

ORDINANCE NUMBER _____
SUBDIVISION AND LAND DEVELOPMENT
BOROUGH OF APOLLO

AN ORDINANCE OF THE BOROUGH OF APOLLO, ARMSTRONG COUNTY, PENNSYLVANIA, ENTITLED "THE APOLLO BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE," REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE BOROUGH; THE CONSTRUCTION, OPENING AND DEDICATION OF STREETS, STORM WATER MANAGEMENT AND DETENTION FACILITIES, WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES, AND OTHER FACILITIES IN CONNECTION THEREWITH; PROVIDING FOR CONDITIONS OF ACCEPTANCE OF THESE IMPROVEMENTS AND FACILITIES AND PERFORMANCE GUARANTEES IN CONNECTION THEREWITH; PROVIDING FOR ESTABLISHMENT OF FEES; AND PROVIDING FOR ENFORCEMENT REMEDIES IN CASE OF VIOLATIONS OF THE ORDINANCE.

ARTICLE 1
PURPOSE AND AUTHORITY

§101. AUTHORITY

This Ordinance is enacted pursuant to the authority contained in Article V, Section 501, et. seq., of Pennsylvania Municipalities Planning Code, the Act of June 22, 1937 (P.L. 1937, No. 394) known as the Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325), the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), and the U.S. Clean Water Act, Section 404, 33 U.S.C. 1344, as amended.

§102. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Borough of Apollo Council.

§103. SHORT TITLE

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

§104. SUBJECT PROPERTIES

No land development of any lot, tract or parcel of land shall be effected; no grading of property

shall be commenced; no street, sanitary sewer, stormwater sewer, water main or other facilities, utilities or improvements in connection with a land development shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting said improvements, except in strict accordance with the provisions of this Ordinance.

§105. EXCLUSIONS AND WAIVER

Land developments that involves the conversion of an existing detached or semi-detached single-family dwelling into not more than three (3) residential units, unless intended as a condominium, are hereby excluded from regulations contained herein, as are additions of accessory buildings, including farm buildings, on lots upon which a principal structure exists, and additions or conversions of buildings or rides within the confines of an amusement park. Newly acquired land to be included within the confines of an amusement park as defined, is not excluded from the application of regulations contained herein.

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

§106. COMPLIANCE REQUIRED

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

§107. PURPOSE

This Ordinance is adopted for the following purposes:

- A. To guide the orderly and efficient development of the Borough.

To promote the health, safety, morals and general welfare of the residents of the Borough.

To provide for the equitable processing of subdivision and land development plans by establishing uniform procedures and standards.

To encourage flexibility, economy and ingenuity in the layout and design of subdivisions and land developments.

ARTICLE 2 DEFINITIONS

§201. INTERPRETATION

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

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

MEANING OF WORDS

Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Ordinance, have the meaning herein indicated and shall be literally applied by the Borough of Apollo staff, members of the Planning Committee, Zoning Hearing Board, consultants and by the Borough Council. Words or terms used but not defined in this Ordinance shall have the same meaning as stated in the Pennsylvania Municipalities Planning Code or the Borough of Apollo Zoning Ordinance (Ordinance 223-07).

ACT: The Stormwater Management Act (Act of October 4, 1978, P.L. No. 167; 32 P.S. §§680.1 et. seq., as amended and supplemented)

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

AMUSEMENT PARK: A tract of land or an area used principally as the location for permanent amusement structure or rides.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

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

AS BUILT PLANS: Plans, profiles, cross-sections and construction details showing the exact final location, elevation, grade, size and material used in the construction of all facilities in-

stalled, to the same scale as the approved construction drawings.

AVAILABLE SEWER: A municipal sewer is considered available if:

- A. Connection is recommended and/or required in the regulations of the Borough of Apollo or any municipal authority with jurisdiction by the Borough;
- B. Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Protection pursuant to the "Pennsylvania Sewage Facilities Act;" or
- C. An existing municipal sewer line, with sufficient capacity, is located within one thousand (1,000) feet of the nearest point of a subdivision or land development.

BASE FLOOD: The flood which has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been prepared; for purposes of this Ordinance, the 100-year flood.

BASE FLOOD ELEVATION: The 100-year flood elevation. Within the approximated floodplain the base flood elevation shall be established as a point on the boundary of the approximate floodplain closest to the construction site in question.

BLOCK: An area bounded by streets.

BOROUGH: Borough of Apollo, Armstrong County, Pennsylvania.

BOROUGH ENGINEER: A registered, professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Borough to perform the duties of engineer as herein specified.

BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. A detached building is one separate on all sides from adjacent buildings by open spaces from the ground up.

BUILDING, FRONTLINE OF: The line of that face of the building nearest the frontline of the lot. This face includes sun parlors, attached decks and covered porches whether enclosed or unenclosed but does not include steps or patios.

BUILDING LINE: The building line is that line fixed by the required yard depths measured back from the nearest road right-of-way or, where there is no road right-of-way, the property line.

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

CHANNEL: A perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two (2) bodies of water. It has a definite bed and banks which confine water.

CLEAR SIGHT TRIANGLE: The triangular area formed by two (2) intersecting street center-

lines and a line interconnecting points established on each centerline, seventy-five (75) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established three and one half (3 1/2) feet in elevation from grade level at the intersection of the street centerline.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONSERVATION DISTRICT: The Armstrong County Conservation District.

CONTOUR: A line which joins all points of equal elevation on the ground.

CORNER LOT: A property which abuts two (2) or more intersecting public streets from each of which any building on the property must be setback the minimum front yard distance for the zoning district in which such property is located.

CORNER MARKER: A metal pipe or iron pin of at least one-half inch (1/2") outside diameter and at least eighteen inches in length, to be placed in the ground per survey, and used to identify the location of a lot or parcel of land boundary line, at a corner or otherwise.

COUNCIL: The Borough Council of the Borough of Apollo, Armstrong County, Pennsylvania.

COVENANT: An obligation defined by law or agreement, the violation of which can be restrained by court action: These are usually stated in the deed.

CUL-DE-SAC STREET: A street or road with one (1) end open to traffic and pedestrian access and permanently terminated at the other end by a vehicular turn-around. A cul-de-sac is the vehicular turn-around at the end of a cul-de-sac street. See Article V, Design Standards.)

CULVERT: A closed conduit for the free passage of surface drainage under a highway, railroad, canal, or other embankment.

DESIGN CRITERIA:

- A. Engineering guidelines specifying construction details and materials.
- B. Objectives, results, or limits which must be met by a facility, structure or process performance of its intended functions.

DESIGN STORM: See "storm frequency."

DETENTION: The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION POND: A pond or reservoir constructed to impound or retard surface runoff tem-

porarily.

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 manmade 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. Also, any activity that affects the stormwater runoff characteristics of a site.

DEVELOPMENT PLAN: The provisions for development, including a Planned Residential Development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DISCHARGE: The flow or rate of flow from a canal conduit, channel or other hydraulic structure.

DRAINAGE: In general the removal of surface water from a given area commonly applied to surface water and groundwater.

DRAINAGE AREA:

- A. The area of a drainage basin or watershed, expressed in acres, square miles or other unit of area (also called catchment area, watershed, river basin).
- B. The area served by a sewer system receiving storm and surface water, or by a watercourse.

DRIVEWAY: A minor vehicular way providing access between a street or road and a parking area of a garage within a lot or parcel of ground.

DRIVEWAY, COMMON: An improved vehicular access facility serving a maximum of two (2) parcels or lots which may be under separate or common ownership which connects the parcels and provides access to a public street. All subdivisions proposing to create a common driveway shall submit a common driveway maintenance agreement for approval prior to plan approval. Said maintenance agreement shall be recorded with the plat.

DRIVEWAY, MULTI: An improved vehicular access facility serving three (3) or more parcels or lots shall be considered a private street and shall comply with the design and construction requirements for a private street. (See Street, Private) All subdivisions proposing to create a multi-driveway shall submit a multi-driveway maintenance agreement for approval prior to plan approval and comply with the requirements of Section 701, Performance Requirements, Section 702, Performance Guarantees, and Section 703, Release from Improvement Bond.

DRIVEWAY, PRIVATE: An improved vehicular access facility serving only one (1) parcel or lot which connects and provides access to a public street but which does not provide access to any other lot or parcel under separate ownership.

DWELLING: A building or portion thereof designed for and used exclusively for residential development.

DWELLING UNIT - one or more rooms having cooking and facilities and access directly outdoors or through a common entrance hall.

EASEMENT: An interest in land granted across private property for private or public utility lines, stormwater management facilities, or similar uses, or for access to other properties beyond, and/or passage over, under or through, which is granted by the property owner to those using or occupying the easement.

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

ENCROACHMENT: Any structure or activity which in any manner changes, expands or diminishes, the course, current or cross section of any watercourse, floodway or body of water.

ENGINEER: A professional engineer, registered in the Commonwealth of Pennsylvania (See also Borough Engineer).

ENGINEERING LAND SURVEYS: Surveys for:

- A. The development of any tract of land including the incidental design of related improvements such as line and grade, extension of roads, sewers and grading but not requiring independent engineering judgment; provided, however, that tract perimeter surveys shall be the function of the professional land surveyor.
- B. The determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods.
- C. Geodetic survey, underground survey and hydrographic survey.
- D. Stormwater management surveys and sedimentation and erosion control surveys.
- E. The determination of the quantities of materials.
- F. Tests for water percolation in soils.
- G. The preparation of plans and specifications and estimates of proposed work and attendant costs as described in this definition.

EROSION: Wearing away of the lands by running water, winds and waves.

EROSION CONTROL: The application of measures to reduce erosion of land surfaces.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other government agencies of underground or overhead gas, electrical steam or water ion or distribution systems, communication, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic

signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of such service by such public utilities or municipal or other governmental agencies; excluding however, buildings, storage tanks, wireless communications facilities, towers, antennas, relay or transmission stations, substations and pumps.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXCAVATION: Any act by which earth, sand, gravel rock or other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

FILL:

- A. Any act by which earth, sand, gravel, rock or any other similar material is placed, pushed, dumped, pulled, transported or moved to a new location, above the natural surface of the ground or on top of the stripped surface. It shall also include the conditions resulting therefrom.
- B. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade.
- C. The material used to make fill.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That area of the 100 year floodplain not included in the floodway district. The basis for the outermost boundary of this district shall be the 100 year flood elevations contained in the flood profiles of the Flood Insurance Study (FIS) prepared by the Federal Insurance Association (FIA) and dated June 15, 1981, revised in 1997.

FLOODPLAIN AREA: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse, and/or any area subject to the unusual and rapid accumulation of surface waters from any source. In determining the necessary elevations for the purposes of this Ordinance, other sources of data may be used, such as:

- A. Corps of Engineers Floodplain Information Reports.
- B. U.S. Geological Survey Floodprone Quadrangles.
- C. U.S.D.A. Soil Conservation Service County Soil Surveys (Alluvial Soils).
- D. Known highwater marks from past floods.
- E. Other sources.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.

FOREST: A biological community of a minimum one (1) acre in land area dominated by trees, fifty percent (50%) which have a minimum two inch (2") caliper at a height of four and one half feet (4 1/2') from ground level.

FORM 408: Pennsylvania Department of Transportation Form 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication #408.

GROUNDCOVER: Materials and/or vegetation covering the ground surface.

GROUNDWATER: Subsurface water occupying the saturation zone, from which wells and springs are fed.

GROUNDWATER RECHARGE: Replenishment of groundwater naturally by precipitation or runoff or artificially by spreading or injection.

HOMEOWNER'S ASSOCIATION: An organization of property owners of lots in individual residential developments sharing some or all of the responsibilities for the ownership and maintenance of common open space in each plan.

IDENTIFIED FLOODPLAIN AREA: The floodplain area specifically identified on the FEMA community parcel map as being inundated by the one-hundred (100) year flood.

IMPERVIOUS: Not allowing or allowing only with great difficulty the movement of water; impermeable.

IMPROVEMENTS: Those physical changes to land or structures necessary or desirable to produce lots including but not limited to: grading, paving, curbs, gutters, stormwater sewers, individual or community sanitary sewage systems, improvements to existing water courses, sidewalks, crosswalks, street signs, monuments, water supply and water distribution systems and facilities, sanitary sewers, sanitary sewerage collection systems and sanitary sewage treatment plant facilities.

INFILTRATION:

- A. The flow or movement of water through the interstices or pores of a soil or other porous medium.
- B. The absorption of liquid by the soil.

INSPECTOR: An authorized representative of the Borough Council assigned to make any or all on site inspection of work performed and materials furnished by the developer or his agents.

INTERIOR WALK: A right-of-way for pedestrian use extending from a street into a block or across a block to another street. Such right-of-way shall have a minimum width of ten (10) feet.

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 tenants, 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, leasehold, condominium building groups or other features.

- B. A subdivision of land.

Development other than those activities specified as exclusions in Section 105 of this Ordinance.

LAND DEVELOPMENT PLAN: Any man-made change to improved or unimproved real estate, including, but not limited to, improvements, buildings or other structures, the placement of mobile or manufactured homes in a manufactured home park, streets, and other paving, utilities, filling, grading, excavating, mining, dredging, or drilling operations, and any and all required information, technical reports or surveys to be submitted to the Borough for review under the provisions of this Ordinance.

LAND DISTURBANCE: Any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

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

LOT, CORNER: See "Comer Lot."

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, FLAG: A tract, parcel or area of land abutting and located to the rear or behind an other tract, parcel or area of land and is connected to a public or private street by a contiguous area of land that is a part of said lot that has a minimum width of twenty-five feet (25) for its total length and is for the express purpose of providing pedestrian and/or vehicular egress, ingress, and/or utility access to said tract, parcel or area of land. The area of the flag portion of the lot shall not be used in computing the minimum lot area required by the Borough of Apollo Zoning Ordinance (Ordinance 223-07). Lot width at the building line shall comply with the requirements of the Borough of Apollo Zoning Ordinance (Ordinance 223-07).

LOT, INTERIOR: A lot other than a comer lot.

LOT LINES: The boundary line describing the limits of a property and separating it from adjacent properties or a public street or right-of-way.

LOT WIDTH: The average horizontal distance across the lot between the side lot lines, measured at the building fine.

MAINTENANCE: The upkeep necessary for efficient operation of physical properties.

MOBILE OR MANUFACTURED HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.

MOBILE OR MANUFACTURED HOME LOT: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILE OR MANUFACTURED HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MODIFICATION: Where, because of peculiar conditions pertaining to the land in question, literal enforcement of the provisions of this Ordinance will exact undue hardship, modification may be granted, provided that such modification will not be contrary to the public interest and the purpose and intent of this Ordinance as observed.

MONUMENT: A permanent marker constructed of concrete and metal or entirely of metal, capable of being found with a metal detector, and placed in the ground by survey, as per the provisions of Article VI, Improvements. Each monument shall be constructed and placed as specified elsewhere in this Ordinance.

MUNICIPALITIES PLANNING CODE: Act 247 of 1968, as amended, supplemented and reenacted.

NATURAL STORMWATER RUNOFF REGIME: A watershed where natural surface configuration, runoff characteristics and defined drainage conveyances have attained the condition of equilibrium.

OBSTRUCTION: Any wall, dam, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel watercourse or designated floodplain district:

- A. Which may impede, retard or change the directions of the flow of water, either in itself or by catching or collecting debris carried by such water; or,
- B. Is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFF-SITE SEWER SERVICE: A sanitary sewage collection system planned, designed, constructed, operated and maintained in accordance with the provisions of the Pennsylvania Sewage Facilities Act, as amended and supplemented, and approved by the governmental agencies having jurisdiction, and in which sewage is carried from individual lots or dwelling units by a sys-

tem of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

OFF-SITE WATER SERVICE: A potable water distribution system planned, designed, constructed, operated and maintained in accordance with the provisions of the Water Plan and Clean Water Act of 1991, as amended and supplemented and approved by the governmental agencies having jurisdiction, and in which water is carried to individual lots or dwelling units by a system of pipes from a central water source, located beyond the limits of the lot being serviced, which may be publicly or privately owned and operated. Applicants for subdivision and land development approval shall be required to connect to a public water distribution system unless lots are to be served by private wells.

ONE HUNDRED YEAR FLOOD: A flood that, on the average is like to occur once every one-hundred (100) years or that has a one percent (1%) chance of occurring each year, although the flood could occur in any year.

OPEN SPACE: An unoccupied space open to the sky on the same lot with the building or on the same tract of land upon which building lots are recorded.

OUTFALL:

- A. The point, location or structure where drainage discharges from a sewer, drain, or other conduit.
- B. The conduit leading to the ultimate discharge point.

OUTLET CONTROL STRUCTURE: The means of controlling the relationship between the head water elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

OWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

PARKING SPACE: An off-street space having minimum dimensions of nine feet (9') in width and eighteen feet (18') in depth and an area of not less than one hundred and sixty-two (162) square feet, whether inside or outside of a structure, for the temporary standing of an automotive vehicle.

PATIO: A paved, at-grade open area without a permanent covering, no part of which shall be greater than three feet (3) above adjacent ground level.

PEAK FLOW: Maximum flow.

PENNSYLVANIA DEP: The Pennsylvania Department of Environmental Protection.

PERFORMANCE STANDARD: A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

PLAN, FINAL: A complete and exact plan of a subdivision or land development, prepared as required or permitted by statute and containing all information required by Article 3 of this Ordinance, with Registered Professional Engineer's or Registered Surveyor's seal affixed and prepared for official approval and/or recording as required by this Ordinance.

PLANNING COMMITTEE: The duly constituted Planning Committee of the Borough of Apollo, Armstrong County, Pennsylvania.

PLAT - PRELIMINARY: A tentative subdivision or land development plat containing the information required in Article 3 of this Ordinance.

PLAT - FINAL: A complete and exact plan of a subdivision or land development, prepared as required or permitted by statute and containing all information required by Article 3 of this Ordinance, with Registered Professional Engineer's or Registered Surveyor's seal affixed and prepared for official approval and/or recording as required by this Ordinance.

PORCH: (Also Deck) A free-standing or attached structure or improvement used with or as part of a principal structure and primarily used for outdoor purposes. A porch or deck is considered a part of the principal structure for the purpose of determining minimum setbacks.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Borough Council, the Borough Zoning Hearing Board or Planning Committee, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under the Act of June 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 *et seq.*

PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. 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.

RELEASE RATE PERCENTAGE: The watershed factor determined by comparing the maximum rate of runoff from a sub-basin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

REAR YARD: The area of any property between the rear line of the property and the rear setback line parallel to it.

RESERVE STRIP: A strip of land adjacent to a street intended to control access to the street from an adjacent property.

RETENTION POND: A basin, usually enclosed by artificial dikes, that is used to retard storm-water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

RETURN PERIOD: The average interval in years over which an event of a given magnitude can be expected to recur.

REVERSE FRONTAGE LOT: A lot extending between and having frontage on a major traffic street and a local street, and with vehicular access solely from the latter.

RIGHT-OF-WAY: Land reserved for use as a street, alley, interior walk or other public or private purpose.

RUNOFF: That part of precipitation which flows over the land.

RUNOFF CHARACTERISTICS: The surface components of any watershed which affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to vegetation, soils, slopes and man-made landscape alterations.

SCS: U. S. Department of Agriculture Soil Conservation Service.

SEDIMENT: Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving water, wind, or gravity.

SIDE YARD: The area of any property bounded by the required front and rear yards and the side property line and parallel side setback line.

SITE 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. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye height of three point five (3.5) feet above the pavement and a height of an object of zero point five (0.50) feet.

STORAGE FACILITY: See "Detention Pond" and "Retention Pond."

STORM FREQUENCY: The average interval in years over which a storm event of a given precipitation volume can be expected occur.

STORM SEWER: A sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

STORMWATER: That portion of precipitation which runs over the land.

STORMWATER COLLECTION SYSTEMS: Natural or man-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

STORMWATER MANAGEMENT PLAN: The plan for managing stormwater runoff as required by the Stormwater Management Act.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET CLASSIFICATIONS: The following street classifications shall apply to streets in the Borough of Apollo, Armstrong County, Pennsylvania.

- A. Arterial - Arterials accommodate intercommunity traffic flow and afford connections to other communities or secondary regional traffic generators with direct access to adjoining property being a secondary function. The average length of trip of such highway normally exceeds three (3) miles.
- B. Collector - These roads or streets serve to funnel traffic onto arterials and to provide linkage on an intercommunity basis. Providing access to properties abutting a collector street is likewise a secondary function. The primary function of a collector street is to accept the traffic generated on local streets with which they may be interlinked.
- C. Minor - Such roads or streets are intended primarily to serve properties fronting on their right-of way. These roads or streets generally do not carry significant traffic volumes since their function is to serve that traffic generated from the residential properties.

STREET, PRIVATE: A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A "private street" which provides access to three (3) or more lots or parcels which do not have access to a public street shall be considered as access to a public street. (See also "driveway, private", "driveway, common" and "driveway-multi") Design standards for private streets shall comply with the requirements of Article V herein and improvements shall comply with the standards of Article VI herein. Performance requirements in Section 701, Performance Guarantees in Section 702, and Release from Improvement Bond in Section 703 shall apply to all development proposing the installation a private street.

STREET, PUBLIC: A street, including the entire public right-of-way, which has been dedicated to and accepted by the Borough, County or Commonwealth or which has been devoted to public use by legal mapping, use, or other means.

STREET, PUBLIC, UNACCEPTED: A street, including the entire public right-of-way, which has been dedicated to the public or the Borough or which has been devoted to public use by legal mapping, use, or other means, but not yet accepted by the Borough.

STRUCTURE (See also "Building"): Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

SUBDIVIDER: See "Developer."

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceed 50% of the market value of the structure either:

- A. before the improvement or repair is started; or,
- B. if the structure has been damaged, and is being restored, before the damage occurred.

- C. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
1. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or,
 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIALLY COMPLETED: When, in the judgment of the Borough Engineer or Zoning and Codes Officer, at least ninety percent (90%) of those improvements required as a condition for final approval (based on the cost of the required improvements for which financial security was posted pursuant to Section 701 of this Ordinance) have been completed in accordance with the approved plan.

SWALE: A low-lying stretch of land which gathers or carries surface water runoff.

TOPOGRAPHIC MAP: A map showing ground elevations by contour lines and the location of important, natural and man-made features.

WATERCOURSE: The word watercourse shall include all existing channels, creeks, ditches, drains, dry runs, springs and streams, also all proposed channels, ditches, drains and drainage facilities, whether natural or artificial, with perennial or intermittent flow.

WATERSHED: The entire region or area drained by a river or other body of water whether natural or artificial. A "designated watershed" is an area delineated by the Pennsylvania Department of Environmental Protection and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

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

ZONING ORDINANCE: The official adopted Zoning Ordinance (Ordinance 223-07) of Borough of Apollo and all subsequent amendments thereto.

ZONING OFFICER: The administrative officer designated to administer the Zoning Ordinance (Ordinance 223-07) and issue zoning and building permits.

ARTICLE 3

APPLICATION AND PLAT REQUIREMENTS

§301. PROCEDURE

The plat requirements and application procedures shall be followed by applicants as set forth herein and shall be submitted to the Planning Committee for review prior to consideration by the Borough Council.

§302. PREAPPLICATION

Prior to the filing of an application for approval of a preliminary subdivision plat, the subdivider shall submit the following plans and data to the Planning Committee.

- A. General Information - Describe existing covenants, land characteristics, community facilities and utilities, the number of lots and sizes, business areas, playgrounds, utilities and street improvements.
- B. Location Map - Map shall show relationship of the proposed subdivision to existing community facilities which serve or influence it and existing facilities, title, scale and north arrow.
- C. Sketch Plan - Sketch plan at a scale of one (1) inch equals one hundred (100) feet or larger shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and shall include the following:
 - 1. The proposed name of the subdivision.
 - 2. Name of the subdivider.
 - 3. Name of the registered owner.
 - 4. North point, scale and date.
 - 5. Name of the engineer, surveyor, landscape architect, or other qualified person responsible for the map.
 - 6. Tract boundaries with bearings and distances.
 - 7. Approximate location of watercourses, tree masses, rock outcrops, existing buildings, and actual location of sanitary sewers, storm sewers and inlets, water mains, easements, fire hydrants, railroads, existing streets and their established grades.
 - 8. Adjacent streets.
 - 9. Zoning District in which property is located.

- D. Review - After review and discussion with the applicant, the Planning Committee shall indicate the suitability of the plan for development into preliminary plats.

§303. PRELIMINARY PLAT

- A. Preliminary Plat Application - The subdivider shall prepare and submit to the Borough Secretary at least twenty (20) days prior to the regularly scheduled monthly meeting of the Planning Committee, four (4) copies of the preliminary plats of the total land to be ultimately developed for review by the Planning Committee according to the requirements and standards contained herein. Upon receipt of the plat, the Planning Committee shall forward a copy to the Armstrong County Planning Commission for review and recommendation, comments to be submitted back to the Borough of Apollo within thirty (30) days of receipt.
- B. Application Fee - At the time of filing an application for preliminary plat approval the applicant shall pay to the Borough Council for use by the Borough, a fee set by resolution to defray the cost of processing of such plat approval applications and for payment to professional consultants hired by the Borough of Apollo to conduct reviews of said applications.
- C. Information Required - The preliminary plat shall be drawn at a scale of one hundred (100) feet to the inch or greater and shall show or be accompanied by the following information. All information required shall be supplied to the extent and in the manner required by the Borough Engineer:
 - 1. Material required in Section 302.
 - 2. Names and addresses of the owner or owners of the property.
 - 3. Name of the subdivision or land development to be recorded.
 - 4. North point, scale and date.
 - 5. Name of Professional Engineer or the Professional Land Surveyor who surveyed the property and prepared the plat.
 - 6. Contours at vertical intervals of two (2) feet, or in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study.
 - 7. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
 - 8. Show all existing watercourses, wetlands, banks, tree masses, and other significant natural features.
 - 9. Identify any floodplain, flood hazard area, floodprone area as established by the Federal Emergency Management Agency.
 - 10. Show location and size of all existing buildings, location, size and invert eleva-

tion of all sanitary and stormwater sewers, and location of all manholes, inlets, culverts and bridges; water mains, gas mains, fire hydrants, telephone conduit lines, electric power transmission line, petroleum or petroleum products lines, and other significant man-made features.

11. All existing streets located on or adjacent to the tract, including name, right-of-way widths and cartway width and type of improvement materials used on the cartway.
12. All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
13. Location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with approximate dimensions, proposed minimum setback on public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
14. The preliminary plat shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.
15. Where the preliminary plat covers only a part of the applicant's entire holding a sketch shall be submitted of the prospective street and lot layout of the remainder of the land.
16. A plan of the proposed public water distribution system for review and approval by the appropriate authority.
17. A plan of the proposed sanitary sewer collection system or treatment facilities will be required in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537, as amended) for review and approval of the appropriate authority.
18. The preliminary plat shall identify the zoning district, in which the property is located and show the zoning boundaries, if any, that traverse or are within three hundred (300) feet of the area covered by the plan.
19. The preliminary plat shall show such street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining or contiguous developed or undeveloped areas.
20. Subsurface condition (whether undermined, etc.) of the tract to be subdivided or proposed to be developed.
21. Profiles showing existing ground and proposed street centerline grades, where applicable.
22. Typical cross section of roadways showing cartways, water, sanitary and stormwater sewers, gas, electric, cable and telecommunications, utilities, and sidewalks.
23. The applicant shall provide such additional information as may be required by

the Planning Committee, Borough Council, Borough Engineer or Zoning Officer in order to more fully evaluate the proposed subdivision and its effect on adjacent property or the Borough as a whole.

24. A utility plan showing the location and size of the proposed gas, electric, telecommunications, telephone and cable television systems with written approval from the appropriate utility company.
25. A grading plan as per Section 619 of this Ordinance where the proposed subdivision involves an area of land in excess of one (1) acre.
26. A plan, calculations and narrative for the collection, management and discharge of all stormwater. The applicant shall further provide all information and plans necessary to indicate that the existing off-lot watercourse and drainage system is adequate to accommodate the stormwater resulting from the proposed subdivision or a plan for improving the off-lot drainage system to meet the demand. Plans and reports shall be prepared in accordance with Borough policy, guidelines and the Pennsylvania Stormwater Management Act.

§304. SUPPLEMENTARY DATA REQUIRED

The preliminary plan shall be accompanied by the following supplementary data:

- A. A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.
- B. Typical street cross-section drawings for all proposed streets, if applicable.
- C. A written report from the municipal water and sewer authority with jurisdiction on the availability of public water and sewer service to the proposed subdivision.
- D. If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirement and procedures of the Pennsylvania Department of Environmental Protection, as to how these utilities are proposed to be furnished.

§305. PLANNING COMMITTEE REVIEW AND ACTION - PRELIMINARY SUBDIVISION APPLICATIONS

- A. The Planning Committee shall review the Preliminary Plat and prepare a written report for the Borough Council. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action. No report or recommendation shall be prepared prior to receipt of the County Planning Committee's comments or expiration of the thirty (30) day time period granted for County reviews.
- B. Prior to preparation of the written report, the Planning Committee may schedule a public meeting, advertised in accordance with the provisions of the Sunshine Act, which is mutually convenient to the applicant and the Planning Committee for consideration of the preliminary plat. If within thirty (30) days of receipt of the preliminary plat, a mutually

convenient date for such meeting cannot be established with the applicant, consideration of the preliminary plat shall be conducted at the next regularly scheduled meeting of the Planning Committee.

- C. At the Planning Committee meeting, when considering the preliminary plat, the applicant shall be given an opportunity to discuss any matters in the preliminary plat which might assist the Planning Committee in making its recommendation to the Borough Council.
- D. Action of Borough Council - The Borough Council shall render its decision on the preliminary plat and communicate such decision to the Applicant not later than ninety (90) days following the date of the regular Planning Committee meeting next following the date the application is filed provided that should the said next regular meeting occur more than thirty (30) days following the date of filing, the ninety (90) day period shall be measured from the thirtieth day following the day the application was originally filed.
- E. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- F. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- G. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein following receipt of all information necessary to render such opinion as required under Section 303 herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- H. Failure on the part of the applicant to supply all data necessary for review and recommendation as required under this part shall constitute an incomplete application, and as such shall not delay or circumvent time constraints imposed elsewhere in this Section.
- I. Nature of Approval - Approval of a preliminary plat shall not constitute approval of a final plat, unless said preliminary plat consists of a maximum of three (3) new parcels or lots intended for development as residential uses, in which case preliminary plat approval may act as final plat approval where the Borough Council and the Borough Engineer find that further review is not required. The provisions of Section 303 shall apply to any applications herein described. In all other cases preliminary plat approval shall be an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. Granting of preliminary approval shall not qualify a plat for recording, not authorize development or the issuance of any zoning/building permit, except as herein specified.
- J. Where due to the nature of an application for subdivision approval, the Planning Committee at its sole discretion may consolidate the review processes for both preliminary plat approval, Section 303, and final plat approval, Section 308. Information required in Section 303 shall be submitted for review and consideration in accordance with the time limits established in this Section.

§306. FINAL PLAT SUBMITTAL

Upon approval of the preliminary plat, the developer shall submit an application for approval of a final plat. The application shall be submitted to the Planning Committee Secretary twenty (20) days prior to a next scheduled meeting of the Planning Committee and shall include four (4) copies of the final plat.

§307. SPECIFICATIONS FOR FINAL PLAN

For all subdivision or land development applications requiring final approval, the plats submitted must meet the following specifications:

- A. Attestation by the applicant stating that the applicant is the owner of the tract of land proposed to be subdivided.
- B. Certification by the owner of the tract of land proposed to be subdivided that there are no restrictions or covenants in place which would affect any future development or which limits any existing development.
- C. Shall be drawn and submitted on reproducible mylar or submitted on a linen duplication reproducible tracing cloth.
- D. Shall be drawn and submitted with all information presented in the manner and to the extent required in the "Borough of Apollo Standard Construction Details, Appendix A."
- E. Engineering plans such as road and sewer profiles, Storm Water Management or Erosion & Sedimentation Control Plans shall be on sheets no larger than 24 x 36" overall. Final plans that are being submitted for recording purposes, which include the dedication, signatures, etc. must be on plans no larger than 18" x 24 inches". There shall be a border of one half (1/2) inch on all sides except the binding end which shall be one and one half (1 1/2) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plats shall be drawn in two (2) or more sections accompanied by a key diagram showing relative location of the section.
- F. Shall be drawn with waterproof ink and all records, data entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.
- G. May be submitted on a digital medium in a format required by the Borough for inclusion in the Borough's parcel level database.
- H. Shall be drawn to a scale of one hundred (100) feet to the inch or larger; more than one (1) sheet may be used for larger tracts and must be indexed.
- I. Shall contain a title block in the lower right hand corner with the name under which the subdivision plat is to be recorded. In addition, blocks for the following information shall be provided:
 1. Name of the recorded owner and subdivider.
 2. Municipality in which the subdivision is located.

3. Name, address and seal of the Registered Professional Land Surveyor preparing the plat.
 4. Certificate of ownership, including name of owner of record, deed book volume, date of instrument and date of recording.
- J. Application Fee - At the time of filing of the application for approval of final plats, the Developer shall pay to the Borough Council, a fee set by resolution for such plat approval application, and including same in the official map files of the Borough, and for payment to consultants hired by the Borough of Apollo to conduct reviews of said applications.

§308. FINAL PLATS

All final plats submitted shall show the following information:

- A. Primary control points, or permanent monuments or description and ties to such control points or monuments, to which all dimensions, angles, bearings, and similar data shall be referred.
- B. Accurate description shown by bearings and dimension in feet and hundredths of a foot shall be shown on all tract boundary lines, property lines of lots, radii, arcs, cord bearings and distances. The error of closure for all descriptions subject to approval shall not exceed one (1) foot in ten thousand (10,000) feet.
- C. Profile sheets of all proposed streets and/or street improvements with the following information:
 1. Existing and finished profile along centerline of proposed street.
 2. Finished grade at fifty (50) foot stations located along the centerline of the proposed street, all vertical curve elevation information, length, including beginning-ending elevations, and the high and low points located along said vertical curve.
 3. Finished profile for all sanitary sewers, stormwater sewers, and water lines with stations, identification numbers, invert and top elevations, size and type of materials, and percent of slope of each utility proposed.
 4. The sight distance for all vertical curves shall be identified on the street profiles.
- D. Name and right-of-way width of each street or right-of-way.
- E. Location, dimensions and purpose of all easements in or across the subdivision plat.
- F. Number or key to identify each lot, site or parcel of land.
- G. Purpose for which areas other than residential lots are to be used.
- H. Building setback lines on all lots and sites.
- I. Location and description of survey monuments.

- J. Names of recorded owners of adjoining plotted or unplotted land.
- K. Certification of Professional Land Surveyor who prepared the plat certifying to the accuracy of the survey and plat.
- L. Attestation by the applicant stating that the applicant is owner of the tract or land proposed to be subdivided.
- M. Statement by the owner dedicating the streets, the right-of-way, easements and any land proposed for public use or open space.
- N. A plan for the control of erosion and sedimentation for review by the Armstrong County Conservation District office, as required by the Pennsylvania Clean Streams Act or Ordinance 102, Erosion Control of the rules and regulations of the Pennsylvania Department of Environmental Protection.
- O. All plats which will require access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law before driveway access to a state owned right-of-way is permitted.
- P. Such other certificates, bonds, affidavits, endorsements or dedications as may be required in the enforcement of this Ordinance.
- Q. North point, graphic scale and date.
- R. Approvals required by County, State or Federal agencies with jurisdiction.
- S. Whenever an applicant proposes to establish a street (or streets) which is not offered for dedication to public use, the Council shall require the developer to submit, and also to record with the plan at the applicant's own expense, a statement to the effect that the said street (or streets) is not accepted, and further, that as a condition of acceptance, such standards, construction specifications and other conditions existing at such time as the street is to be accepted will be complied with prior to the acceptance by the Borough.
- T. An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks.
- U. Where the final plan covers only one phase of the entire development, but additional phases are intended, a sketch of the future street system or existing points of access of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted. Where only a minor subdivision is planned or where additional phases are unlikely, the Planning Committee can waive this requirement.
- V. A storm drainage plan and storm drainage calculations as required by the Stormwater Management Act, 32 P.S. §680.1.
- W. A map showing the location of the proposed development with respect to flood prone areas, including information on the regulatory flood elevation, the boundaries of the flood

prone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special restrictions. In addition, where the proposed development lies partially or completely in any flood prone area, or borders on any flood prone area, such map shall also show the location and elevation of proposed roads, public utilities and building sites.

- X. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
- Y. When a proposed plan has been submitted to the County Conservation District Office for review and recommendations, a plan and/or other documentation to show what has been, or will be done, in response to their recommendations.
- Z. Proof acceptable to the applicable State and/or Federal authorities that there are no environmental sensitive or hazardous features including, but not limited to, floodplains, wetlands, hazardous or toxic waste sites, structures or sites of historical or archeological significance and habitats supporting rare, threatened and/or endangered species, regulated by any State and/or Federal authorities where applicable under current statute, on the site or impacted by the development; or, in the alternative, a certification executed by the owner of record and the developer of such site that all applicable State and/or Federal laws, rules and regulations concerning such environmental sensitive or hazardous features shall be complied with and proof thereof submitted to the Borough prior to final plan approval.

§309. PLANNING COMMITTEE REVIEW AND ACTION - FINAL SUBDIVISION APPLICATIONS

- A. The Planning Committee shall review the final plats and prepare a written report for the Borough Council. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action.
- B. Prior to finalization of the written report, the Planning Committee may schedule a public meeting, advertised in accordance with the provisions of the Sunshine Act, which is mutually convenient to the Developer and the Planning Committee for consideration of the final plat. If within thirty (30) days of receipt of the final plat, a mutually convenient date for such meeting cannot be established with the Developer, consideration of the final plat shall be conducted at the next scheduled meeting of the Planning Committee.
- C. Mediation may be offered as an option in order to expedite the approval process, said mediation shall be conducted as per the provisions of Section 908.1 of the Pennsylvania Municipalities Planning Code and the Borough of Apollo Zoning Ordinance (Ordinance 223-07), as amended.
- D. At the Planning Committee meeting when considering the final plats, the Developer shall be given an opportunity to discuss any matter in the final plat which might assist the Planning Committee in making its recommendation to the Borough Council.

§310. ACTION OF THE BOROUGH COUNCIL

The Borough Council shall render its decision on the final plat and communicate its decision to

the developer/applicant not later than ninety (90) days following the date of the regular Planning Committee meeting next following the date the application is filed, provided that should the next regular meeting occur more than thirty (30) days following the date of filing, the ninety (90) day period shall be measured from the thirtieth day following the day the application was originally filed.

- A. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision within the ninety (90) day review period.
- B. When the application is not approved as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
- C. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended communication shall have like effect.
- D. From the time an application for approval of a final plat is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision and land development or other applicable 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. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a final plat has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the 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.
- E. Before acting on any subdivision plat, Borough Council or the Planning Committee, as the case may be, may hold a public hearing thereon following required public notice.

§311. SUBDIVISIONS OF THREE RESIDENTIALLY ZONED LOTS OR LESS

Plans and data involving subdivisions of three (3) residentially zoned lots or less shall include but not be limited to the following:

- A. The provisions of Section 308 may be waived for subdivisions of three (3) single family residentially zoned lots or less if no new street construction or openings are required, no wetlands are disturbed, and no unusual physiographic or topographic conditions exist.

The requirements of Section 303 for preliminary plats shall be applicable.

- B. The Planning Committee shall have a period of forty-five (45) days within which to determine if a duly filed application for plat approval may be considered for final approval under this Section and make recommendations to the Borough Council. Action by the Borough Council shall be in accordance with Section 305, Subsection D.

§312. RESUBDIVISION OR REPLATTING

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

§313. LAND DEVELOPMENT PLAN REVIEW

- A. **Land Development Plan Review Criteria:** Any developer or owner of property in the Borough of Apollo who proposes to construct a new nonresidential building, to enlarge an existing nonresidential building, change an existing use, or to develop a parcel except for the construction of a single-family dwelling, where permitted, shall provide the Planning Committee with six (6) copies of plans as described in this Section. Where an owner or developer proposes to enlarge or relocate parking areas, access drives, or to expand an existing nonresidential structure which requires site improvements, other permanent features or physical improvements, on a lot or tract of land, he shall provide the Planning Committee with six (6) copies of land development plans with supporting drawings to sufficiently illustrate his proposal.
- B. **Conditional Use:** If a developer or owner proposes a use listed as a conditional use in the Borough of Apollo Zoning Ordinance (Ordinance 223-07, which requires that a public hearing be held by the Borough Council, he shall first or simultaneously receive approval of his proposal as required by the Borough of Apollo Zoning Ordinance (Ordinance 223-07 before proceeding to satisfy the requirements of this Article.

§314. PROCEDURE FOR CONSIDERATION AND APPROVAL

- A. The applicant or owner shall submit the required plans to the Borough Planning Committee and Borough Council for action within the prescribed time requirements, and to the Armstrong County Planning Commission thirty (30) days prior to the next regularly scheduled Borough Planning Committee meeting.
- B. At its next regularly scheduled meeting following the submission of plans, the Planning Committee shall begin a review of said plans for conformity with this Ordinance; the physical appearance and arrangement of the structures on the property; vehicular access and circulation into and within the property; parking layout; pedestrian walks; likely points of congestion or other dangerous conditions that may be created by the proposed development on adjacent roads; stormwater drainage systems, signs, outdoor lighting, landscaping and other features of the proposal that may be pertinent to the public health and safety. Said ninety (90) day review period shall commence on the date of the Planning Committee meeting after which a complete application was received, so long as the

date of the Planning Committee meeting is within thirty (30) days after receipt of the plan. Should the next regular meeting occur more than thirty (30) days following the filing of a complete application, said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed. The developer or owner is urged to attend this meeting.

- C. The Planning Committee may recommend approval, approval with conditions, or rejection of the proposal as presented. The developer or owner may make revisions as suggested by the Planning Committee and resubmit plans to the Borough for reconsideration. Where the reconsideration and review will extend beyond the ninety (90) day period authorized, the Planning Committee or Borough Council may request an extension of time from the applicant. Where no extension is granted, action shall be taken as prescribed.
- D. Immediately after the Planning Committee has made its recommendation or after the developer or owner proposes no further revisions, the plans shall be submitted to the Borough Council which shall review them at its next regular meeting along with the Planning Committee's recommendations. The Borough Council shall approve or reject the plan or may approve it with conditions, which shall be attached to any permit issued for any construction on the property, within the ninety (90) day review period authorized. The decision shall be in writing and shall be communicated to the applicant personally or mailed no later than fifteen (15) days following the decision.
- E. After final approval by the Borough Council, no changes shall be made in a plan unless changes are first reviewed and approved by the Planning Committee, and resubmitted for approval by Borough Council. A change in scheduling or sequence in the development of a plan to be carried out over a time period and approved on this basis shall require review and approval as for any other change or phase of development.
- F. Separate building permits shall be required for each building to be erected as part of an approved group of buildings on a site in any Zoning District or Overlay Zoning District regardless of the proposed timing of the construction of each. Site development work, including but not limited to paving, stormwater management facilities and landscaping shall be included as part of the work covered under the building permit and subject to the same completion requirements as for the building. (Earth disturbance activities, stormwater management facilities, and design standards for improvements shall be in compliance with Article VI.
- G. At least ten percent (10%) of the gross area of any nonresidential property proposed for development shall be landscaped as per the recommendation of the Planning Committee and approval of Borough Council. Not less than five percent (5%) of the total property area shall be landscaped in that portion lying between the principal structure on the property and the abutting street right-of-way. Landscaping shall include all of the following elements: grassed areas, shrubbery, low trees (evergreen and deciduous), ground cover, mulching materials, or other features, and shall be maintained. Submitted drawings shall clearly show all landscaping elements by type and location.
- H. To the extent possible, parking and truck loading areas shall be arranged to be hidden from view from adjacent residential areas, or screened from view by use of appropriate landscaping materials, fencing or earth mounding, or any combination of these.

§315. CONTENTS OF LAND DEVELOPMENT PLAN SUBMISSION

- A. Four (4) copies of the land development plan shall be submitted at a scale not smaller than one inch (1") equals fifty feet (50'). A location map at a scale of not less than one inch (1") equals two thousand feet (2,000') shall also be provided, on the same sheet as the site plan, indicating the site in relation to major roads and major landmarks in the vicinity.

- B. The land development plan shall contain at least the following information as prepared by a registered professional engineer, surveyor or architect, unless otherwise specified. Additional information may be required by the Planning Committee at its discretion. For existing structures where only the use is changing, site design and construction requirements may be waived or reduced by the Borough Council upon the recommendation of the Planning Committee.
 - 1. Bearings and distances of all property lines and area of property in square feet as prepared by a registered land surveyor;
 - 2. Location of adjacent road curbs or edge of paving and existing and proposed curb cuts;
 - 3. Public sanitary sewer, water supply, stormwater management, gas, electric, telephone, and other utility lines overhead or underground, existing and proposed, in street rights-of-way or in easements, inside the property or within fifty feet (50') of a property boundary line;
 - 4. Existing contours, slopes in excess of twenty-five percent (25%) and proposed regrading at two foot (2') intervals or spot elevations fifty feet (50') apart in two (2) directions over the property where there are less than four percent (4%) slopes;
 - 5. Location, height and use of all existing structures to remain and new structures, with structures to be removed shown by a dotted outline;
 - 6. Distances between all proposed structures or additions to structures and property boundary lines;
 - 7. Existing and proposed pavement including access drives from adjacent streets and parking and loading areas on the property, showing treatment of edges, parking layout with dimensions of aisles and spaces, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system, and devices to retard stormwater drainage;
 - 8. Areas with mature trees or forests as defined herein;
 - 9. Proposed and existing landscaping by type of feature (tree, shrub, ground cover, etc.), as well as walls, fences, outdoor lighting, etc.;
 - 10. Proposed and existing signs showing elevation view and noting height of the top of the sign above the ground below, and dimensions of sign faces and distances from property lines;

11. Areas subject to soil erosion, landslide prone soils, natural watercourses or drainageways, and wetlands;
12. Elevation of each wall of each proposed structure showing architectural treatment, or, optionally, a rendered perspective drawing of a structure showing two (2) walls at least one (1) facing the primary access street;
13. The name and address of the owner, developer, engineer and architect (if involved) with the Pennsylvania seals of the professionals preparing the application, surveys and drawings, together with verification from the owner, that he supports with the plan;
14. North arrow, graphic scale, title and date of submission;
15. A narrative describing the present and proposed use of the property;
16. A traffic impact study, shall be required if the proposed use (or uses) generates fifty (50) a.m. or p.m. peak hour trips or more, as determined by the most current edition of the ITE Trip Generation Manual; and
17. An environmental impact statement as specified in Section 317 of this Article.
18. Certification by the owner of the tract of land proposed to be subdivided that there are no restrictions or covenants in place which would affect any future development or which limits any existing development.
19. Whenever an applicant proposes to establish a street (or streets) which is not offered for dedication to public use, the Council shall require the applicant to submit, and also to record with the plan at the subdivider's or developer's own expense, a statement to the effect that the said street (or streets) is not accepted, and further, that as a condition of acceptance, such standards, construction specifications and other conditions existing at such time as the street is to be accepted will be complied with prior to the acceptance by the Borough.
20. An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks.
21. Water and sewer feasibility reports as may be required including any updated information which may have become available since the submission of the preliminary plan.
22. A map showing the location of the proposed development with respect to flood prone areas, including information on the regulatory flood elevation, the boundaries of the flood prone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special Pennsylvania Department of Environmental Protection restrictions. In addition, where the proposed development lies partially or completely in any flood prone area, or borders on any flood prone area, such map shall also show the location and elevation of proposed roads, public utilities and building sites.

23. Such private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
24. Any other certificates, affidavits, endorsements or dedications that may be required by the Planning Committee or the Council.
25. When a proposed plan has been submitted to the County Conservation District Office for review and recommendations, a plan and/or other documentation to show what has been, or will be done, in response to their recommendations.
26. Proof acceptable to the applicable State and/or Federal authorities that there are no environmentally sensitive features including, but not limited to, floodplains, wetlands, hazardous or toxic waste sites, structures or sites of historical or archeological significance and habitats supporting rare, threatened and/or endangered species, regulated by any State and/or Federal authorities, on the site or impacted by the development; or, in the alternative, a written certification executed by the owner of record and the developer of such site that all applicable State and/or Federal laws, rules and regulations concerning such environmental sensitive features shall be complied with and proof thereof submitted to the Borough prior to final plan approval.

§316. MINOR LAND DEVELOPMENT

- A. For the purpose of expediting applications and reducing site design and development costs, an informal preapplication conference, where the owner/applicant submits a concept plan in accordance with the following requirements, shall take place during a regularly scheduled Planning Committee meeting.
 1. **Advisory Meetings:** An owner/applicant shall appear before the Borough to discuss his proposal. The purpose of this step is to afford the owner/applicant advice and assistance in order to save time and money, suggest professional assistance if needed, and to answer any questions the developer may have in regard to filing an application or other items required.
 2. **General Information:** The owner/applicant shall be prepared to discuss the details of the proposed site including a description of existing covenants, land characteristics, community facilities and utilities, commercially developed areas, residential areas, industrial areas, playgrounds and proposed protective covenants, utilities and street improvements.
 3. **Location Map:** This map shall show the relationship of the proposed development to existing community facilities which serve or influence it and shall include development name, location, existing facilities, title, scale, north arrow and date.
 4. **Topographic Map:** The location of the proposed development shall be shown on the U.S. Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.

5. Hazards: Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land of excessive or improper fill material, or land improperly drained.
 6. After review and discussion with the owner/developer, the Borough shall indicate the suitability of the plan for further consideration and submission of preliminary.
 7. If the owner/developer's concept plan shows that he intends to subdivide in several phases, a master concept plan showing the master site plan of the entire proposed development including all proposed phases shall be submitted with the final plan.
- B. On recorded parcels of less than one and a half (1 1/2) acres or sixty-five thousand three hundred and forty (65,340) square feet where the proposed development involves less than two thousand (2,000) square feet of new construction and no new public utilities or extension of public roadways or streets are proposed, the Planning Committee may waive certain land development submission requirements, including the submission of a stormwater management plan, as per the provisions of Article VI.
- C. Where the proposed land development application also involves action on a subdivision the Planning Committee shall make recommendations to Borough Council in compliance with the appropriate section of this Ordinance prior to recommendation of the land development application.

§317. ENVIRONMENTAL IMPACT STATEMENT

- A. Environmental Impact Statement Requirements - Where a combination of two (2) or more of the following site characteristics are present, the Planning Committee may recommend to Borough Council that an Environmental Impact Statement be submitted as part of the application. Where indicated, all information submitted shall comply with standards established by the Pennsylvania Department of Environmental Protection, and shall be received by the Borough Council at least ten (10) days prior to a scheduled review.
1. Construction activity in undermined areas with less than one hundred feet (100') of overburden, as designated by the Bureau of Mining and Reclamation.
 2. Construction activity or encroachment involving a natural stream, watercourse or wetland.
 3. Construction activity within a landslide-prone area as delineated on Landslide Susceptibility Maps as maintained by the Pennsylvania Geological Survey or as prepared by recognized experts acceptable to the Borough Engineer.
 4. Construction activity involving the removal of one acre (43,560 square feet) or more of forest, as defined, or construction activity involving the removal of natural vegetation of two (2) acres or more in area.

5. Construction activity within one hundred feet (100') of any designated wetland.
- B. **Environmental Impact Statement Content:** A narrative description of the project shall be submitted including a map indicating the following characteristics:
1. Limit of the following slope areas:
 - (a) 0 - 15%
 - (b) 15-25%
 - (c) over 25%
 - (d) all natural watercourses and wetlands;
 - (e) undermined areas with less than one hundred feet (100') of overburden;
 - (f) landslide-prone soils;
 - (g) all forested areas.
 2. An assessment of the environmental impact of the proposed development with particular attention paid to those items as outlined in this Section.
 3. A list of all licenses, permits and other approvals required by the Borough, Armstrong County, Commonwealth of Pennsylvania and federal law and the status of each shall be required before final consideration of the land development plan. Where applicable, the applicant shall submit at the time of consideration of final approval stream encroachment, or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.
 4. A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.
 5. Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geo-technical consultant for undermining and landsliding problems.
- C. **Waiver of Environmental Report Requirement** - The Planning Committee may waive the requirement for an Environmental Impact Statement if an applicant requests said waiver in writing, and further, provided said development meets all the standards of the Zoning Ordinance, does not involve the relocation, improvement or alteration of any streamway, and no portion of the site is located within a flood hazard or floodprone area as delineated on the FEMA map for Borough of Apollo.
- D. **Waiver of Requirements** – A waiver of certain standards and criteria applicable to the

land development submittals may be granted by the Borough Council, given the following:

1. That the land development plan application is in conformance with all applicable provisions of this Ordinance;
 2. That the applicant has requested relief in writing; and
 3. That the Planning Committee has made a recommendation in favor of such relief, the Borough Council may waive, alter, or reduce any requirement or standards of this Article as it relates to a Land Development Plan application, under the following circumstances:
 - (a) Suitable alternative - whenever a proposal is offered which presents an alternative which conforms to the spirit and intention of this Article.
 - (b) Unusual site characteristics - whenever a physical feature exists on or adjacent to the site which prevents a literal conformance to requirements or standards.
- E. Request for Additional Information - Whenever it is determined by the Planning Committee at the outset of the review that additional information is needed in order to make an informed recommendation related to the land development plan application, the Planning Committee will notify the applicant of such and said information shall be provided at the applicant's expense before the application will be considered complete.

§318. PREVENTATIVE REMEDIES

In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

**ARTICLE 4
MOBILE HOMES**

§401. OCCUPANCY AND REMOVAL OF MOBILE HOMES

- A. No mobile home, whether single on-lot installation in a zoning district where such use is permitted or is legally nonconforming, or within an existing mobile home park, shall be removed from the Borough of Apollo without the owner of said mobile home first obtaining a permit and providing a duplicate to the park manager from the local Tax Collector charged with the collection of all taxes. Such a permit for removal will be issued upon payment of a fee and payment of all taxes due.
- B. The Borough Council of the Borough of Apollo shall established, by resolution, a schedule of fees for the obtaining of permits required under the provisions of this Article. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the Borough Council. The issuance of a permit shall be contingent upon payment of the fee per the resolution and the fee schedule.

ARTICLE 5

DESIGN STANDARDS

§501. APPLICATION OF STANDARDS

The following minimum subdivision principles, standards, and requirements in addition to the Borough of Apollo Standard Details, attached as Appendix A hereto, will be applied by the Planning Committee, the Borough Council, Borough staff and consultants hired to provide comment in evaluating applications for preliminary and final plat approval and land development approval.

§502. GENERAL SITE STANDARDS

The following requirements and guiding principles for subdivisions and land developments shall be observed with respect to factors affecting the suitability of the site for such development:

- A. The subdivision or land development plan shall conform to the most recent Borough Comprehensive Plan and official map.
- B. A subdivision or land development must be coordinated with existing land development in the neighborhood so the entire area may be developed harmoniously.
- C. Land proposed for subdivision or land development shall not be developed or changed by grading, excavating, filling, draining or the removal or destruction of the natural top soil, trees, vegetative cover or wetlands unless provisions for minimizing erosion and sedimentation and wetland protection are provided as required by the Erosion Control and Wetland Regulations of the Pennsylvania Department of Environmental Protection (25 Pa. Code, Chapters 102 and 105).
- D. In a subdivision or land development where the average slope of the lot, tract or parcel exceeds ten percent (10%), the Planning Committee may require the submittal of additional information relating to site preparation activities.
- E. Standards:
 7. In all developments, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation. Examples of such features would include, but not be limited to, large trees and stands of trees, bodies of water, historic areas and structures and scenic views. To insure the protection of such features the Planning Committee may require the following additional information to be submitted:
 - (a) A grading plan showing the existing and proposed ground elevations to such features.
 - (b) The accurate location of the features to be protected.
 - (c) An explanation of the precautions to be taken by the developer to protect such features.

8. In proposed subdivisions or land developments, the following additional information shall be provided to the Planning Committee and Council:
 - (a) Proof acceptable to the applicable Commonwealth and/or Federal authorities that there are no environmentally sensitive features including, but not limited to, floodplains, wetlands, hazardous or toxic waste sites, structures or sites of historical or archeological significance and habitats supporting rare, threatened and/or endangered species, regulated by any Commonwealth and/or Federal authorities, on the site or impacted by the development; or, in the alternative, a written certification executed by the owner of record and the developer of such site that all applicable Commonwealth and/or Federal laws, rules and regulations concerning such environmentally sensitive features shall be complied with and proof thereof submitted to the Borough prior to final plan approval.
9. Land subject to hazards of life, health or property, or considered uninhabitable for other reasons, may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.

§503. STREET REQUIREMENTS

In all developments, streets proposed to be constructed shall be constructed to protect the health, safety and general welfare of the public. To insure such protection the Planning Committee or Council may require the following information to be submitted:

- A. Projection of average daily and peak hour traffic volumes on proposed streets and at proposed intersections for the proposed design year and a 10 year design year projection.
- B. Projections for turning movements at proposed intersections.
- C. Projections for traffic volumes and turning movements from driveways onto Borough, County or Commonwealth streets.
- D. Movement patterns within parking lot areas.
- E. Projected trip distribution movements from the proposed development onto adjacent Borough and Commonwealth streets to the first arterial street and projected turning movements onto that street.
- F. Traffic projections shall be reported by vehicle class and certified by a registered professional engineer or other recognized authority. In addition, all streets proposed to be constructed as per the provisions of this Ordinance shall conform to the following requirements:
 1. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
 2. Residential streets shall be so laid out as to discourage through traffic; however, proposed streets shall be planned with regard to the existing street system, topo-

graphical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extensions of the street system.

3. When a subdivision abuts or contains an existing or proposed arterial or collector roadway, the Planning Committee or Council may require a marginal access street, reverse frontage or other treatment which will provide protection for abutting properties, reduction of the number of intersections and separation of local from through traffic.
 4. No street shall terminate in a dead end. Any street dead-ended for access to adjoining property or because of authorized staged construction shall be provided with a temporary bituminous turn-around and the use of such turn-around shall be guaranteed to the public until such time as the street is continued.
 5. Private streets (streets not offered for dedication to public use), are prohibited unless they meet the design and improvement standards of this Ordinance and unless the subdivider or developer submits and records with the final plat, a maintenance agreement signed by all property owners of lots abutting said private street right-of-way.
 6. The proposed street system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width.
- G. New half or partial streets will not be permitted, except where necessary to design the reasonable subdivision of a tract in conformance with the other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- H. Cul-de-sac end streets may be permitted when it is clear that through traffic at such a street end is not essential to the street system in that district, or to the development of adjacent properties in the area, or the topography of the ground prohibits the future extension of the streets. The maximum length of a cul-de-sac street shall be six hundred (600) linear feet, exclusive of the turn-around portion.
1. A turn-around with a cartway diameter of eighty (80) feet with a right-of-way diameter of one hundred (100) feet shall be required at the end of all streets.
 2. Unless future extension is clearly impractical undesirable, the turn-around right-of-way shall be placed adjacent to a property line, and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into an adjoining tract.
 3. In nonresidential areas, cul-de-sacs may exceed six hundred feet (600') when the Planning Committee recommends and Borough Council agrees, that such additional length is necessary and advisable.
- I. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further resubdivision shall be provided as necessary.

- J. Reserve strips, restricting or controlling access to adjacent streets or properties shall be prohibited.
- K. Minimum and Maximum Allowable Grades - Centerline of Streets

	Minimum Grade	Maximum Grade
Arterial Streets	As determined by the Planning Committee after consultation with the Pennsylvania Department of Transportation	As determined by the Planning Committee after consultation with the Pennsylvania Department of Transportation
Collector Streets	One half percent (.5%) when curbs are used	Ten percent (10%)
Local Streets	One half percent (.5%) when curbs are used	Ten percent (10%)
Alleys	One percent (1%) without curbs	Ten percent (10%)
Cul-de-sac	Five percent (5%) (paved turn around)	

- L. Vertical curves of proper and adequate length shall be installed on all street grade changes exceeding one (1) percent, and provide a minimum sight distance as follows.

Design Speed = 55 mph	Arterial Streets	400 feet
Design Speed = 45 mph	Collector Streets	200 feet
Design Speed = 35 mph	Local Streets	200 feet

§504. ALIGNMENT OF CURVES

- A. Whenever street lines are deflected in excess of ten (10) degrees, connection shall be made by true circular curves.
- B. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

Design Speed = 55 mph	Arterial Streets	1,000 feet
Design Speed = 45 mph	Collector Streets	300 feet
Design Speed = 35 mph	Local Streets	150 feet

§505. WIDTHS

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

Type of Street	Cartway	Right-of-Way
Arterial	As determined by the Planning Committee after consultation with the Pennsylvania Department of Transportation	As determined by the Planning Committee after consultation with the Pennsylvania Department of Transportation

Type of Street	Cartway	Right-of-Way
Collector	24 feet	50 feet
Local	24 feet	50 feet
Alley or service lane	20 feet	20 feet

- B. Additional right-of-way and cartway widths may be required by the Borough Council for the following purposes:
 - 1. To promote public safety and convenience.
 - 2. To provide parking space in commercial districts and in areas of high density residential development.
 - 3. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the standards in this Section may be required.
 - 4. Where anticipated traffic flows and vehicle size warrants additional widths, increases in base material and cartway widths will be established by the Planning Committee and the Borough Engineer, as approved by Borough Council.
 - 5. Where the design and/or improvement standards of this Ordinance require additional rights-of-way.

§506. STREET INTERSECTION

- A. Curbs, where required, shall be installed by the developer along the streets or where deemed necessary for public safety as determined by the Borough Council. The curbs shall be of the type and material as specified and approved by the Borough Council. All curbs at intersections shall be rounded by a minimum radius of twenty-five (25) feet for local streets, thirty (30) feet for collector streets, and forty (40) feet for arterial streets.
- B. Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided with a transitional grade not to exceed four percent (4%) for a distance of one hundred feet (100') from the intersection of the centerlines.
- C. The multiple intersection of more than two (2) roads or streets shall be prohibited.
- D. Street offsets of less than one hundred twenty-five feet (125') shall be avoided.
- E. Reverse curves shall be designed to accommodate anticipated volumes of traffic at designed speeds.

§507. INTERSECTIONS

- A. Right angle intersections shall be used whenever possible. In no instance, however, shall streets intersect at an angle of less than 75°.
- B. All streets intersecting a highway under the jurisdiction of the Pennsylvania Department

of Transportation shall be subject to the approval of said Department. The developer shall furnish evidence of such approval in the form of a PennDot highway occupancy permit.

- C. Design of curb or edge of pavements must take into account such factors as types of turning vehicles, posted and anticipated speeds of traffic and angle of turn, but in no instance shall the radius of the curb or edge of pavement be less than the following:

INTERSECTION	CURVE RADIUS
Minor with minor street	15 feet
Minor with collector	25 feet
Collector with collector	35 feet

- D. Minor and collector streets shall not intersect arterial streets on the same side at less than eight hundred feet (800') centerline to centerline intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two streets that intersect another from opposite sides cannot be aligned, then a distance of at least 150 feet shall be provided between the two intersecting centerlines.

§508. SLOPE OF BANK ALONG STREETS

The slope of banks along a street measured perpendicular to the street centerline shall be no steeper than the following:

- A. One foot of vertical measurement for 3 feet of horizontal measurement for fill.
- B. One foot of vertical measurement for 2 feet of horizontal measurement for cuts.

§509. SIGHT DISTANCE

- A. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The sight distance measured from the centerline 4.5 feet above grade shall be as follows:

TYPE OF STREET	SIGHT DISTANCE
Arterial	400 feet
Collector	200 feet
Minor	200 feet

- B. There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points of 75 feet from the intersection of the street centerlines. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
- C. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections.

§510. DRIVEWAYS

- A. Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway serves, and shall be designed and constructed in accordance with the construction standards of the Borough, included in Appendix A attached to this Ordinance.
- B. Private driveways which function as local streets providing access to individual residential lots shall be designed in accordance with this Article and in compliance with the minimum standards for public streets.

§511. OFF-STREET PARKING

- A. **Standards.** Off-street vehicular parking facilities shall be provided in accordance with the following standards, in addition to the provisions of the Borough of Apollo Zoning Ordinance, #223-07:
 - 1. Off-street parking facilities may be located on any required site, front or rear yard, but not within the street right-of-way.
 - 2. Except when provided for single-family or semidetached dwelling units, off-street parking areas shall be surfaced with a minimum of 4 inches of stone base and shall be properly graded and drained to dispose of all surface water in a manner prescribed by the Borough's Stormwater Management Plan.
 - 3. Commercial and industrial parking areas shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than ten cars after dusk.
 - 4. If determined necessary by the Planning Committee or Council, commercial and industrial parking areas which provide more than five parking spaces shall be screened from any abutting property used for residential purposes. Screening may be accomplished by the placement of adequate buildings, a solid fence high enough to provide screening and/or provision and maintenance of solid planting in the form of fifty-fifty (50-50) mix of evergreen and deciduous trees in staggered rows planted on ten (10) foot centers or other landscaping as per the provisions of the Borough of Apollo Zoning Ordinance.
- B. Loading and Unloading Space.
 - 1. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public right-of-way be used for loading or unloading of materials.
 - 2. The minimum size of a loading space shall be 50 feet in depth, 12 feet in width, with an overhead clearance of 14 feet.

§512. ACCESS DRIVES

- A. **Residential.** Access drives to any public street or highway in a residential district shall be governed by the following:
1. An access drive may not exceed 20 feet in width at its intersection with a public street or highway, as it crosses through the right-of-way of said street or highway, and for an additional 10 feet beyond said right-of-way line, to the residence which it serves.
 2. The number of access drives may not exceed two per lot for a single-family detached dwelling on a single lot and one for every two (2) units for a multifamily dwelling, to a maximum of four (4).
 3. An access drive may not cross a street right-of-way line:
 - (a) Within 5 feet of property line except for common access for two dwellings.
 - (b) Within 50 feet of the right-of-way line of an intersecting street when entrance is from an arterial street.
 - (c) Within 35 feet of the right-of-way line of an intersecting street when entrance is from a collector street.
 - (d) Within 25 feet of the right-of-way line of an intersecting street when entrance is from a minor street.
 - (e) Within 15 feet of a fire hydrant.
 4. An access drive must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of 5% within 25 feet of the street right-of-way lines. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point the drive intersects the street right-of-way.
- B. **Commercial and Industrial.** Access drives to any public street or highway in the case of a commercial or industrial development shall comply with the following:
1. Access drives to public streets or highways shall be located at least 150 feet from any intersection with arterial or collector streets, and 100 feet from any intersection of minor streets. Access drives shall be designed to permit safe ingress and egress and, where practicable, shall be located on minor rather than collector or arterial streets.
 2. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes; turning lanes, traffic and lane markings and signs. The developer shall be responsible for the construction of any such traffic control devices.

§513. LOTS

- A. Residential lots shall be subdivided in compliance with the dimensional standards of the Borough of Apollo Zoning Ordinance (Ordinance #223-07) and the provisions contained in this Ordinance.
- B. The frontage width of lots fronting a cul-de-sac shall be a minimum of fifty feet (50') at the right-of-way line. The side yard setback requirements will be calculated from the front of the structure and extended from both sides of the structure to the side property lines.
- C. All lots shall front on a dedicated public street existing or proposed, or upon a fully improved private street constructed to specifications as set forth in this Ordinance. Lots fronting upon unimproved private streets or not fronting upon a street shall not be approved.
- D. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation or location.
- E. All lot lines shall be set perpendicular or radial to the centerline of the street whenever possible. All nonradial lines shall be denoted as such on the plat.
- F. Generally, the depth of residential lots shall not be less than one nor more than two and one-half times their width.
- G. Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.
- H. Where two (2) vehicular access drives abut one another, a combined driveway shall be required to a maximum distance of one hundred and fifty feet (150'). The maximum twenty foot (20') width may be reduced to fifteen feet (15') on each lot.
- I. **Unique Lots:**
 - 1. In the case of wedge-shaped lots, no lot shall be less than 35 feet in width measured along the arc at the front street right-of-way line.
 - 2. Flag lots or panhandle lots or lots having a narrow strip of property for the sole purpose of providing access to a public road from a lot which would not otherwise front on a public road are prohibited unless no other reasonable method of providing access is available. In no case should this be used as a method of avoiding construction of a street. Minimum width of the panhandle including frontage shall be 25 feet.
 - 3. Corner residential lots shall be configured to permit the minimum front yard setbacks from both streets.
- J. **Building Setback and Yard Measurements.**
 - 1. All setback lines adjacent to a street right of way shall be measured from the street right of way line. All other setback lines shall be measured from the property line.

2. Building setback lines shall not be less than:
 - (a) Thirty-five feet from the right-of-way line on minor streets.
 - (b) Forty feet from the right-of-way line on collector streets.
 - (c) Fifty feet from the right-of-way line on arterial streets and roads.
3. Where an existing building setback line is established on at least 50% of the properties in a block in which the proposed development is located, or within 200 feet immediately adjacent to the proposed development, the above minimum setbacks may be increased or decreased in order to conform with such previously established line.
4. Building lines in a proposed subdivision shall not be less than 10 feet from a side lot line.
5. Building lines in a proposed subdivision shall not be less than 25 feet from a rear lot line.
6. Additional side and rear yard setbacks shall be required for proposed buildings or structures that are four or more stories or more than 45 feet in height, where such height is authorized.

§514. BUILDING LINES

The building lines shall be placed in accordance with the terms of the Borough of Apollo Zoning Ordinance (Ordinance #223-07).

§515. BLOCKS

- A. Block length shall not exceed twelve hundred (1,200) feet nor be less than five hundred (500) feet.
- B. Blocks shall be at least two (2) lots in depth except for reverse frontage lots.
- C. Exceptionally long blocks shall be provided with crosswalks with a minimum right-of-way reservation of twelve (12) feet, and a four (4) foot paved walk.
- D. The depth-to-width ratio of usable lot length shall be at a maximum of two and one-half (2 1/2) to one (1).

§516. EASEMENTS

- A. Easements for sanitary sewer and stormwater sewer shall have a minimum width of twenty (20) feet and be placed at the side or rear of lots whenever possible. When the Borough Council determines that easements are required to extend proposed or future utilities the required easements shall be provided.
- B. Anchor easements shall be approximately four (4) feet by thirty (30) feet and placed on a lot line, at such locations as deemed appropriate by the utility requiring such easements.

- C. Aerial easements shall be a minimum of fifteen (15) feet in height, and located as deemed appropriate by the utility requiring such easements.
- D. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve the natural flow of water and to provide sufficient width for maintenance, but not less than twenty (20) feet.

§517. RESERVED AREAS

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

§518. STREET NAMES

The developer may choose his street names subject to the approval of the Planning Committee and the Borough Council. No street, other than an extension, may be given the name of an existing street in the postal service area of which the Borough of Apollo is a part.

§519. ACCESS

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

ARTICLE 6 IMPROVEMENTS

§601. MONUMENTS AND MARKERS

Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground.

- A. **Monuments:** Monuments shall be set at the intersection of lines forming angles in the tract boundaries of the development at all corners.
- B. **Corner Markers:** Corner Markers are required on all lot corners other than those requiring monuments including:
 - a. The intersections of all right-of-way lines.
 - b. At such intermediate points as may be required by the Borough Engineer.
- C. **Removal.** Any monuments or markers that are removed must be replaced by a registered engineer or surveyor at the expense of the person removing them.

§602. GRADING OF STREETS

- A. Streets shall be graded to street profile grades and cross sections as established on and presented with the preliminary plats and as approved by the Borough Council. Street cross sections shall be in accordance with standards and specifications established by the Borough and attached as Appendix A to this Ordinance.
- B. Land within a street right-of-way, beyond the curb or edge of pavement, shall be graded to the full width of the street right-of-way and slopes shall be of a minimum of two (2) feet of horizontal measurement to one (1) foot vertical measurement in the case of cuts and a minimum of three (3) feet of horizontal measurement to one (1) foot of vertical measurement in the case of fills.
- C. Subgrade of streets shall be brought to the proper grade and contour, and shall be rolled, and cross rolled using compaction equipment meeting the requirements PennDOT of Form 408, or an acceptable alternative. Compaction of the subgrade shall also meet the density requirements of PennDOT Form 408, or an acceptable alternative. Where subgrades displaying pronounced elasticity or deformation under rolling equipment is found and stability cannot be obtained, the unsuitable material shall be removed and replaced until the subgrade is suitability stabilized.
- D. No base course shall be placed until the street subgrade has been inspected and approved by the Borough Engineer. Said inspections shall be paid for as specified in Article VIII of this Ordinance.

§603. STREETS

Streets must be surfaced to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the developer and approved by the Borough. Before paving the street surface, the developer must install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as acceptable to the Borough. All streets shall be lined or striped to include appropriate centerline striping, berm striping, crosswalk striping and stop line designation striping. Such striping shall conform to existing Pennsylvania Department of Transportation and Borough specifications then in effect. All streets shall conform to the following specifications except where modified on a case by case basis because of the intensity, nature, size and location of the development:

- A. **Minor Streets and Collector Streets.** On a properly rolled and crowned subgrade, there shall be constructed an 8 inch, when compacted, water bound stone base course conforming to all existing Pennsylvania Department of Transportation specifications then in effect. On the base course shall be placed a three (3") inch binder using No. 2 stone placed through the use of a paving machine followed by the application of a two (2") inch wearing course conforming to the then existing standards of the Pennsylvania Department of Transportation. Concrete may be substituted upon prior approval of the Borough Engineer.

- B. **Arterial Streets:**
 - 1. For the construction of arterial roads or highways, the developer shall consult with and be governed by the Pennsylvania Department of Transportation for the method of construction to be used.
 - 2. The Council shall decide if a collector or arterial street is required as a direct result of the construction of the subdivision or land development in which case the subdivider or developer is responsible for paving the additional width required.
 - 3. **Berms.** All berms required under the terms of this Section, or at the direction of the Council, shall be properly graded, placed and rolled stone 3 inches in depth.
 - 4. **Private Streets.** All private streets shall be constructed in accordance with this Section, or bonded in accordance with §702 of this Ordinance prior to approval of the final plan.
 - 5. **Street Lights.** Depending on location, traffic pattern, pedestrian usage and other relevant factors, the Council may require placement of one or more street lights at each intersection.
 - 6. **Street Signs.** Street name signs shall be placed at one corner of every intersection. The design must be according to Borough specifications.
 - 7. **Street Trees.** The Planning Committee or Council may require planting of shade trees to conform to the following specifications:
 - (a) The trees shall be located between the sidewalk and building setback line and at least 5 feet from the sidewalk. Trees shall be planted between the sidewalk and curb only if the curb and the sidewalk are at

least 10 feet apart.

- (b) Each tree shall be at least 8 feet in height and have a diameter at breast height of at least two inches (2").
- A. **Pipe Underdrain and Pavement Base Drain.** Pipe underdrains and pavement base drains, as deemed necessary by the Borough, and as per the specifications of Section 605 of this Ordinance. Unless the developer proves to the satisfaction of the Borough Council that pipe underdrains and/or pavement base drains are not necessary, the same shall be provided on the upper side of all streets. The specifications for such pipe under drains and pavement base drains are found in Appendix "A".

§604. TRAFFIC CONTROL DEVICES

Depending upon location, traffic pattern(s), projected traffic volume(s), pedestrian usage and other relevant factors, the Planning Committee or Council may require the placement of mechanical or automatic traffic control devices at proposed intersections within the subdivision and/or at intersections of proposed subdivision streets and other Borough streets or, with the approval of the Pennsylvania Department of Transportation, at intersections of proposed subdivision streets and State controlled streets.

§605. UNDER DRAINAGE

- A. In areas where springs, poor soil drainage conditions, wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed street pavement there shall be constructed pipe underdrain, stone underdrain or sub-grade drains according to current Pennsylvania Department of Transportation Specifications, subject to approval of drawings by the Borough Engineer.
- B. If during construction unknown poor drainage conditions are encountered by the owner, he shall notify the Borough Engineer and correct such conditions encountered at the direction of the Borough Engineer to his complete satisfaction.
- C. Permanent pipe underdrain of a size, depth, width and slope as determined by the Borough Engineer shall be installed on the upper or high side, and all cut areas where they are required or necessary to prevent the infiltration of water under the paved roadway.

§606. CURBS AND GUTTERS

- A. In any proposed subdivision or land development with an average lot size or area per dwelling unit of 15,000 square feet, or less, or where a proposed subdivision is immediately adjacent to or within one hundred feet (100') of any existing or recorded subdivision having curbs, curbs shall be installed on each side of the street, unless the developer can establish specific facts which obviate the need for curbs in the particular development or subdivision.
- B. Curbs shall be required along any existing or proposed street regardless of lot size where curbs are necessary to control the flow of surface water and regulate traffic, and/or where lot widths are 80 feet or less. In no case will the requirement to construct

curbs be waived where a hazard or safety factor shall be created by the elimination of the curbing requirement.

- C. Curbs shall be provided in all streets and parking areas located within multifamily development projects.
- D. In areas where curbing is not required, berm and suitable gutters shall be installed to avoid erosion.
- E. All curbs shall be designed and constructed of portland cement concrete as per current standards of the Pennsylvania Department of Transportation, or bituminous concrete as per the Standard Details in Appendix A.

§607. SIDEWALKS

- A. In any proposed subdivision or land development with an average lot size or area per dwelling unit of 15,000 square feet or less, or where a proposed subdivision is immediately adjacent to or within one hundred feet (100') of any existing or recorded subdivision having sidewalks, sidewalks shall be on each side of the street in accordance with Borough specifications, unless the developer can establish specific facts which obviate the need for sidewalks in the particular development or subdivision.
- B. The Planning Committee or Council may require installation of sidewalks in any subdivision or land development where the evidence indicates that sidewalks are necessary for the public safety.
 - 1. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.
 - 2. Sidewalks must be at least 4 feet wide. In the vicinity of retail areas, schools and recreation areas, sidewalks shall be at least 5 feet wide and located within the street right-of-way.
 - 3. Sidewalks shall be constructed according to Pennsylvania Department of Transportation standards.

§608. BASE COURSE

- A. The base course shall be constructed to lines, grades and cross-sections as approved with all materials used and all construction requirements performed in conformity with the latest edition of the Pennsylvania Department of Transportation Form 408 and consist of a subbase course and a bituminous concrete base course as follows:
 - 1. A crushed aggregate subbase course with a compacted thickness of not less than eight (8) inches in depth, all in accordance with Section 350 "Subbase" of PennDOT Form 408.
 - 2. A bituminous concrete base course with a compacted thickness of not less than three (3) inches in depth, all in accordance with Section 305 "Bituminous Concrete Base Course" of Form 408, shall be constructed on the subbase course.

3. A bituminous seal course using FJ-1 bituminous material with a compacted depth of one half (1/2) inch, all in accordance with Pennsylvania Department of Transportation Form 408, current edition, Section 422 "Bituminous Wearing Course FJ-1", shall be installed on the bituminous concrete base course for use during construction phase of development.
- B. The base course shall be installed and constructed in accordance with standards and specifications established by the Borough and attached to this Ordinance as Appendix A.

§609. PAVEMENT WEARING COURSE

- A. The pavement wearing course shall not be installed until ninety (90) percent of the dwellings in the approved subdivision or land development are completed or until all parking areas have been improved with a base course in a land development, and construction equipment is not using the street or access drive. All damaged base and subbase shall be removed and replaced with clean material, stabilized and repaired as required by the Borough and as directed by the Borough Engineer. Any undamaged, stabilized, but uneven base course shall be leveled with a bituminous leveling course. All repairs shall be completed and approved by the Borough Engineer prior to the placement of the final wearing course.
- B. The pavement wearing course shall be constructed to lines, grades and cross-sections as approved with all materials used and all construction requirements performed in conformity with the latest editions of the Pennsylvania Department of Transportation Form 408 as follows:
1. A bituminous wearing course (Superpave) with a compacted thickness of not less than one and a half (1-1/2") inches in depth, all in accordance with the latest edition of the Pennsylvania Department of Transportation, Section 420 of Form 408, shall be constructed on the bituminous concrete or Superpave base course.
- C. The pavement wearing course shall be installed and constructed in accordance with standards and specifications established by the Borough and illustrated in Standard Details #3, #4, and #17, included in Appendix A.

§610. STREET SIGNS

- A. Street name signs shall be installed at each street intersection in accordance to the type of materials, design and standards established by the Borough Council prior to the occupancy of any dwellings or nonresidential structures.
- B. A Traffic Control signage plan and supporting documentation shall be submitted for approval and shall be installed prior to occupancy of any dwellings.
- C. All traffic control, no parking and speed limit signs shall meet PennDOT standards and locations for such signs or where applicable shall be determined by the Borough Council.

§611. SEWER AND WATER SUPPLY SYSTEMS

A. Private and Onsite Sewer Systems.

1. All properties shall be connected to a public sanitary sewer system where available.
2. Where a public sanitary sewer system is not accessible but is proposed for extension within 5 years to the development or exists to within 1,000 feet of the development, the developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the street right-of-way line. When capped sewers are provided, onsite disposal facilities shall also be provided. A public sanitary sewer shall be deemed to have been proposed if the Council, a sewage authority, the Pennsylvania Department of Environmental Protection or other similar body working in conjunction with the Borough has considered providing such service to the location in light of the sewer needs of the area. No binding agreements or actual funding applications shall be deemed to have been proposed if the Council has not considered providing service to the area prior to the developer's application.
3. If no public system is either proposed within 5 years or exists within 1,000 feet of the development, the Council may require that a study be prepared to determine the feasibility of constructing a separate private system or treatment facility, or connecting to an existing private system over 1,000 feet away.
4. Upon completion of any sanitary sewer system installation, the plan for the system as built shall be filed with the Borough.
5. Where none of the alternatives listed in this Section are possible or feasible, an individual approved sewage disposal system shall be provided for each lot at the time improvements are erected or installed thereon. All such individual sewage disposal systems shall be constructed in accordance with the Pennsylvania Department of Environmental Protection regulations.

B. Private and Onsite Water Systems.

1. All subdivisions or land developments shall provide a reliable, safe and adequate water supply to support the intended uses of the development within the capacity of available resources. Where a water main supply system is within 1,000 feet of, or where plans exist for the installation of public water facilities, the developer shall provide the development with a complete water supply system to be connected to the existing or proposed water main supply system in accordance with the applicable specifications of the municipal authority with jurisdiction.
2. If connection to a public water supply system is not possible, a report on the feasibility of constructing a private water supply system may be required by the Council and a report shall be submitted setting forth the findings.
3. The plans for installation of a private water supply system shall be prepared by the land developer and approved by the Pennsylvania Department of Environmental Protection. Upon completion of any water supply system, the plan for the system as built, shall be filed with the Borough and Municipal Authority.

4. Where none of the above alternatives are possible or feasible, an individual water supply system shall be installed.
 - (a) The water supply yield shall be adequate for the type of development proposed as certified by a registered engineer.
 - (b) The installation of such systems shall not endanger or decrease ground water supplies of adjacent properties.
 - (c) Any such individual system shall meet any applicable Pennsylvania Department of Environmental Protection regulations.

§612. FIRE HYDRANTS

Fire hydrants shall be provided as an integral part of any public water supply system.

- A. Fire hydrants shall be installed in compliance with Borough specifications and with the requirements of the municipal authority with jurisdiction.
- B. Fire hydrants shall be placed at intervals of not more than 600 feet or as specified by the Borough Engineer.

§613. FLOODPLAINS

- A. The source of floodplain delineation shall be the Flood Insurance Study (FIS) for the Borough of Apollo, Armstrong County, Pennsylvania, as prepared by the U.S. Department of Housing and Urban Development, Federal Flood Insurance Administration (FIA), as shown on a map entitled Flood Boundary and Floodway Map; said map is hereby incorporated, by reference, as a part of this Ordinance.
- B. All floodplain regulations as applicable are set forth in the Zoning Ordinance or other ordinances of the Borough and are hereby adopted by reference as if fully set forth at length herein.
- C. Whenever a floodplain is located within or along a proposed subdivision or land development, the plan shall include the location of the floodplain with a conspicuously plain note that the floodplain shall be kept free of structures, fill and other encroachments.
- D. All floodplain lands shall be excluded in the minimum lot area calculations. Additionally, the floodplain area shall be identified by elevation or by approximate distance from the centerline of the stream channel. Floodplain lines need not be identified by distances and bearings.
- E. No subdivision or land development, or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the 100 year flood elevation more than one (1) foot at any point.
- F. If it is determined that only a part of a proposed subdivision or land development can be safely developed, the Planning Committee or Council shall limit development to that part and shall require that development proceed consistent with this determination or, in the absence of agreement by the developer with such determination, the subdivision or land

development shall be denied approval.

§614. UNDERGROUND UTILITY LINES

Electric, telephone and all other utility facilities shall be installed underground, unless the infrastructure for such utility service has not been provided. The developer shall be required to obtain proof from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system, where available.

§615. STORMWATER MANAGEMENT

- B. **Purpose:** These regulations are designed to achieve the following general purposes and objectives:
 - 1. To manage and control stormwater runoff resulting from land alteration and disturbance activities in accordance with the watershed stormwater management plans adopted pursuant to the Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended).
 - 2. To utilize and preserve the desirable existing natural drainage systems and to preserve the flood-carrying capacity of streams.
 - 3. To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.
 - 4. To provide for adequate maintenance of all permanent stormwater management structures in the Borough.

- C. **Applicability:** The provisions of this Section shall apply to all subdivisions and land development activity within Borough of Apollo.

- D. **Liability Disclaimer:** Neither the granting of any approval under the stormwater management provisions of this Ordinance, nor compliance with the provisions of this section, or with any condition imposed by a Borough official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Borough for damages to persons or property.
 - 1. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the Borough, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

- E. **General Standards:**
 - 1. The following provisions shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated and shall apply throughout the Borough of Apollo.

- (a) Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:
 - i. To assure that the maximum rate of stormwater runoff is no greater after development than the release rate percentage provided in this Ordinance; or
 - ii. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury and does not exceed the release rate percentage provided in this Ordinance.
2. The stormwater management plan for the development site must consider all the stormwater runoff flowing over the site.
3. No discharge of toxic materials shall be permitted into any stormwater management system.

F. Watershed Standards:

1. The stormwater performance standards in this Article are intended to implement the provisions, standards and criteria contained in the Pennsylvania Stormwater Management Act. If there is any discrepancy between the provisions of this Article and the provisions, standards and criteria of the Act, or if the stormwater management plan is subsequently approved and adopted by the appropriate governmental agency or body, then the provisions, standards and criteria of the current watershed plan shall govern.
2. **Storm Frequencies:** Stormwater management facilities on all development sites shall control the peak stormwater discharge for the 2 year, 10 year, 25 year and 100 year storm frequencies. The SCS 24-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions.

For additional information or data on other storm return periods, consult the "Erosion and Sediment Pollution Control Program Manual," produced by Pennsylvania Department of Environmental Protection, Division of Waterways, Wetland and Erosion Control, Harrisburg, March 2000, as thereafter amended.

3. **Calculation Methods:**

- (a) **Development Sites:** For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications, Technical Release (TR) 55 or 20, HEC I, or Penn State Runoff Model.
- (b) **Stormwater Collection/Conveyance Facilities:** For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, any of the above listed calculation methods or the Rational Method may be used. Rainfall intensities for design

should be obtained from the Pennsylvania Department of Transportation rainfall charts.

- (c) **Predevelopment Conditions:** Predevelopment conditions shall be assumed to be those which exist on any site at the time of adoption of the a watershed stormwater management plan. Hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, cropland, etc.) shall be assumed to be in "good" condition, and the lowest recommended SCS runoff curve number (CN) shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group.
- (d) Routing of hydrographs through detention/retention facilities for the purpose of designing those facilities shall be accomplished using the Modified-Puls or Storage-Indication Method or recognized reservoir routing method subject to the approval of the Borough and Armstrong County.

4. **Release Rate Percentage:**

- (a) **Definition:** The release rate percentage defines the percentage of the predevelopment peak rate of runoff that can be discharged from an outfall on the site after development. It applies uniformly to all land development or alterations which are subject to the provisions of this Article. The release rate for the Borough shall be eighty percent (80%).
- (b) **Procedure for Use:**
 - i. Compute the pre- and post-development runoff hydrographs for each stormwater outfall on the development site using an acceptable calculation method for the 2-, 10-, 25- and 100-year storms. Apply no on-site detention for stormwater management but include any techniques to minimize impervious surfaces and/or increase the time of concentration for stormwater runoff flowing from the development site. If the post-development peak runoff rate and the runoff volume are less than or equal to the predevelopment peak runoff rate and volume, then additional stormwater control shall not be required at that outfall. If the post-development peak runoff rate and volume are greater than the predevelopment peak runoff rate and volume, then stormwater detention will be required and the capacity of the detention facility must be calculated in the manner prescribed in this Part.
 - ii. Multiply the release rate percentage by the predevelopment rate of runoff from the development site to determine the maximum allowable release rate from any detention facility for the four (4) prescribed storm events.
 - iii. Design the outlet control facilities and size the volume of the detention facility using the calculated post-development hydrograph and accepted hydrograph routing procedures in consideration of

the maximum allowable release rate.

5. A No Harm Evaluation will not be an acceptable solution to stormwater runoff created by development in Borough of Apollo.

G. Design Criteria for Stormwater Management Controls: General Criteria:

1. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls must be subject to approval of the Borough Engineer. The Borough Engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this Article.
2. The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the Borough Engineer may require in-depth studies by a competent geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.
3. The stormwater management practices to be used in developing a stormwater management plan for a particular site shall be selected according to the following order of preference.
 - (a) decreased impervious area coverage
 - (b) infiltration of runoff on-site
 - (c) flow attenuation by use of open vegetated swales, natural depressions, porous pavement and concrete lattice block surface
 - (d) stormwater detention/retention structures such as ponds, cisterns and underground reservoirs, rooftop storage or parking lot ponding.
4. Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

H. Criteria for Infiltration Systems:

1. Infiltration systems shall be sized and designed based upon local soil and groundwater conditions.
2. Infiltration systems shall be designed on the basis of actual percolation or absorption test results and shall be located at least ten (10') feet from basement walls.
3. Infiltration systems shall not be used to handle runoff from commercial or industrial working or parking areas. This prohibition does not extend to roof areas which are

demonstrated to be suitably protected from the effects of the commercial/industrial activities.

4. Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.
5. The stormwater infiltration facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall. If the overflow is found to be operating repeatedly indicating a failure of the infiltration system, responsibility for maintenance, repair or replacement remains with the landowner.

I. Criteria for Stormwater Detention Facilities:

1. If detention facilities are utilized for the development site, the facility(ies) shall be designed such that post-development peak runoff rates from the developed site are controlled to the eighty percent (80%) release rate defined in this Article for the 2-, 10-, 25- and 100-year storm frequencies.
2. All detention facilities shall be equipped with outlet structures to provide discharge control for the four (4) designated storm frequencies. Provisions shall also be made to safely pass, at minimum, the post-development 100-year storm runoff without breaching or otherwise damaging (i.e., impairing the continued function of) the facilities.
3. Shared-storage facilities, which provide detention of runoff for more than one development site within a single subarea may be considered and are encouraged. Such facilities shall meet the criteria contained in this Section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities.
4. Where detention facilities will be utilized, multiple use facilities, such as wetlands, lakes, ballfields or similar recreational/open space uses are encouraged wherever feasible, subject to the approval of the Borough and the Pennsylvania Department of Environmental Protection's Ordinance 105 regulations.
5. Other considerations which should be incorporated into the design of the detention facilities include:
 - (a) Inflow and outflow structures shall be designed and installed to prevent erosion. Slope and bottoms of impoundment type structures should be protected from soil erosions.
 - (b) Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration.
 - (c) Inflow and outflow structures, pumping stations, and other structures shall be designed and protected to minimize safety hazards.
 - (d) Access shall be restricted by the installation of fencing at a minimum

height of six feet (6').

- (e) Side slope of storage ponds shall not exceed a ratio of two-and-one-half to one (2.5:1) horizontal to vertical dimension.
- (f) Landscaping shall be provided which buffers the facility from adjacent properties.
- (g) Facility shall be located to encourage maintenance, considering the frequency and type of equipment that will be required.

J. Criteria for Collection/Conveyance Facilities

1. All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards:
 - (a) All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.
 - (b) Lots located on the high side of streets shall extend roof and french drains to the curb line storm sewer (if applicable) or disbursed on lawn areas where sewers are not provided. Low side lots shall extend roof and french drains to stormwater collection/conveyance/control system or natural watercourse in accordance with the approved stormwater management plan for the development site.
 - (c) Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.
 - (d) All collection/conveyance facilities shall be designed to convey the 25-year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a stormwater control facility, curbed street, storm sewer or natural watercourse.
 - (e) Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.
2. Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:
 - (a) Where practical, designed to traverse under seeded and planted areas. If constructed within ten feet (10') of road paving, walks or other surfaced areas, drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development. Storm sewers shall be located in the right-of-way or in a drainage easement.
 - (b) Preferably installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground

- with a minimum of three feet (3') cover and/or adequate protection during the fill construction.
- (c) Designed: (1) with cradle when traversing fill areas of indeterminate stability, (2) with anchor when gradient exceeds twenty percent (20%), and (3) with encasement or special backfill requirements when traversing under a paved area.
 - (d) Designed to adequately handle the anticipated stormwater flow and be economical to construct and maintain. The minimum pipe size shall be fifteen inches (15") in diameter.
 - (e) Drain pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the Borough and/or applicable PennDOT Specifications, Form 408.
 - (f) All corrugated metal pipe shall be polymer coated, and with bituminous bonding and paved inverts where prone to erode. Corrugated Polyethylene Pipe (PE) is an acceptable substitute. Pipe within a Borough right-of-way shall be reinforced concrete pipe with a minimum diameter of fifteen inches (15") or approved equal. Minimum grade shall be 0.50%.
 - (g) Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with Borough standards. Inlets may be substituted for manholes when approved by the Borough Council. Inlets of size and design specified by Appendix A shall be constructed as required to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the areas to be drained.
 - (h) Appropriate grates conforming to Pennsylvania Department of Transportation Specifications Form 408 and shall be provided for all catch-basins, stormwater inlets and other entrance appurtenances. Bicycle safe grates are required.
 - (i) Manholes shall be designed so that the top shall be at finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling." Manholes shall be spaced not more than three hundred feet (300') apart unless otherwise approved by the Borough Council upon recommendation of the Borough Engineer. Manholes may be required at all changes in alignment and at all changes in grade.
 - (j) Where proposed sewer connects with an existing storm sewer system, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional flow.
 - (k) Storm sewer outfalls shall be equipped with energy dissipation devices to prevent erosion and conform with applicable requirements of the

Pennsylvania DEP for stream encroachments (Chapter 105 of Pennsylvania DEP Rules and Regulations).

- (l) In the design of storm drainage installations, special consideration shall be given to the avoidance of problems which may arise from concentration of stormwater runoff over adjacent properties. The landowner/developer shall remain responsible for future damage caused to lands of others by discharges from his development.
- (m) Bridges and culverts shall be designed to support the expected loads, to carry expected flows, and be constructed the full width of the right-of-way, where deemed necessary by the Borough Council.

J. Erosion and Sedimentation Controls:

- 1. Erosion/sedimentation plan shall be provided in accordance with the Pennsylvania Erosion/Sedimentation Regulations (25 PA Code, Chapter 102) and the standards and guidelines of the Armstrong County Conservation District.
- 2. As a minimum all erosion and sedimentation submittals shall include an erosion and sedimentation control plan drawing, an engineer's narrative describing the plan, a construction implementation schedule, and a maintenance plan.
- 3. Proposed erosion/sedimentation measures shall be submitted with the stormwater management plan as part of the preliminary and final applications.

Maintenance of Stormwater Management Controls:

- 1. Maintenance Responsibilities:
 - (a) The stormwater management plan for the development shall contain an operation and maintenance plan prepared by the applicant and approved by the Borough Engineer. The operation and maintenance plan shall outline required routine maintenance action schedules necessary to insure proper operation of the facility(ies).
 - (b) The stormwater management plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principals:
 - i. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Borough, stormwater control facilities should also be dedicated to and maintained by the Borough.
 - ii. If a development site is to be maintained in single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or

private management entity.

- (c) The Borough Council, upon recommendation of the Borough Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The Borough Council reserves the right to accept the ownership and operating responsibility for any of all of the stormwater management controls.

2. Maintenance Agreement for Privately Owned Stormwater Facilities:

- (a) Prior to final approval of the site's stormwater plan the property owner shall sign and record a maintenance agreement covering all stormwater control facilities which are to be privately owned. The agreement shall stipulate that:
 - i. The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner.
 - ii. The owner shall convey to the Borough easements and or rights-of-way to assure access for periodic inspections by the Borough and maintenance if required.
 - iii. The owner shall keep on file with the Borough the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the Borough within ten (10) days of the change.
 - iv. If the owner fails to maintain the stormwater control facilities following due notice by the Borough to correct the problem(s), the Borough may perform the necessary maintenance work or corrective work and the owner shall reimburse the Borough for all costs.
- (b) Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Borough Solicitor and the Borough Council and shall be in a form as may be recorded in the Office of the Recorder of Deeds in Armstrong County.

Stormwater Plan Requirements:

1. **General Requirements:** No final subdivision or land development plan shall be approved, no permit authorizing construction issued, or any earthmoving or land disturbance activity initiated until the final stormwater management plan for the development site is approved in accordance with the provisions of this Section.
2. **Exemptions for Minor Land Developments:**

- (a) At the time of application, the Borough shall determine if the subdivision/land development qualifies as a "minor land development" and, therefore, is eligible for a simplified stormwater plan submission. For the purposes of this Article, a minor land development is any subdivision or land development which results (or will result when fully constructed) in the creation of five thousand (5,000) or less square feet of impervious area and one-quarter (1/4) acre or less of any land cover change.
- (b) Any subsequent development on the same parcel, or on adjoining parcels in common ownership, which, when combined with the prior development, exceeds the five thousand (5,000) square feet of impervious area or one-quarter (1/4) acre of land cover change shall require the new and prior development to comply with all requirements of this Article.
- (c) Applications for minor land developments shall include a plan which describes the type and location of proposed on-site stormwater management techniques or the proposed connection to an existing storm sewer system. The plan should show drainage facilities or structures. The Borough reserves the right to require that the plan be prepared by a Registered Professional Engineer, Surveyor or Landscape Architect.
- (d) Nothing in this Section shall relieve the Developer from the responsibility of providing adequate stormwater controls to meet the spirit and intent of this Article. Regardless of size, all development shall provide adequate onsite stormwater controls to protect neighboring properties from harm, as determined by the Borough.
- (e) The Borough Engineer shall review and approve the proposed provisions for stormwater management in accordance with the standards and requirements of this Article.

3. **Stormwater Plan Contents:**

- (a) **Existing and Proposed Features:** The plan shall show the following:
 - i. Watershed location - Provide a key map showing the location of the development site within the watershed(s) and watershed sub-area(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed and subarea names.
 - ii. Floodplain Boundaries - Identify 100-year floodplains on the development site (as appropriate) based on the Borough Flood Insurance Study maps.
 - iii. Natural Features - Show all bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site, or which will be affected by runoff from the development.

- iv. Soils - Provide an overlay showing soil types and boundaries within the development site (consult County, SCS and U.S. Geological Survey for information).
 - v. Contours - Show existing land contours at intervals of two (2') feet; in areas with slopes greater than fifty (50%) percent, five (5') foot contour intervals may be used.
 - vi. Land Cover - Show existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed.
 - vii. Drainage Area Delineation's - Show the boundaries of the drainage areas employed in the runoff calculations performed.
 - viii. Stormwater Management Controls - Show any existing stormwater management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc. which are located on the development site, or which are located offsite but will be affected by runoff from the development.
- (b) **Professional Certification**: The stormwater management plan (including all calculations) must be prepared and sealed by a Registered Professional Engineer, Surveyor or Landscape Architect with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required by the Borough.
- (c) **Runoff Calculations**: Calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities must be submitted with the stormwater management plan. All calculations shall be prepared using the methods and data prescribed by this Article.
- (d) **Stormwater Controls**: All proposed stormwater runoff control measures must be shown on the plan including methods for collecting, conveying and storing stormwater runoff onsite, which are to be used both during and after construction. Erosion and sedimentation controls shall be shown in accordance with applicable Borough and Armstrong County Conservation District requirements. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and their relationship to the existing watershed drainage system.
- i. If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.
 - ii. A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.

- (e) **Easements, Rights-of-Way, Deed Restrictions:** All existing and proposed easements and rights-of-way for drainage and/or access to stormwater control facilities shall be shown and the proposed owner identified. Show any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.
 - (f) **Other Permits/Approvals:** A list of any approvals/permits relative to stormwater management required from other governmental agencies (including DEP Chapter 105 and 106 permits) and anticipated dates of submission/receipt should be included with the stormwater plan submission.
4. **Maintenance Program:** The application shall contain a proposed maintenance plan for all stormwater control facilities in accordance with the following:
- (a) Identify the proposed ownership entity (e.g., municipality, property owner, private corporation, homeowner's association, or other entity).
 - (b) Prepare a maintenance program for all facilities, outlining the type of maintenance activities, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.
 - (c) Identify method of financing continuing operation and maintenance if the facility is to be owned by other than the Borough.
 - (d) Submit any legal agreements required to implement the maintenance program and copies of the maintenance agreement as required by this Article.
5. **Financial Guarantees:** Submit financial guarantees in accordance with the provisions of this Ordinance and Section 509 of the Pennsylvania Municipalities Planning Code.

Plan Review Procedures:

1. Preapplication Phase:
- (a) Before submitting the stormwater plan, applicants are urged to consult with the Borough and County Conservation District on the requirements for safely managing stormwater discharge from the development site in a manner consistent with Borough standards and Department of Environmental Protection regulations.
 - (b) Applicants are encouraged to submit a sketch plan with a narrative description of the proposed stormwater management controls for general guidance and discussion with the Borough and other agencies.
 - (c) The preapplication is not mandatory; any review comments provided by the Borough or other agencies are advisory only and do not constitute any legally binding action on the part of the Borough or any third party agency.

2. Stormwater Plan Reviews:

- (a) **Submission of Plans:** Stormwater plan applications shall be submitted with the preliminary and final subdivision/land development applications.
- (b) **Notification of Affected Municipalities:** The Borough shall notify municipalities upstream and downstream of the development site, which may be affected by the stormwater runoff and proposed controls for the site. Copies of the plans shall be made available to the municipalities upon request. Comments received from any affected municipality will be considered by the Borough Engineer and County agency review.
- (c) **Review by Borough Engineer and Armstrong County Conservation District:** Stormwater plans shall be reviewed by the Borough Engineer and Armstrong County Conservation District. At its discretion, the Borough may also engage other specialists in hydrology or hydraulics to assist with the stormwater plan review. The Armstrong County Conservation District shall review the erosion and sedimentation control plan for general compliance with the watershed plan standards and criteria and watershed-wide impacts where applicable. If the Conservation District's review identifies the improper application of the watershed standards and criteria or the possibility of harmful impacts downstream from the development site's proposed stormwater management system, the applicant and Borough Engineer will be so notified so that the necessary modifications can be made to promote safe stormwater management.
- (d) **Borough Engineer's Review:** The Borough Engineer shall approve or disapprove the stormwater management plan based on the requirements of the applicable Borough standards, the standards and criteria of the watershed plan when applicable and good engineering practice. The Engineer shall submit a written report, along with supporting documentation, stating reasons for approval or disapproval.
- (e) **Status of the Engineer's Determination:** The approval/disapproval of the site's stormwater management plan by the Borough Engineer shall be submitted to the Borough Council for final determination. The Engineer's determination approving or disapproving the site's stormwater management plan shall be deemed approved by Borough Council unless a majority comprised of at least two-thirds of the members casting votes rejecting said determination. In the event that a determination of the Borough Engineer is rejected by Borough Council, the developer's engineer shall prepare modifications or alternative approaches to the stormwater management plan for resubmission to Council.
- (f) **Permits Required from Other Governmental Agencies:** Where the proposed development requires an encroachment permit from the Pennsylvania Department of Environmental Protection or an erosion/sedimentation permit from the Armstrong County Conservation District, final stormwater management plan approval shall be condition-

al upon receipt of such permits. However, no building permit shall be issued, nor construction started, until the permits are received and copies filed with the Borough.

Status of the Stormwater Plan After Final Approval:

1. Upon final stormwater plan approval and receipt of all necessary permits, the applicant may commence to install or implement the approved stormwater management controls.
2. If site development or building construction does not begin within two (2) years of the date of final approval of the stormwater management plan, then before beginning, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously approved stormwater management controls. Further, if for any reason development activities are suspended for two (2) or more years, then the same requirement for resubmission of the stormwater management plan shall apply.

Stormwater Plan Modifications:

1. If the request for a plan modification is initiated before construction begins, the stormwater plan must be resubmitted and reviewed according to the procedures contained in this Article.
2. If the request for a plan modification is initiated after construction is underway, the Borough Engineer shall have the authority to approve or disapprove the modification based on field inspection provided:
 - (a) The requested changes in stormwater controls do not result in any modifications to other approved Borough land use/development requirements (e.g., building setbacks, yards, etc.) and
 - (b) The performance standards enumerated in the Borough Zoning Ordinance (Ordinance #223-07) are met. Notification of the Engineer's action shall be sent to the Borough Council which may issue a stay of the plan modification and within five (5) days require the permittee to resubmit the plan modification for full stormwater plan review in accordance with this Article.

Inspections of Stormwater Management Controls:

1. The Borough Engineer or designated representative shall inspect the construction of the temporary and permanent stormwater management system for the development site. The permittee shall notify the Engineer forty-eight (48) hours in advance of the completion of the following key development phases:
 - (a) At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities.

- (b) At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements and groundcovers.
 - (c) During construction of the permanent stormwater facilities at such times as specified by Borough Engineer.
 - (d) Completion of permanent stormwater management facilities including established groundcovers and plantings.
 - (e) Completion of final grading, vegetative control measure of other site restoration work done in accordance with the approved plan and permit.
- 3. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the Borough Engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.
 - 4. If during construction, the contractor or permittee identifies any site condition, such as subsurface soil condition, alterations in surface or subsurface drainage which could affect the feasibility of the approved stormwater facilities, he/she shall notify the Borough Engineer within twenty-four (24) hours of the discovery of such condition and request a field inspection. The Borough Engineer shall determine if the condition requires a stormwater plan modification.
 - 5. In cases where stormwater facilities are to be installed in areas of landslide-prone soils or other special site conditions exist, the Borough may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs related to such precautionary measures shall be borne by the applicant.

§616. STREET TREES

Should the developer plan to provide trees, their proposed locations, spacing and species must be submitted for approval by the Planning Committee and Borough Council. On narrow rights-of-way or where the planting strip between sidewalk and the curb is less than five (5) feet wide, trees will not be permitted, but are to be placed inside the property lines.

§617. SPACE FOR SPECIAL PURPOSES

- A. Easements, adequate for all utilities and drainage characteristics.
- B. Buffer area or planting screen minimum width - ten (10) feet, or as specified in the Borough of Apollo Zoning Ordinance #223-07.

§618. GRADING PLAN

- A. At the time of submission of a subdivision plan or development plan for preliminary approval a grading plan shall be presented for review. The grading plan shall identify the

existing and proposed grade contours at two (2) foot intervals with sufficient elevations to show proposed grading of streets, lots, drainage ways, stormwater detention ponds and any other proposed grading activity.

- B. Topsoil Preservation: No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored in accordance with the approved erosion and sedimentation control plan as required in this Article. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding, both temporary and permanent, or planted in accordance with the approved erosion and sedimentation control plan.

§619. AS BUILT PLANS

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

ARTICLE 7
CONDITION OF ACCEPTANCE

§701. PERFORMANCE REQUIREMENTS

- A. Before approving any subdivision or land development plan, the Borough Council shall require a written agreement that necessary facilities and improvements, including, but not limited to grading, paving and street improvements, sidewalks, street lights, fire hydrants, water mains and sanitary sewers, as may be required by the Borough, shall be installed by the developer in strict accordance with the design standards and specifications of the Borough, within a specified time period. Such agreement shall be prepared by the Borough Solicitor at the expense of the developer.

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

§702. PERFORMANCE GUARANTEES

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

- B. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten percent (110%) of the cost of completion estimated as of ninety (90) days following the developer's scheduled date of completion. The amount estimated shall be prepared by a licensed professional engineer for submittal to the Borough by the applicant or developer. If the amount of the estimated financial security is contested by the Borough Engineer, a third licensed professional engineer chosen mutually by the applicant or developer, and the Borough, shall estimate the amount of financial security necessary, which estimate shall be presumed fair and reasonable. Fees for the services of the third engineer shall be paid equally by the Borough and the applicant or developer.
 - 1. **Completion of Improvements Prior to Final Approval** - Prior to final plat or land development approval, the developer shall complete, in a manner satisfactory to the Borough Council and the Borough Engineer, all public improvements required in these regulations and specified in the final subdivision plat or land development plan, and as approved by the Borough Council, and shall dedicate same to the Bor-

ough in accordance with these regulations. Final plat or land development approval shall not be granted until the dedication of said public improvements has been accepted by the Borough Council.

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

- (a) **Surety Bond:** The developer shall obtain a security bond from a surety bonding company authorized to do business in the State of Pennsylvania. The bond shall be payable to the Borough and shall be in an amount sufficient to cover the entire cost, as estimated by the Borough Engineer, as herein provided, for the installation of all improvements plus ten percent (10%). The duration of the bond shall be until such time as the improvements are accepted by the Borough in accordance with the requirements of this Article.
- (b) **Escrow Account:** The developer shall deposit cash, or other instruments readily convertible into cash at face value, either with the Borough, or in escrow with a bank. The form of any instruments other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Borough Solicitor. The amount of the deposit shall be at least equal to the cost, as estimated by the Borough Engineer, of installing all required improvements, plus ten (10) percent. In case of an escrow account, the developer shall file with the Borough Council an agreement between the financial institution and himself guaranteeing the following:
 - i. That the funds of said escrow account shall be held in trust until released by the Borough Council and may not be used or pledged by the developer as security in any other matter during the period;
 - ii. And that in the case of a failure on the part of the developer to complete said improvements, the bank shall immediately make the funds in said account available to the Borough for use in the completion of those improvements.
- (c) **Irrevocable letter of credit:** An irrevocable letter of credit in an amount equal to the cost of all required improvements, as estimated by the Borough Engineer, plus ten percent (10%), shall be posted naming the Borough Council as beneficiaries. The financial institution which provides the irrevocable letter of credit shall be first approved by the Borough Council. Failure on the part of the developer to complete said improvements shall cause the funds posted as an irrevocable letter of credit to be made available to the Borough upon written notice of a claim against said funds.

§703. RELEASE FROM IMPROVEMENT BOND

A. Procedure:

1. When the developer has completed all of the required improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy to the Borough Engineer.
2. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
3. The Borough Council shall notify the developer, in writing by certified or registered mail, within fifteen (15) days of receipt of the engineer's report of the action of said Borough Council with relation thereto.
4. If any portion of the required improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed to limit of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.
6. The applicant or developer shall be charged by the Borough of Apollo for all fees reasonable and necessary, to cover costs incurred by the Borough for engineering review and inspection of improvements, as outlined in this Article. In the event that the amount of the expense is disputed, the following procedures shall be implemented:
 - (a) If within twenty (20) days of receipt of the balance of the originally deposited funds a disagreement with the amounts charged for engineering review and inspection occurs, a licensed professional engineer shall be appointed by mutual agreement, as a third party to review and determine reasonable and necessary expenses.
 - (b) The engineer so appointed shall at his sole discretion review documentation and hear evidence necessary to render a decision within fifty (50) days of the receipt of the balance in question. The applicant shall be required to pay the entire amount determined in the decision immediately.

- (c) In the event that within twenty (20) day period following receipt of the deposit balance, the Borough and applicant cannot agree on the appointment of the licensed professional engineer, then upon application of either party, the Court of Common Pleas of Armstrong County, shall appoint such engineer. In no case can the engineer so appointed have provided services to either party within the five (5) years preceding the appointment.
 - (d) The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than five thousand dollars (\$5,000), the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The governing body and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.
7. At the time of final approval and prior to the issuance of any required Borough permit, at ten percent (10%) deposit shall be made by the applicant with the Borough for the costs of review and inspection where public utilities and facilities are proposed. Said ten percent (10%) shall be calculated as ten percent (10%) of the total costs of installation of said public utilities and facilities. Any funds unexpended at the time of acceptance of the aforementioned public utilities and facilities, shall be returned to the applicant.

§704. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- A. In the event that any improvements which may be required have not been constructed and installed as provided for in the written agreement, this Article and the requirements of the Borough Council or in accord with the approved final plan, the Borough Council shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.
- B. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council, may at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
- C. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

§705. MAINTENANCE BOND

- A. Before the Borough Engineer shall issue to the Borough Council a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development and in compliance with the specifications, standards, ordinances and requirements of the Borough, the subdivider or developer shall be required to deposit with the Borough, a Cor-

porate Maintenance Bond, or other surety acceptable to the Borough Solicitor, in such amount, under such conditions, and in such form as shall be required by the Borough Council. The Maintenance Bond shall guarantee the repairs and maintenance by the subdivider or developer of the streets, roads, pavement, sidewalks, curbs, gutters, stormwater drains and facilities, sanitary sewer and facilities and any other improvements constructed and installed in the subdivision or land development, for a period of eighteen (18) months from the date of final and official acceptance of the above said improvements and facilities by the Borough Council. The amount of the maintenance bond shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

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

§706. ACCEPTANCE OF PUBLIC IMPROVEMENTS

Upon completion of the inspection, approval of the public improvements, and receipt of the as-built plans specified in Article VI, the developer shall submit a request to the Borough Council, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication, proof of ownership and clear title, and all other legal descriptive documents necessary to prepare a resolution or ordinance and shall be submitted at least twenty (20) days prior to the regular meeting of the Borough Council. At the regular meeting, the Borough Council shall enact a resolution or ordinance accepting the public improvements as part of the Borough's public facilities, subject to the posting of the maintenance bond required by this Article.

§707. FINAL INSPECTION OF PUBLIC IMPROVEMENTS

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

§708. SNOWPLOWING

The applicant shall be responsible from the time there is at least one (1) occupant in the proposed development, to plow snow and disperse anti-skid material on development roads and streets as may be necessary to provide ingress and egress to the occupants at the applicant's cost, prior to the acceptance of dedicated streets. The applicant shall post with the Borough the sum of one thousand dollars (\$1,000.00) as an escrow to provide for snow removal and the dispersal of anti-skid material prior to acceptance of dedication of the streets. All payments to the Borough for said snow removal and dispersal of anti-skid material shall be made from the escrow fund. In the event that the escrow should become depleted, the applicant shall post an additional sum of one thousand dollars (\$1,000.00) and such further amounts as may be necessary until such time as the dedication of the streets is accepted by the Borough.

§709. HIGHER STANDARDS

- A. No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Borough or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Borough. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum and the Borough Council may as it deems advisable revise said specifications and requirements to secure a higher standard of improvements and community development.
- B. No stormwater drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system, and facilities or any other facilities or improvements will be accepted as a part of the Borough's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Borough.

§710. RECORDING PLAT

- A. Upon the approval of a final plat, the developer shall within ninety (90) days of such final approval, or ninety (90) days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat approval in the Office of the Recorder of Deeds of Armstrong County. Whenever such plat approval is required by the Borough, the Recorder of Deeds of Armstrong County shall not accept any plat for recording, unless such plat officially notes the approval of the Borough Council and review by the Armstrong County Planning Commission.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.
- C. After an approved subdivision plan shall have been officially recorded, the streets, parks, and other public improvements shown thereon shall be considered to be a part of the official plan of the Borough.
- D. Any nonresidential land development whether occurring on one (1) lot or on a combination of parcels under single ownership and phased over a period of years shall be recorded with Armstrong County as an approved land development plan following completion of all contemplated improvements and structures. One (1) mylar drawing shall be submitted to the Armstrong County Recorder of Deeds and two (2) paper copies filed with the Borough of Apollo.

§711. APPROVAL REFUSED BY COUNCIL

In any case where the Borough Council shall refuse to approve any plats or land development plans submitted to them in accordance with this Subdivision and Land Development Ordinance, any person aggrieved by the action of the Borough Council may appeal as provided by law to the Court of Common Pleas of Armstrong County, Pennsylvania.

§712. NO RESPONSIBILITY OF BOROUGH WHERE PLANS NOT APPROVED

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

ARTICLE 8 FEES

§801. FEE TO ACCOMPANY APPLICATION FOR REVIEW AND APPROVAL OF PLANS, AND INSPECTION OF IMPROVEMENTS PROPOSED THEREON

- A. All applications submitted for the review and approval of plans of subdivision and plans of land development prepared in preliminary or final form shall be accompanied by an administrative review fee and a deposit in accordance with a schedule of fees and charges established, or to be established, and adopted by resolution of the Borough Council to defray, or to help defray, any cost that may be incurred by the Borough and its professional consultants in viewing and inspecting the site of the subdivision or land development, and reviewing the application, data and the plans submitted relative to the same.
1. A deposit shall be made at the time of application for preliminary and final subdivision or land development approval, with the Borough of Apollo in order to cover the costs of engineering review and inspection of proposed improvements, legal fees and other consultants' fees whose services are required in order to provide a comprehensive review of the subdivision or land development application.
 2. An administrative fee, as established by resolution of the Borough Council, and fees as charged to the Borough for activities related to the subdivision or land development application shall be deducted from the deposit as invoices are received.
 3. A full accounting of all expenses incurred during the review and approval of a subdivision or land development application, whether preliminary or final, shall be kept by the Borough secretary and made available to the applicant.
 4. Upon completion of all improvements to the satisfaction of the Borough Engineer, and upon a full and complete release of all sureties posted relative to the improvements proposed, the remaining balance of the deposit shall be returned to the applicant upon receipt of a written request to do so.
- B. The schedule of fees and charges established or to be established may vary, and be regulated in accordance to the scope and complexity of the plan of subdivision and land development project, such as:
1. Number of parcels or lots in plan;
 2. Intensity of land development plans submitted;
 3. Accuracy of utility development plans;
 4. Applicants plan of construction and development of the land, structures and facilities thereon, and appurtenant thereto; and
 5. Number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.

- C. Where a plan of subdivision or land development for any reason has been rejected by the Borough Planning Committee and/or Borough Council, the applicant when resubmitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the Borough's schedule of fees and charges for such submittals.
- D. All administrative fees shall be made payable to the Borough of Apollo. All administrative fees deducted from the original deposit are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee so charged.
- E. The applicant shall reimburse the Borough of Apollo for all costs associated with the review and approval, or denial, of an application for subdivision or land development approval which exceeds the amount of the original deposit.

ARTICLE 9

AMENDMENTS AND MODIFICATIONS

§902. ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENT

- A. Amendments to the subdivision and land development ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by Section 504 of the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Committee, Borough Council shall submit each such amendment to the Planning Committee for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- B. At least thirty (30) days prior to the date of the hearing on the amendment, the Borough shall submit the proposed amendment to the Armstrong County Planning Commission for recommendation.
- C. Within thirty (30) days after adoption, the Borough Council shall forward a certified copy of the amendment to the subdivision and land development ordinance to the Armstrong County Planning Commission.

§903. PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCE

- A. Proposed subdivision and land development ordinance amendments shall not be enacted unless notice of proposed enactment is given, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Council shall publish the proposed ordinance amendment once in one newspaper of general circulation in the municipality not more than thirty (30) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included in the public notice:
 - 1. A copy of the full text shall be supplied to the newspaper of general circulation in the Borough at the time the public notice is published.
 - 2. An attested copy of the proposed ordinance amendment shall be filed in the Armstrong County law library which may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance amendments.
- B. In the event substantial amendments are made in the proposed ordinance amendment, before voting upon enactment, Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

§904. MODIFICATIONS

- A. When the developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to and where because of topographical or other conditions peculiar to the site, and in the opinion of the Planning Committee a modification may be made without destroying the intent of such provision, the Planning Committee may recommend and the Borough Council may authorize relief from the strict application of this provision. Any relief thus authorized shall be entered in the minutes of the Borough Council along with the reasons which justify the modification.
- B. Borough Council may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
- C. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- D. If approval power is reserved by Borough Council, the request for modification may be referred to the Planning Committee for advisory comments.
- E. Borough Council or the Planning Committee, as the case may be, shall keep a written record of all action on all requests for modifications.
- F. Subdivision and land development ordinance amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE 10

ENFORCEMENT REMEDIES

§1001. ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated the provisions of the Borough of Apollo Subdivision and Land Development Ordinance enacted under Act 247, Pennsylvania Municipalities Planning Code, and all amendments thereto, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.
- 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 Article shall be construed or interpreted to grant to any person or entity other than the Borough of Apollo the right to commence any action for enforcement pursuant to this Article.

ARTICLE 11
PREVENTIVE REMEDIES

§1101. PREVENTIVE REMEDIES

- A. In addition to other remedies, the Borough of Apollo may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The Borough of Apollo may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Act 247, Pennsylvania Municipalities Planning Code. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

GENERAL REPEALER: Any Ordinance or parts of Ordinances in conflict with this Ordinance are hereby specifically repealed.

ORDAINED AND ENACTED by the Council of the Borough of Apollo this _____ day of _____, 2002.

BOROUGH OF APOLLO

BY: _____

ATTEST:

SECRETARY

Approved this _____ day of _____, 20____.

BY: _____
Mayor

ATTEST:

SECRETARY

CERTIFICATION

I, _____, duly qualified Secretary of the Borough Council of the Borough of Apollo, Armstrong County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 224-07 is a true and correct copy of the original Ordinance No. _____ duly passed and adopted by a majority vote of the Borough Council of the Borough of Apollo at a duly advertised and convened regular meeting held on the _____ day of _____, 20____, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Borough of Apollo, this _____ day of _____, 20_____.

Certified to by:

Borough Secretary

BOROUGH OF APOLLO
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
ORDINANCE #223-07
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