A. Planning Commission Review and Action Period

The Planning Commission shall review the plan, make its recommendation regarding the Final Plan and communicate in writing such recommendation to the Borough Council for consideration at the Borough Council's next meeting following the Planning Commission meeting.

B. Susquehanna County Planning Commission Comments

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the Susquehanna County Planning Commission, or after thirty (30) days following transmittal of the Final Plan to the Susquehanna County Planning Commission.

C. Borough Council Review and Action Period

The Borough Council shall make its decision regarding the final Plan and

communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for review and action, including written communication to the Applicant, exceed ninety (90) days from the date of the Planning Commission meeting.

D. Denials

When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Commission meeting at which the Final Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §304.08.3.

304.09 Public Hearing

The Borough Council may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.10 Planned Improvements

The Borough Council shall not approve or sign the Final Plan until such time as all the improvements shown on the Final Plan have been installed by the developer and have been certified as complete by the Commission Engineer, or a performance guarantee has been provided by the Applicant pursuant to Article VII of this Ordinance.

304.11 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Borough Council shall endorse the Final Plan, including the date of approval, for recording purposes and shall retain at least one endorsed print.

304.12 Recording of the Final Plan

Upon the approval of a Final Plan the developer shall, within 90 days of such final approval by the Borough Council, record such plan in the office of the Susquehanna County Recorder of Deeds. The Susquehanna County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Borough Council. If the plan is not recorded within ninety (90) days from the final approval date the action of the Borough Council shall become null and void.

304.13 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

Section 305 Minor Subdivisions

The intent of this section is to simplify the review and approval procedure for minor subdivisions. Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all Minor subdivisions shall be submitted to the Borough of Montrose Planning Commission and be processed in accord with this §305.

305.01 Official Submission of Preliminary Plans

A. Plan to be Filed With the Commission

Twelve (12) copies of the Minor Subdivision Plan and all required supporting documentation shall be submitted to the Zoning Officer / Borough Secretary by the Applicant or their authorized representative at least fourteen (14) days prior to the next Planning Commission meeting.

B. Preliminary Plan Filing Fee

The Borough shall collect a Minor Subdivision Plan filing fee as established by resolution of the Borough of Montrose Council for all subdivisions.

1. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions.
2. The Applicant shall pay the fee at the time of initial submission of the application to the Zoning Officer / Borough Secretary, made payable to the Borough of Montrose.
3. Engineering Costs - The cost of engineering or surveying work required by the Commission to ensure compliance with these regulations shall be borne by the developer.

305.02 Distribution of the Minor Subdivision Plan

The Zoning Officer / Borough Secretary shall promptly, after the date of submission and after all required fees have been collected, refer the Minor Subdivision Plan and

applicable supporting documents to the Susquehanna County Planning Commission for their review and comment in accordance with §104.02 and may refer the Preliminary Plan to the following who shall provide any comments and recommendations in writing to the Planning Commission.

A. The Planning Commission / Borough Engineer

B. Any other Engineer or Consultant designated by the Planning Commission.

305.03 Official Date of the Minor Subdivision Plan Submission

The official date of the Minor Subdivision Plan submission shall be the date of the Planning Commission meeting next following submission of a complete plan to the Zoning Officer / Borough Secretary.

A. If the first meeting of the Planning Commission following the date of plan submission occurs more than thirty (30) days following the date of submission to the Zoning Officer / Borough Secretary the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission.

305.04 Completeness

At the first regularly scheduled meeting of the Planning Commission following the receipt of the plan the Planning Commission shall determine if the plan submission is complete. If the submission does not include the required number of copies of all required documents, the applicant shall be notified in writing of the deficiencies and the submission shall be rejected and returned to the applicant. The ninety (90) day review period shall not commence at that time.

305.05 Preliminary Plan Review and Action

A. Planning Commission Review and Action Period

The Planning Commission shall review the plan, make its recommendation regarding the Minor Subdivision Plan and communicate in writing such recommendation to the Borough Council for consideration at the Borough Council's next meeting following the Planning Commission meeting.

B. Susquehanna County Planning Commission Comments

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the Susquehanna County Planning Commission, or after thirty (30) days following transmittal of the Preliminary Plan to the Susquehanna County Planning Commission.

C. Borough Council Review and Action Period

The Borough Council shall make its decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for review and action, including written communication to the Applicant, exceed ninety (90) days from the date of the Planning Commission meeting.

D. Approval with Conditions

When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Borough Council meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant, as provided in §305.05.3. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, the conditional approval of the Minor Subdivision Plan shall become an automatic disapproval. The Applicant may submit a new Minor Subdivision Plan as required by §305 of this Ordinance, including a new filing fee.

E. Denials

When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Minor Subdivision Plan is considered, and communicated in writing to the Applicant and the affected municipality as provided in §305.05

305.06 Public Hearing

The Borough Council may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.07 Signature of Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Borough

Council shall endorse the Minor Subdivision Plan, including the date of approval, for recording purposes and shall retain at least one endorsed print.

305.08 Recording of the Final Plan

Upon the approval of a Minor Subdivision Plan, the developer shall, within 90 days of such final approval by the Borough Council record such plan in the office of the Susquehanna County Recorder of Deeds. The Susquehanna County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Borough Council. If the plan is not recorded within ninety (90) days from the final approval date the action of the Borough Council shall become null and void.

305.09 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

Section 306 Add-on / Addition Subdivisions

306.1 Add-on subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions. However, sewage permits may not be required unless additional new sewage disposal areas are proposed. The applicable notes listed in §404.03,B, of this Ordinance shall be included on the map; and the combination language (see Section 404.03B) shall also be included in the deed from the grantor to the grantee.

Section 307 Survey of Parent Tract

In cases where a parcel is being subdivided the requirement that the parent parcel be surveyed may be waived by the Planning Commission provided the Applicant can demonstrate to the satisfaction of the Planning Commission that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided from the parent parcel shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Planning Commission otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance

Section 308 Contiguous Municipalities

In accord with §502.1(b), of the MPC, the governing body of any municipality contiguous to the Borough may appear before the Planning Commission to comment on a proposed subdivision, change of land use, or land development.

ARTICLE IV PLAN REQUIREMENTS

Section 400 Plans

Plans for subdivisions and/or land developments shall be submitted in the manner and form prescribed by this Ordinance. The plan shall contain and be supplemented with such information as required by this Ordinance where applicable as well as the requirements of the Borough of Montrose Zoning Ordinance, where applicable. All other local, state and federal permits and approvals shall be obtained by the Applicant or shall be made a condition of approval by the Borough Council.

If approved by the Borough Council, an application shall be binding on the Applicant and shall serve as a legal commitment and offer by the Applicant to fully implement, in all particulars, all plans and provisions contained in the application or any application supplements, as well as with all other local, state and federal laws applicable to the project.

Section 401 Sketch Plan

401.01 Sketch Plan Information

A Sketch Plan should show or be accompanied by the following data where applicable to demonstrate the intent of the plan. The Sketch Plan shall be legible in every detail and drawn to scale but not necessarily showing precise dimensions.

- A. Name of the subdivision and/or development.
- B. Name and address of landowner and/or land developer. (If corporation give name of officers.)
- C. Location map.
- D. North arrow.

E. Plan scale.

F. Date Sketch Plan was completed.

G. Names of adjacent property owners, including those across adjacent roads.

H. Existing constructed and/or natural features:

1. Water courses, lakes and wetlands as shown on the National Wetlands Inventory maps.
2. Buildings and structures.
3. Utility lines, wells and sewage system(s).
4. Historic and archeological features.
5. Any and all other significant features.

I. Location of 100-year flood zones as shown on FEMA mapping.

J. Tract boundaries.

K. General street and lot layout.

L. Location and type of rights-of-way or other restrictive covenants that might affect the subdivision and/or development.

M. The following site data shall be labeled on the plan:

1. Total acreage of the subdivision and/or development.
2. Total number of lots proposed.
3. Total lineal feet of new roads.
4. Zoning district of the subdivision and/or development.
5. Any and all other significant information.

Section 402 Preliminary Plan Requirements for Major Subdivisions and Land Developments

Preliminary Plans shall be prepared by a Registered Professional Engineer or Land Surveyor as applicable and required by State law. Preliminary Plans shall be submitted pursuant to the following:

402.01 Drafting Standards

- A. The plan shall be clearly and legibly drawn using a standard engineering scale.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail and of such quality as required by the County Recorder's Office to make a permanent record of the plan.

402.02 Plan Information

The Preliminary Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or Land Surveyor responsible for the preparation of the plan.
- E. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.

- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of present adjoining property owners along with the current tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing constructed or natural features including but not limited to the following:
1. Water courses, ponds and lakes, with name of each, if any.
 2. Buildings and other structures.
 3. Utilities, wells and sewage systems.
 4. Location and description of any certified historic site or structure.
 5. Location and size of culverts with the direction of water flow.
 6. Wetlands as shown on the National Wetlands Inventory maps.
 7. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas and flood zones as shown on the most recent FIA/FEMA mapping.
- M. Location and extent of various soil types and the location of soil test pits and percolation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.
- O. Location by metes and bounds, width and purpose of any proposed rights-of-way or other easements.

P. Proposed areas for location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.

Q. Contour lines, at an interval of not more than five (5) feet. Contour lines at a closer interval may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements. In cases where no new streets are proposed, the Commission shall allow a greater interval.

R. The full plan of the proposed subdivision or land development, including:

1. Location by metes and bounds and widths of all streets, suggested types, and all rights-of-way with a statement of any conditions governing their use.
2. Proposed street names.
3. Building setback lines, shown on the lots or specified by a note on the map.
4. Lot lines with dimensions.
5. Lot and/or parcel sizes.
6. Lot numbers.
7. A statement of number of lots and/or parcels.
8. A statement of the intended use of all non-residential lots and/or parcels.
9. A statement of the total acreage in the proposed development.
10. County tax assessment property number.
11. Any and all other significant information.

S. Zoning data, including all of the following, when applicable:

1. Zoning district designations, bulk and density standards.
2. Zoning district boundary lines crossing the proposed development.
3. Zoning district boundary lines within one thousand (1000) feet of the proposed development, shown on location map.

T. A title block shall be included on the lower right corner of all Preliminary Plans.

U. In the case of land developments, the location, size, dimensions and configuration of project buildings, parking areas, streets, access drives, driveways and all other planned facilities.

402.03 Supporting Documents and Information

The following supporting documents plans, and information shall be submitted with Preliminary Plans for all major subdivisions and land developments where applicable.

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Superelevated sections.
 - 4. Typical parallel drainage.

- B. Approximate profiles along the top of the cartway centerline, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.

- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.

- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.

- F. Proof of legal interest in the property and latest deed of record.

- G. Water Supply Information
 - 1. A letter from the water company or authority stating that the company or authority will supply the development including a verification of the adequacy of service.

- H. Sewage Disposal Information
 - 1. A letter from the sewer company or authority stating that the company or authority will supply the development including a verification of the adequacy of service.

- I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Planning Commission may require a Professional Engineer's certification of such list.
- J. Documentation of an approved erosion and sedimentation control plan and/or any required environmental permit.
- K. Drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the County or Borough.
- L. Preliminary bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.
- M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
- N. Highway occupancy permits where required.
- O. A plan for the ownership of and maintenance of all improvements and common areas as required by §713 of this Ordinance.

402.04 Additional Information

The Planning Commission shall require any other necessary information based on the specific characteristics of the proposed project.

402.05 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by this Ordinance for submission with Preliminary Plan applications.

Section 403 Final Plan Requirements for Major Subdivisions and Land Developments

Final Plans shall be prepared by a Registered Professional Engineer or Land Surveyor as applicable and required by State law. Final Plans shall be submitted pursuant to the following:

403.01 Final Plan Information

The Final Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or Land Surveyor responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Final Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic)
- H. Graphic scale and written scale.
- I. Names of present adjoining property owners along with the current tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing constructed or natural features including but not limited to the following:
 - 1. Water courses, ponds and lakes, with name of each, if any.
 - 2. Buildings and other structures.

3. Utility lines, wells and sewage systems.
4. Location and description of any certified historic site or structure, and stone walls.
5. Location and size of culverts with the direction of water flow.
6. Wetlands as shown on the National Wetlands Inventory maps.
7. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.

L. Location of permanent and seasonal high water table areas and flood zones as shown on most recent FIA/FEMA mapping.

M. Location, width and purpose of any existing rights-of-way or other easements.

N. Location by metes and bounds, width and purpose of any proposed rights-of-way or other easements.

O. Contour lines at an interval of not more than five (5) feet. Contour lines at a closer interval may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements. In cases where no new streets are proposed, the Commission shall allow a greater interval.

P. The total tract boundary lines of the project with distances accurate to hundredths of a foot and bearings accurate to seconds of an arc. The location of all perimeter monuments shall be shown and described unless the boundary survey is waived in accord with §307.

Q. The name and/or number and pavement width and right-of-way lines of all existing public streets and/or roads and the name and location and right-of-way lines of all other streets and/or roads within the property.

R. The full plan of the proposed development, including but not limited to the following information and data:

1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to reproducing accurately and completely each and every course on the ground.
2. All dimensions in feet and hundredths of a foot.
3. All bearings to the nearest one second of the arc.
4. Street names.

5. Street widths and right-of-way and easement widths.
6. A clear sight triangle shall be shown for all street intersections.
7. Block and lot numbers.
8. Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
9. Location and type of permanent monuments and markers which have been found or set in place.
10. Building setback lines for each lot or the proposed placement of each building.
11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
12. A statement of intended use of all non-residential lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and if the covenants are recorded, including the book and page.
13. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
14. Susquehanna County tax map number.

S. Zoning data, including all of the following, when applicable:

1. Zoning district designations, bulk and density standards.
2. Zoning district boundary lines crossing the proposed subdivision and/or development.
3. Zoning district boundary lines within one thousand (1,000) feet of the proposed subdivision and/or development. (Show on location map.)

T. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. A note stating, "All lots shown on this plan are subject to the rules and regulation contained in the Borough of Montrose zoning ordinance."

U. A title block shall be included on all Final Plans.

V. Signature block for the Borough Council.

W. The following general notes shall be included on all Final Plans, if applicable:

1. When all roads and/or streets are to remain private --- "All roads and/or streets shall remain private, shall not be open to public travel and shall not in the future be offered for dedication to the Borough of Montrose by the Developer, the Developer's heirs, successors or assigns, unless such roads and/or streets comply with all current requirements of the Borough of Montrose relative to road dedication.
2. In the event the subdivision incorporates a private access drive as defined in this Ordinance, the following --- "The improvement and maintenance of any private access drive shall be the sole responsibility of those persons benefiting from the use thereof".
3. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420).
4. In the case where wetlands are present -- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Borough Council shall have no liability or responsibility for the same to the Developer or purchaser(s)."
5. In cases where the requirement for sewage planning is waived by the local municipality --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the local municipality.

X. In the case of land developments, the location, size, dimensions and configuration of project buildings, parking compounds, streets, access drives, driveways and all other planned facilities.

403.02 Supporting Documents and Information

The following supporting documents and information shall be submitted with the Final Plan for major subdivisions and land developments where applicable.

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Typical superelevated sections.
 - 4. Typical parallel drainage.

- B. Final profiles along the top of the cartway (pavement) centerline showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.

- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.

- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

- E. Proof of legal interest in the property, and the latest deed of record.

- F. Water Supply and Sewage Disposal Information
 - 1. Final plan of any water supply and/or sewage disposal system showing all pertinent details.
 - 2. All other documentation required demonstrating compliance with §705 and §706 of this Ordinance.

- G. All required state or federal environmental permits.

- H. Highway occupancy permits where required.

- I. Soil erosion and sedimentation control plan approved by the Susquehanna County Conservation District, if required.

- J. Final drainage/stormwater management plan.

- K. Final bridge designs and required local, state or federal approvals.

- L. A statement setting forth any zoning variances or subdivision waivers/modifications obtained.

M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. Submitting a copy of the recorded agreement may also satisfy this requirement.

N. Improvement's construction documentation required by Article VII.

403.03 Additional Information

The Planning Commission shall request any other necessary information based on the specific characteristics of the proposed project.

403.04 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by this Ordinance for submission with Final Plan applications.

403.05 Maintenance of Development Improvements

The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities and common use or open space areas in accord with Article VII. The Planning Commission shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

Section 404 Minor Subdivisions, Final Plan Requirements

Plans for minor subdivision shall be prepared by a Registered Professional Engineer or Land Surveyor as applicable and required by State law; and shall be submitted pursuant to the following:

404.01 Drafting Standards

- A. The plan shall be clearly and legibly drawn using a standard engineering scale.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.

- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail and of such quality as required by the County Recorder's Office to make a permanent record of the plan.

404.02 Minor Plan Information

- A. Name of subdivision.
- B. Name and address of owner of record (if a corporation give name of each officer).
- C. Name and address of Developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or Land Surveyor responsible for the preparation of the subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lot numbers.

- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Planning Commission, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. Building setback lines, shown on the lots or specified by a note on the map
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
- S. Wetlands as shown on the National Wetlands Inventory maps.
- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data including total acreage, number of lots, existing zoning district and tax map number.

V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines is required to show direction and amount of slope.

W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.

X. The location and extent of various soil types by Soil Conservation Service classification for each type.

Y. A key map for the purpose of locating the property being subdivided.

Z. Signature block for the Planning Commission

AA. A title block on the lower right corner.

BB. The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. A note stating, "All lots shown on this plan are subject to the rules and regulation contained in the Borough of Montrose zoning ordinance."

404.03 General Notes

The following general notes shall be on all Final Plans, if applicable:

A. In the event the subdivision incorporates a private access drive as defined in this Ordinance, the following --- "The improvement and maintenance of any private access drive shall be the sole responsibility of those persons benefiting from the use thereof".

B. In the event of an "Add-on/Addition" proposal --- "By the recording of this deed, the Grantees agree and acknowledge that the lands herein conveyed and the lands presently owned by the Grantees herein as set forth in Susquehanna County Deed Book____Page_ shall be considered one parcel

for subdivision purposes. That is to say, the parcel herein conveyed shall not be conveyed as a separate parcel from other lands of the Grantees herein without approval by the Borough of Montrose Council.”

- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420)."
- D. In the case where wetlands are present or if otherwise required by the Planning Commission --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Borough Council shall have no liability or responsibility for same to the Developer or purchaser(s)."

404.04 Supporting Documents and Information

- A. Highway Occupancy Permits where required.
- B. Typical cross-sections for any private access streets of a design adequate for anticipated traffic along with center-line profiles and vertical curve data.
- C. Drainage/stormwater management plans meeting the requirements of any applicable Stormwater Management Ordinance.
- D. A draft copy of the proposed deed including the statement found in §404.03B for lot addition subdivisions.

404.05 Additional Information

The Planning Commission shall request any other necessary information based on the specific characteristics of the proposed project.

404.06 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by this Ordinance for submission with Minor Subdivision applications.

Section 405 Plan Requirements for Lot Addition Subdivisions

The plan requirements set forth in §404 of this Ordinance for minor subdivisions shall also apply to lot addition subdivisions. In addition, copies of the deeds prepared for recording as per §404.03B shall be provided and said deeds shall affect the lot additions on the approved plans. The combination language (see Section 404.03B) shall also be included in the deed from the grantor to the grantee.

ARTICLE V

DESIGN STANDARDS

Section 501. Application for Design Standards

501.01 Standards to be Applied

The design standards and requirements outlined in this Article will be applied by the Planning Commission in evaluating plans for all proposed subdivisions and land developments.

Section 502. General Standards Applicable to All Types of Developments

502.01 General Site Criteria

- A. General Plan – the location and design of any subdivision plan must conform to any Montrose Borough, County or regional land use plans or policies adopted by Montrose Borough.
- B. Zoning – the use of land in a subdivision plan must conform to the Borough of Montrose Zoning Ordinance.
- C. Hazardous Areas - those areas which are subject to hazards to life, health or property as may arise from fire, flood, disease, noise, falling aircraft, mine subsidence or considered to be uninhabitable for other reasons may not be subdivided unless the elimination of such hazards can be documented, or the applicant can ensure that the area is to remain uninhabited. Information for identifying and evaluating these potential hazards may include references to
- D. Hazardous Areas –historical records, soil evaluations, engineering studies, expert opinion, established standards used by licensed insurance companies and adopted regional, county or local municipal policy such as but not limited to an established flood plain line.

- E. Regional Consideration – plans for subdivisions and land developments shall be compatible and be coordinated with land use, drainage, traffic movement and other reasonable considerations with respect to neighboring lands.
- F. Protection or Preservation of Natural Features – in all developments care shall be taken to preserve natural features such as trees, watercourses, views, historical and cultural features such as buildings which will add attractiveness and value to the remainder of the land. The Borough Council may require plan modifications to protect such features.
- G. Hillside Development – where a subdivision or land development is on a site that has a slope of more than fifteen (15) percent, the Borough Council may require larger lot sizes than the minimum requirements which are provided in these regulations.

H. Water Frontage and Surface Drainage:

1. Damming, filling, draining, relocating or otherwise altering or interfering with the natural flow of ground and surface water shall not be permitted without approval by the Borough Council and where required by law the Pennsylvania Department of Environmental Resources, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service and/or other applicable state and federal agencies.
2. Building setback lines shall be established no less than seventy-five (75) feet from the normal high-water line of any stream, lake or water body and shall conform to local floodplain management regulations.

502.02 Community Facilities and Comprehensive Plan Requirements

Where a proposed park, playground, school or other public use is shown in a municipal comprehensive plan and is located in whole or in part in a proposed development, the Borough Council may require the reservation of such area provided that such reservation is acceptable to Montrose Borough.

502.03 Modifications

The standards and requirements of these regulations may be modified by the Borough Council in the case of plans for complete communities, neighborhood units, planned unit developments or other large-scale developments which in the judgement of the

Borough Council achieve the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the objectives of this Subdivision and Land Development Ordinance.

502.01 Easements

Where a development is traversed by a watercourse there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage without damaging adjacent properties and to provide maintenance and/or emergency access to the watercourse.

502.05 Walkways

Pedestrian interior walks shall be required to assist circulation or provide access to community facilities (such as a school). Such walkways shall have a right-of-way width of not less than ten (10) feet and a walk of not less than four (4) feet in width.

502.06 Storm Drainage

Lots shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots. The Borough Council may require plan modifications to ensure that the effects of storm drainage on health, safety and property are minimized. Developers shall strive to keep runoff to a level less than or equal to that occurring before development. PennDot standards shall be applicable if planned drainage facilities within the subdivision or land development will utilize or ultimately utilize PennDot drainage facilities.

502.07 Design Standards for Streets

- A. Street Right-of Way Widths – Minimum right-of-way widths for all proposed or required roads/streets shall conform to the requirements set forth in Table II.
- B. Geometric Standards – Geometric design standards for all proposed or required roads/streets shall conform to the requirements set forth in Table III.
- C. Required Improvements – Required improvements shall include paved streets, curbs and sidewalks and shall meet the minimum standards heretofore described in this ordinance.

502.08 Street System Layout

- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by Montrose Borough and shall further conform to such county and state road and highway plans as have been prepared and adopted as prescribed by law.
- B. The proposed street layout shall provide for the extension of existing streets in the surrounding area unless the Borough Council deems such an extension undesirable for specific reasons of topography or design.
- C. Minor streets shall be laid out to discourage through-traffic but provisions for street connections into and from adjacent areas will generally be required.
- D. Dead-end streets shall be prohibited, except when designed with cul-de-sac to serve residential areas.
- E. Any subdivision street which intersects a public street shall conform to the requirements of the governmental entity responsible for said street and the design of the intersecting roadway and related facilities shall provide for proper transition.
- F. New reserve strips, including those controlling access to streets shall be avoided except where determined by the Borough Council to be necessary to carry out the requirements and objectives of the regulations.
- G. All provisions for drainage facilities shall be designed to provide for the movement of surface water away from the surrounding drainage area buildings and pavement.
- H. All streets must meet the construction standards of the Borough or the Pennsylvania Department of Transportation as applicable.
- I. Where any street of a subdivision or land development cannot be laid out to avoid a cut bank or fill situation road bank stabilization measures and devices shall be provided.

502.09 Street Intersections

- A. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at any angle of less than sixty (60) degrees.
- B. Intersections involving more than four (4) corners shall be prohibited.
- C. Clear sight triangles of thirty (30) feet measuring along street or lot lines from their point of junction shall be provided at all intersections and no visual obstruction shall be permitted within such sight-triangles.
- D. Intersections with major traffic streets shall be located at least eight hundred (800) feet apart measured from centerline to centerline.
- E. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their centerlines.
- F. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type streets or such greater radius as is suited for the specific intersection.
- G. Minimum right-of-way radii at street intersections shall be twenty-five (25) feet for all intersections.
- H. Where a development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width may be required by the Borough Council.
- I. Where the grade of any street or the approach to an intersection exceeds seven (7) percent a leveling area shall be provided having not greater than four (4) percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

502.10 Uses Fronting on Major Traffic Streets

- A. Where a development fronts or abuts a major street, the Borough Council may require marginal access streets, rear service alleys, reverse frontage lots or such

other treatment as will provide protection to adjacent properties a reduction in the number of intersections with the major traffic street and/or the separation of local through traffic.

- B. Entrances and exits to non-residential developments shall be designed so as to not interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than fifty (50) feet and when combined shall be restricted to one hundred (100) feet. Access points shall not exceed twenty-four (24) feet in width at any interchange.
- C. Entrance and exit points to proposed developments shall not be located closer than one hundred (100) feet to the end of any intersection.
- D. Residential blocks shall have a maximum length of twelve hundred (1200) feet. In the design of blocks longer than one thousand (1000) feet special consideration shall be given to the requirements of satisfactory fire protection.
- E. Cul-de-sac Streets
- F. Cul-de-sac streets shall not exceed one thousand (1000) feet in length. However, greater lengths may be approved by the Borough Council if topographic considerations warrant such an action.
- G. Cul-de-sacs shall be provided at the closed end with a turn-around which may be "L" or "T" or "Y" shaped or circular. Circular turnarounds shall have a diameter to the outer right-of-way limits of at least one hundred (100) feet.
- H. Where the development abuts on or contains an existing or proposed major traffic street on which traffic volumes and vehicular speeds warrant special safety precautions the Borough Council may require that marginal access streets be provided in order that no lot front on such existing or proposed major traffic streets.

502.11 Building Setback Lines

All building setbacks shall be governed by the Borough of Montrose Zoning Ordinance.

Section 503 Residential Lot Standards

503.01 Application

All developments proposed for residential use shall conform with the provisions of this section, (Standards for mobile home courts and campgrounds and travel trailer parks where recreators, campers or travelers are licensees shall conform with the provisions of the Borough of Montrose Mobile Home Park Ordinance).

503.02 Residential Lot Standards

Residential lot sizes, width and depth shall be governed by the Borough of Montrose Zoning Ordinance.

503.03 Design of Residential Lots

- A. All lots shall front upon a public street existing or proposed, however, under special conditions a private road may be approved by the Borough Council.
- B. Side lot lines shall be generally at right angles or radial to street lines.
- C. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots or dedicated to public use if acceptable to the Borough.
- D. Double frontage lots should be avoided except where essential to provide separation of residential developments and traffic arterials or to overcome particular topographic and orientation disadvantages.
- E. Depth and width of lots laid out or reserved shall provide adequate space for off street parking and unloading.

503.04 Homeowner's Association

Evidence of a homeowner's association, deed restrictions, contractual agreements or other provisions for ownership and maintenance of common areas such as open space, parking areas or other areas must be made to the satisfaction of the Borough Council.

Section 504. Non-Residential Lots

Non-residential lots shall be subject to review by the Borough Council and shall be of sufficient area, width and depth to accommodate the proposed land use.

Section 505. Utilities

505.01 The Borough Council may require twelve (12) foot easements where necessary for the installation of utility facilities. Such easements shall be noted as “utility easements” on the final plan. Prior to the approval of the final plan, a review by the utilities serving the area as to the location and width of the “utility easements” shall be made. The utilities shall have fifteen (15) days in which to make such a review.

505.02 The developer shall be responsible for compliance with the Pennsylvania Public Utility Commission regulations regarding the installation of utilities in the development.

505.03 Street lighting units shall be furnished and so spaced and equipped with luminaries that will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

Section 506. Solid Waste Disposal

The developer shall provide a statement explaining how solid waste within the proposed development can feasibly be collected and disposed of and the statement must be in compliance with the municipal, county, regional and state solid waste laws, plans, rules and regulations.

Section 507. Property Owner's Association

The Borough Council may require the subdivider to establish a property owner's association containing the specifications of the Borough Council.

TABLE II

MINIMUM STANDARDS FOR STREETS

Collector Streets, Minor Streets and Private Streets

Right-of -Way Width	50 feet
Cartway Width	32 feet curb to curb
Minimum Grade	0.75%
Maximum Grade	
Collector Streets	7.00%
Minor and Private Streets	12.00%
Sight Distance	
Collector Streets	400 feet
Minor and Private Streets	150 feet
Horizontal Curves	
Collector Streets	300 feet
Minor and Private Streets	150 feet
Cul-de-sac Turn around	
R-O-W Diameter	100 feet
Cul-de-sac Turn around	
Cartway Diameter	80 feet curb to curb
Sidewalk Width	4 feet

Notes

Sight Distance is measured as the minimum distance along the centerline, 3'9" above grade.

Horizontal Curves are measured as the minimum radius at the centerline

TABLE III

CONSTRUCTION STANDARDS FOR STREETS

Collector Streets, Minor Streets and Private Streets

Course	Type of Material	Depth of Material After Roadbed Compaction	Drainage	Site Drainage
Wearing Surface	ID-2A	1 ½ “	-----	Cross pipe &
Base	BC/BC	5 1/2 “	-----	Detention &
Subbase:	Type C Stone	6”	-----	B & S

Notes

BC/BC = Bituminous Concrete/Base Course

All specified materials and depths are listed herein as examples. Alternative materials and component dimensions may be approved by the Borough as long as the alternate equals or exceeds the capabilities of the specifications herein. All components of the pavement structure shall be constructed in accordance with PennDot Publication 408, road specifications.

Compaction method shall use a ten (10) ton vibratory roller or equivalent.

Drainage facilities for dewatering roadbed shall be required with site-specific determination as to design.

Site drainage shall be designed with driveway cross pipe(s) twelve (12) inches minimum diameter plus runoff detention facilities as determined by the Borough.

Erosion and Sedimentation control measures shall be designed and constructed in accordance with PA DEP requirements and as directed by the Soil Conservation District and the Borough.

ARTICLE VI
EXCEPTIONS TO

STANDARD SUBDIVISION PROCEDURES

Section 601. General Exceptions

601.01 The standards outlined in this Article shall be applied by the Planning Commission in evaluating plans for specialized types of subdivisions and land development projects. The standards outlined in the Article shall be considered minimum standards and the Borough Council may require more restrictive standards. Plans for these specialized subdivisions and land development projects shall comply with the following standards as well as all other applicable provisions of these regulations not in conflict herewith.

Section 602. Phased Development

602.01 The Borough Council may approve phased development of streets, curbs, drainage facilities, sewer and water lines and other required improvements provided that the entire plan for the subdivision or land development is presented to the Planning Commission and that the phased completion of improvements conforms to the proposed sequence and extent of development, providing access and services to parties who lawfully occupy or own earlier portions of the approved subdivision or land development.

602.02 The Borough Council may require submission of final plats by section of development.

602.03 Pursuant to Article VII of this ordinance the Borough Council shall require a performance bond prior to final approval.

Section 603. Innovative Design

In order to encourage flexibility, economy and ingenuity in the layout and design of subdivisions and land developments and to encourage the provision of amenities not otherwise required by this ordinance or other applicable regulations, the Borough Council may on a case-by-case basis waive, modify, reduce or otherwise alter the standards and requirements of this ordinance provided that such actions advance the purposes of this ordinance as stated in Section 102.01.

Section 604. Cluster Development

604.01 Purpose

The purpose of the following standards and requirements is to permit the clustering of detached and semi-detached structures on reduced size lots and the grouping of open space. This type of development should be designed to achieve:

- A. A characteristic of design and site planning in which dwellings are grouped together on a tract of land and each cluster of dwellings serve as a module which is set off from others like it by an intervening space that helps give visual definition to each individual cluster, and
- B. The preservation and utilization of unusual and important physical features of undeveloped land that is held for the common recreational enjoyment of the adjacent residents; and
- C. More efficient use of the land and of public facilities required to serve new residential development.

604.02 Design Standards

- A. Cluster developments shall conform to the Borough of Montrose Zoning Ordinance.
- B. Cluster developments shall be situated on a minimum of ten (10) acres.
- C. The maximum number of lots permitted shall be determined by multiplying the total acreage of the tract of land by five (5) if single-unit detached dwellings are proposed or by eight (8) if two-unit dwellings are proposed. The maximum number of lots for mixed types shall be pro-rated using the above multipliers.
- D. At least thirty (30) percent of the tract shall be common open space. Common open space shall include areas of land and water but shall not include roads, parking areas, structures or service lanes. Provisions for the perpetual care and maintenance of such a common area shall be made to the satisfaction of the Borough Council.
- E. No structure shall be located within fifteen (15) feet of any other structure or within thirty (30) feet of the property line side of the right-of-way of any street.

- F. Access to and within cluster developments shall be provided in accordance with provisions in Article VI of this ordinance.
- G. A minimum of two (2) off-street parking spaces per dwelling unit within two hundred (200) feet of the dwelling shall be provided.
- H. Cluster developments shall be served by permitted community sewage and water systems.

Section 605. Commercial Development

605.01 General Standards

Commercial development plans shall comply with the following standards and requirements as well as all other applicable provisions of these regulations not in conflict herewith including the submission of plans in conformity with Article III of these regulations.

605.02 Site Standards

- A. The site when developed shall be served by an approved water system and an approved sanitary sewer system.
- B. Adequate storm drainage facilities shall be provided. Such facilities shall comply with Soil Conservation District recommendations as well as with Section 707 of this Ordinance.

605.03 General Design

The layout within commercial development areas shall be designed in accordance with the Borough of Montrose Zoning Ordinance and with consideration of site conditions to insure:

- A. Desirable land utilization.
- B. Convenient and safe traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.

605.04 Circulation

- A. Access to public streets shall be limited to well defined entrance and exit lanes. The Borough Council may impose restrictions on the number of access points and the distance between them and between them and street intersections. Such restrictions shall generally follow accepted Pennsylvania Department of Transportation standards.
- B. The Borough Council may require that exit lanes shall be separated from entrance lanes by dividers or planting islands when traffic volumes are expected to exceed twenty-five (25) vehicles per hour for any part of any day.
- C. Painted lines, arrows and dividers shall be provided to control parking and circulation.
- D. Where possible customer parking and circulation shall be separated from delivery service drives and uploading areas.

605.05 Parking Area Requirements

- A. The number and type of parking spaces required shall be governed by the Borough of Montrose Zoning Ordinance and the American With Disabilities Act.
- B. Where possible, parking aisles shall be designed diagonally or at right angles to buildings rather than parallel to buildings for better accessibility for pedestrians.
- C. Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum of fifteen (15) feet.
- D. The setback area between parking areas and street right-of-way lines and property lines shall be maintained as a planting area for vegetation whose mature height will not obstruct sight distance for vehicles entering or leaving the site.
- E. Construction standards for streets found in Tables II and III shall be minimum requirements for all parking areas, service drives and entrance and exit lanes.

605.06 Screening

Natural screening or fencing shall be provided where the commercial development abuts residential property or other incompatible uses. Natural screening shall consist of trees or shrubs at least six (6) feet in height and spaced in such a manner as to visually

separate the properties. Fencing shall be at least six (6) feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Borough Council determines that the activities on the site represent a danger to residents of the adjacent site.

Section 606. Industrial Development

606.01 General Standards

All industrial land development plans shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith, including the submission of plans in conformity with Article III of these Regulations.

606.02 Site Standards

- A. The site when developed shall be served by an approved water supply system and an approved sanitary sewer system.
- B. Adequate storm drainage facilities shall be provided. Such facilities shall comply with Soil Conservation District recommendations as well as with Section 707 of this Ordinance.

606.03 Off-street Parking

Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for one and two-tenths (1.2) employees shall be provided.

606.04 Loading Areas

All loading and unloading and service areas shall be provided as off-street parking and shall be designed to cause no obstructions to adjacent street traffic whether during backing and parking or parking and unloading. Sufficient area shall be provided to allow for emergency access around loading areas.

606.05 General Design Standards

The layout of the industrial area shall be designed according to the Borough of Montrose Zoning Ordinance and should provide:

- A. The most efficient arrangement for present use and future expansion.

- B. The provision of adequate and safe space for employee and customer access and parking.

606.06 Screening

- A. Natural screening or fencing shall be provided where the industrial development abuts residential property or other incompatible uses. Natural screening shall consist of trees or shrubs at least eight (8) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least eight (8) feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Borough Council determines that the activities on the site represent a danger to the residents of the adjacent site.
- B. All storage service or other unsightly areas within the industrial development shall be adequately screened from the adjacent developments and street.

606.07 Industrial Waste

Applicants proposing industrial developments shall provide confirmation and documentation of Pennsylvania Department of Environmental Protection permits for adequate treatment of any industrial wastes generated within the development. Adequate air and water pollution controls shall be required within these developments. Pursuant to Article VII of this ordinance a performance bond for provision of these controls shall be required for final approval.

Section 607. Public Hearings

The applicant or the Borough Council or Planning Commission may request a public hearing pursuant to public notice relating to these exceptional subdivisions and land developments as they are brought before the Commission. Schedules, deadlines and other procedural requirements in this ordinance shall be postponed by no more than forty-five (45) days as a result. (business days)

Section 608. Mediation

The Borough Council may offer a mediation option as an aid in completing proceedings authorized in this section and as authorized by Article V, Section 508 of Act 247: "Approval of Plats". In exercising this option, the Borough Council and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 247.

ARTICLE VII

REQUIRED IMPROVEMENTS

Section 701. Definition

In this section, the word “Borough Council” refers to the Borough of Montrose Council as determined by Act 247, Article 5, Sections 509, 510 and 511 unless specified otherwise.

Section 702. General Requirements

The following improvements shall be installed by the applicant or the applicant’s agent or a guarantee suitable to the Borough Council shall be provided by the applicant which shall ensure the provision of the improvements at the standards set forth in these regulations. The final plan shall not be approved until final detailed design of the improvements are approved and the improvements are installed or maintained in a satisfactory state of repair or until a suitable guarantee is provided.

Section 703. Streets

703.01 Streets and Utilities

Streets shall be improved to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the applicant and approved by the Borough Council before paving the street surface the applicant or the applicant’s agent must install the required utilities and provide where necessary adequate subsurface drainage for the streets. All streets, unless otherwise noted in these regulations shall be constructed in accordance with municipal and state regulations. At a minimum, all streets shall be subject to the standards in Tables II and III.

703.02 Alternate Street Paving Option

The Borough Council may approve an alternate method of street paving placed and treated in accordance with the latest specifications of the Pennsylvania Department of Transportation.

Section 704. Curbs, Gutters and Sidewalks

704.01 Curbs

Curbs shall be provided on all streets and parking compounds located within multi-family land developments. Curbs shall also be required on new streets in developments. Curbs shall be the vertical concrete type. All curbs shall be constructed of concrete with expansion joints every twenty (20) feet. Curb size shall follow Pennsylvania Department of Transportation specifications.

704.02 Gutters

The current guidelines, including standards and specifications used by the Susquehanna County Soil Conservation District are hereby incorporated as part of these regulations by reference.

704.03 Sidewalks

Sidewalks shall be provided on all streets and on both sides of the street for all proposed development. Sidewalks shall be concrete, four (4) inches in thickness, placed on four (4) inches of sand or fine stone, placed in accordance with the latest specifications of the Pennsylvania Department of Transportation.

Section 705. Sewage

All Subdivisions and Land Developments shall be served by the public sewer company or authority. The local municipal Sewage Facilities Ordinance shall govern all public sewage disposal facilities, as defined by the said Ordinance.

Section 706. Water

706.01 General

All subdivisions or land developments shall be provided with a public water supply approved by the applicable water utility.

706.02 Water Supply

The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency. A statement of the approval from the water supply agency to which the subdivision or land development will be connected shall be submitted to the Planning Commission. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the Borough Council.

706.03 Fire Hydrants

Where required by the Borough Council, fire hydrants shall be provided as an integral part of any public water supply system. Fire hydrants shall be appropriately spaced and shall not be greater than six hundred (600) feet apart. Minimum flow rates shall be in accordance with the standards of the National Fire Underwriters.

Section 707. Stormwater and Drainage Control

707.01 Purpose and Stormwater Management Ordinance

The purpose of this section is to provide for the management of the quantity, velocity and direction of stormwater flow to provide protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.

707.02 Plan

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments (except Minor Residential Land Developments) and shall be subject to the approval of the Borough Council and Borough Council Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Commission at the time of subdivision or land development plan submission. Construction materials shall comply with the latest PennDOT Publication 408 standards and the applicable PennDOT RC standards for construction.

707.03 Compliance with State Regulations

The Plan shall meet the intent of §13 of the Pennsylvania Stormwater Management Act and other applicable regulations to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all Pennsylvania Department of Transportation requirements.

707.04 Design Criteria

- A. The basic goal of the stormwater management plan shall be to maximize the on-site infiltration of stormwater and minimize the overall volume of stormwater leaving the property after development, and the plan shall incorporate best management practices to achieve this goal.
- B. Stormwater management facilities shall be designed for a storm frequency of two (2), five (5) and ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten-year storm, detention facilities shall be designed to pass a 100 year storm without facility failure. In general, the soil cover complex method (Soil Conservation District method) or the rational method shall be used to determine peak discharge and estimated runoff.
- C. In cases where detention of stormwater is proposed, the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development.
- D. The Borough Council shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Borough Council Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

707.05 Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the drainage plan submitted with the subdivision or land development plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PennDOT Publication 408 standards.

- B. Natural drainage courses and points of natural drainage discharge shall not be altered unless all necessary permits have been obtained.
- C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Borough Council adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.
- E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- F. All streets shall be so designed as to provide for discharge of surface water from their rights-of-way.
- G. In no case shall any pipe system of less than fifteen (15) inches be installed underneath a street or driveway, and all pipes shall be of a plastic, PVC, concrete or other material of an equal or greater useful life, meeting the requirements of PennDot Publication 408, latest edition.
- H. Drainage structures that are located on State Highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Borough Council prior to final plan approval.
- I. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.

Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.

- J. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

707.06 Maintenance of Stormwater Control Facilities

- A. Maintenance of stormwater control facilities, including easements between lots, shall be the responsibility of the owner of said facilities. A legally binding agreement may be required between the owner and the Borough Council to provide for such maintenance and providing for inspections by the Borough Council.
- B. In cases where a property owners association is created for the ownership, operation and maintenance of common facilities such property owner's association shall be responsible for the maintenance of stormwater control facilities and such maintenance shall be established in the deed covenants and restrictions.
- C. When stormwater management control facilities are located on an individual lot, and when such facilities are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
- D. If the Borough Council determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the stormwater control facility shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Borough Council may cause the work to be done and lien all costs against the property.

Section 708 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Susquehanna County Conservation District and PA DEP, as required. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25,

Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Susquehanna County Conservation District. The Applicant shall submit the Plan to the Planning Commission at the time of preliminary plan application. Preliminary Plan approval shall not be granted by the Borough Council until all required approvals are obtained from the Susquehanna County Conservation District.

Section 709. Utilities

Where possible telephone, electric, T.V. cable and other such utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities and in accordance with plans approved by the Borough Council. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing and sidewalk installation.

Section 710 Monuments and Additional Markers, Street Signs

710.01 Monuments

- A. Monuments shall be set at the intersection of all new external lines forming angles in the boundary of the subdivision. Monuments may be of the following three types:
1. Concrete 6" by 6" by 30" long or 6" in diameter by 30" long with a ½" round steel pin in the center; or
 2. Not less than a 2" round galvanized 36" long pipe with a lock-on steel cap; or
 3. ¾" rod 36" long with a 3" compression cap.
- A. Existing monuments when found shall not be removed or disturbed. Anyone tampering with a monument shall be in violation of this ordinance and subject to the penalties specified herein.

710.02 Additional Markers

Iron pin markers shall be set at the beginning and end of all curves along street property lines; at all points where lot lines intersect curves, either front or rear at all angles in property lines of lots and at all corner lots. Markers shall be steel rods at least 15" long and not less than ¾" in diameter.

710.03 Street Signs

Street signs shall be required for all new streets and shall be in accordance with the Borough Zoning Ordinance.

Section 711. Procedure for Installation of Required Improvements

711.01 General

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Borough Council for recording in the office of the Susquehanna County Recorder of Deeds until:

- A. All improvements required by this Ordinance are installed to the specifications contained in Article VII of this Ordinance and other Planning Commission requirements and such improvements are certified by the Borough Council Engineer; or
- B. An Improvements Construction Guarantee in accord with §711.03 and the Pennsylvania Municipalities Planning Code has been accepted by the Borough Council as determined by the Borough Council.

Any approval granted by the Borough Council for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Borough.

711.02 Sections/Stages

In cases where Final Plan approval is proposed in sections or stages, the Borough Council shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

711.03 Improvement Construction Guarantees

A. Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

1. Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Borough Council. The bond shall be payable to the Borough of Montrose.
2. Escrow Account - A deposit of cash with the Borough Council or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Borough Council.
3. Irrevocable Letter of Credit - An irrevocable letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Borough Council.

B. Additional Requirements

The following requirements shall apply to the financial guarantees set forth in this §503.1:

1. The funds of any guarantee shall be held in trust until authorized by the Borough Council for release and may not be used or pledged by the Developer as security in any other matter during that period.
2. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Borough Council for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Borough Council.
3. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to §711.05.
4. The guarantee shall not be withdrawn, or reduced in amount, until authorized for release by the Borough Council.

711.04 Jurisdictions Separate from the Borough Council

If water mains or sanitary sewer lines or both along with apparatus or facilities related thereto are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough Council, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

711.05 Amount of Security

The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Borough Council may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough Council may require the developer to post additional security in order to assure that the financial security equals said one-hundred and ten (110) percent. Any additional security shall be posted by the developer in accord with this §711.

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified in writing by such engineer to be a fair and reasonable estimate of such cost. The Borough Council, upon the recommendation of the Borough Council Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Borough Council are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Borough Council and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough Council and the applicant or developer.
- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee

shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as established on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this §711.05.

711.06 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Borough Council to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

711.07 Release of Improvement Construction Guarantees

A. Partial Release

The developer may request the release of such portions of the construction guarantee for completed improvements.

1. Request - All such requests shall be in writing to the Borough Council and a copy to the Borough Council Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and required standards.
2. Inspection - Within forty-five (45) days of receipt of such request the Borough Council shall direct the Borough Council Engineer to inspect the subject improvements and certify in writing to the Borough Council the completion in accord with the approved plans and Borough standards; and the Borough Council shall authorize release of such portion of the construction guarantee established by the Borough Council Engineer to represent the value of the completed improvements. If the Borough Council fails to act within said forty-five (45) day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

B. Final Release

When the Developer has completed the construction of all required improvements the Developer shall so notify Borough Council.

1. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Borough Council Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Borough Council standards.
2. Inspection - Within ten (10) days of receipt of said notice, the Borough Council shall direct and authorize the Borough Council Engineer to make a final inspection of the subject improvements.
3. Report - The Borough Council Engineer shall within thirty (30) days of said authorization, file a detailed written report with the Borough Council, with a copy mailed to the Developer by certified or registered mail, recommending 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, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
4. Action - Within fifteen (15) days of receipt of the Borough Council Engineer's report, the Borough Council shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. If the Borough Council Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty.
5. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Borough Council, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §711.07, shall be followed.
6. Enforcement Remedies - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Borough Council

may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purposes.

Section 712 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

712.01 Construction Plans and Drawings

Prior to the initiation of construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall submit to the Borough Council for approval, final construction plans which have not previously been submitted and approved detailing the design and installation of all improvements and documenting compliance with this Ordinance.

712.02 Schedule

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Borough Council a schedule of construction for all required improvements, including the timing of the development of any proposed sections.

712.03 Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Borough Council or Borough Council Engineer shall prepare an inspection schedule to assure the construction of the required improvements in accord with the approved plan and

required standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., back filling of sewer or water line trenches). This may require a full-time inspector and may include but not be limited to such tests as pressure testing of conveyance lines or vacuum testing.

712.04 Notice

The Developer shall provide a minimum of two (2) working days' notice prior to the time when construction will have proceeded to the time of an inspection required by the inspection schedule.

712.05 Cost

The cost of all inspections conducted by the Borough Council shall be borne by the Developer.

Section 713 Improvement Maintenance Guarantee

713.01 Guarantee

Before final approval is granted, the Developer shall provide to the Borough Council a maintenance guarantee in an amount determined by the Borough Council but not less than fifteen (15%) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Borough Council Engineer.

- A. Such maintenance guarantee shall be in such form as prescribed in §711.03 and shall guarantee that the Developer shall maintain all improvements in good condition during the twelve (12) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the twelve (12) month period, the Borough Council may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said twelve (12) month period, the Borough Council may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

- B. After the expiration of the eighteen (18) months from the date of the final approval of the subject improvements and if all improvements are certified by the Borough Council Engineer to be in good condition, the Borough Council shall authorize release of said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

713.02 Guarantee for Community Sewage, Community Water and Storm Water Management

This section shall only apply if guarantees are not required by any governing municipal authority.

- A. In lieu of the requirements of §712.01 above, the Borough Council may require a guarantee from the Developer for the maintenance, operation and repair of any community sewage system, community water system or storm water management structure. Said guarantee shall be posted immediately after the system receives final approval and before it is put into operation.
- B. The amount of said maintenance guarantee shall be determined by the Borough Council but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Borough Council Engineer.
- C. In the event the system is not so maintained and operated, the Borough Council at any time during the term of the guarantee and upon thirty (30) calendar days' notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of the guarantee are insufficient to pay the cost of maintaining the improvements the Borough Council, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

Section 714 Continued Ownership and Maintenance of Improvements

The Developer shall provide to the satisfaction of the Borough Council and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements.

714.01 Private Operation and Maintenance

A. Land Developments

In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.

B. Residential Developments

In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Borough Council

C. Any Improvements Which Will Remain Private

In the case where roads, drainage facilities, a community sewage treatment system or community water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §711.03 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Borough Council. The amount of said fund shall be established by the Borough Council, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Borough Council Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Borough Council.

714.02 Dedication of Improvements

The offer of dedication to the Borough and the acceptance by the Borough of any roads or associated drainage facilities shall be governed by any Borough road dedication ordinance or regulations. In the case where roads are being constructed and offered for dedication as part of a subdivision or land development regulated by this Subdivision and Land Development Ordinance, any road dedication ordinance or regulations shall be applied concurrently with respect to procedures.

ARTICLE VIII

ADMINISTRATION

Section 801 Purpose

This Article VIII establishes the procedures for the administration, amendment and enforcement of this Ordinance.

Section 802. Revision and Amendment

802.01 Borough Council May Amend Regulations

The Borough Council may at its discretion revise, modify or amend these regulations by appropriate action taken after a scheduled public hearing as provided in Act 247, Article V, Section 505.

802.02 Consideration

The Borough Council shall give consideration to changes or modifications suggested by any applicant or property owner when such changes or modifications shall advance the purposes of this ordinance as specified in Article I, Section 102.

Section 803. Modifications and Waivers

803.01 Authority

The Borough Council under the authority herein before delegated may grant a modification or waiver from the requirements of one or more of the provisions within this subdivision and land development ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question provided that such modification or waiver will not be contrary to the public interest and

that the purpose and intent of the ordinance is observed.

803.02 Requests

All requests for a modification or waiver shall be in writing and shall accompany and be part of the application for subdivision or land development review. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provisions(s) of the ordinance involved and the minimum modification necessary.

803.03 Records

The Borough Council shall keep a written record of the action on all requests for modifications and/or waivers.

803.04 Hardship

In reviewing the applicant's request for a modification/waiver from these Regulations the following criteria should be used:

- A. An unnecessary hardship should be established upon a finding of fact.
- B. The particular hardship must stem from these regulations.
- C. The situation must be unique, no one shared similarly by other properties in the neighborhood.
- D. The hardship cannot be self-created by the property owner.
- E. Hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a modification/waiver.
- F. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or by the community as a whole.
- G. If these regulations were in existence at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of the purchase. The changed condition must have a unique bearing on the parcel under question.

803.05 Borough Council May Impose Conditions

In granting modifications/waivers, the Borough Council may impose such conditions as will in its judgement secure substantially the original objectives of the now modified requirements.

803.06 Action

If the Borough Council denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Borough Council grants the request, the final record plan shall include a note that identifies the waiver/modification as granted. In any case, the Borough Council shall keep a written record of all actions on all requests for waivers/modifications.

Section 804. Appeals

804.01 Reconsideration

If upon the judgement of the Borough Council members the applicant has additional relevant information to present, any applicant aggrieved by a finding, decision or recommendation of the Borough Council may request and receive reconsideration of the original finding, decision or recommendation by the Borough Council.

804.02 Mediation

The Borough Council may offer a mediation option as an aid in completing proceedings authorized by Article V, Section 508, of Act 247: "Approval of Plats". In exercising this option, the Borough Council and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 247.

804.03 Appeal to Court of Common Pleas

- A. Any applicant aggrieved by a finding, decision or recommendation of the Borough Council may appeal such finding, decision or recommendation to the Court of Common Pleas.
- B. All subdivision and land development appeals shall be filed not later than thirty (30) days after issuance of notice of the decision or report of the Borough Council. All appeals shall be in accordance with the provisions of Article V, Act 247.

Section 805 Borough Council Records

The Borough Council shall keep a public record of its findings, decisions and recommendations relative to all development plans filed with it for review.

Section 806. Sanctions and Penalties

806.01 Approval by Borough Council

No subdivision or land development plan shall be received or recorded in any public office unless it bears thereon endorsement to the effect that it has been approved or reviewed by the Montrose Borough Council as prescribed by law.

806.02 Preventative Remedies

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

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

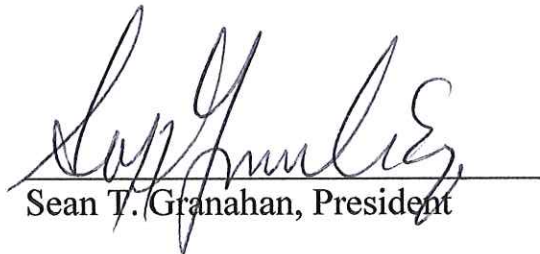
806.03 Enforcement Remedies

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

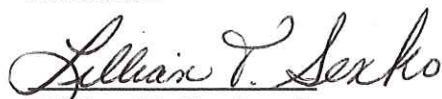
Section 808. Effective Date


The Borough of Montrose Subdivision and Land Development Ordinance shall become effective June 7, 2021. This Ordinance shall apply to all preliminary and final plans submitted to the Borough of Montrose Planning Commission on or after June 7, 2021 except those final plans for which a preliminary plan had previously been approved. In such case, the Borough of Montrose Subdivision and Land Development Ordinance of May 5, 1996 shall remain effective.

This ordinance ordained and enacted on June 7, 2021, by the Council of the Borough of Montrose.


Sean T. Granahan, President

ATTEST


Lillian T. Senko, Secretary


Thomas J. LaMont, Mayor