

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

**PART I
PURPOSE AND AUTHORITY**

§ 22-101. Authority.....22-4
§ 22-102. Effective Date..... 22-4
§ 22-103. Short Title..... 22-4
§ 22-104. Subject Properties..... 22-4
§ 22-105. Exclusions and Waiver..... 22-4
§ 22-106. Compliance Required..... 22-5
§ 22-107. Purpose..... 22-5

**PART II
DEFINITIONS**

§ 22-201. Interpretation..... 22-6
§ 22-202. Meaning of Words..... 22-6

**PART III
APPLICATION AND PLAT REQUIREMENTS**

§ 22-301. Procedure..... 22-15
§ 22-302. Preapplication..... 22-15
§ 22-303. Preliminary Plat..... 22-16
§ 22-304. Final Plat..... 22-20
§ 22-305. Subdivisions of Three Residentially Zoned Lots or Less..... 22-25
§ 22-306. Resubdivision or Replatting..... 22-25
§ 22-307. Land Development Plan Review..... 22-25

**PART IV
MODIFICATION**

§ 22-401. Purpose..... 22-32
§ 22-402. Granting..... 22-32
§ 22-403. Procedure..... 22-32

**PART V
DESIGN STANDARDS**

§ 22-501. Application of Standards..... 22-33
§ 22-502. Land Requirements..... 22-33

| | |
|------------------------------------|-------|
| § 22-503. Street Requirements..... | 22-33 |
| § 22-504. Lots..... | 22-36 |
| § 22-505. Building Lines..... | 22-37 |
| § 22-506. Blocks..... | 22-37 |
| § 22-507. Easements..... | 22-38 |
| § 22-508. Reserved Areas..... | 22-38 |
| § 22-509. Street Names..... | 22-38 |
| § 22-510. Access..... | 22-38 |

**PART VI
IMPROVEMENTS**

| | |
|--|-------|
| § 22-601. Grading..... | 22-39 |
| § 22-602. Under Drainage..... | 22-39 |
| § 22-603. Curbing..... | 22-40 |
| § 22-604. Base Course..... | 22-40 |
| § 22-605. Pavement Wearing Course..... | 22-41 |
| § 22-606. Sidewalks..... | 22-41 |
| § 22-607. Street Signs..... | 22-42 |
| § 22-608. Sanitary Sewers..... | 22-42 |
| § 22-609. Sanitary Sewage Treatment Plant..... | 22-43 |
| § 22-610. Stormwater Management..... | 22-43 |
| §22- 611. (Intentionally Omitted) | 22-45 |
| § 22-612. Water Supply..... | 22-45 |
| § 22-613. Monuments..... | 22-45 |
| § 22-614. Street Trees..... | 22-46 |
| § 22-615. Space for Special Purposes..... | 22-46 |
| § 22-616. Existing Natural Conditions..... | 22-46 |
| § 22-617. Grading Plan..... | 22-46 |
| § 22-618. As Built Plans..... | 22-47 |

**PART VII
CONDITION OF ACCEPTANCE**

| | |
|--|-------|
| § 22-701. Performance Requirements..... | 22-48 |
| § 22-702. Performance Guarantees..... | 22-48 |
| § 22-703. Release From Improvement Bond..... | 22-50 |
| § 22-704. Remedies to Effect Completion of Improvements..... | 22-51 |
| § 22-705. Maintenance Bond..... | 22-52 |
| § 22-706. Acceptance of Public Improvements..... | 22-52 |
| § 22-707. Final Inspection of Public Improvements..... | 22-52 |
| § 22-708. Snowplowing..... | 22-53 |
| § 22-709. Higher Standards..... | 22-53 |
| § 22-710. Recording Plat..... | 22-53 |
| § 22-711. Reconsideration..... | 22-55 |

§ 22-712. Approval Refused by Council.....22-55
 § 22-713. No Responsibility of Borough Where Plans Not Approved.....22-55

**PART VIII
 FEES**

§ 22-801. Fee..... 22-56

**PART IX
 AMENDMENTS**

§ 22-901. Enactment of Subdivision and Land Development Chapter
 Amendment.....22-58
 § 22-902. (Intentionally Omitted) 22-58
 § 22-903. Publication, Advertisement and Availability of Chapter..... 22-58

**PART X
 ENFORCEMENT REMEDIES**

§22-1001. Enforcement Remedies.....22-60

**PART XI
 PREVENTIVE REMEDIES**

§22-1101. Preventive Remedies..... 22-61

**PART XII
 CERTIFICATES, AFFIDAVITS, APPROVALS, ETC.**

§22-1201. 22-62

PART I**PURPOSE AND AUTHORITY****SECTION 22-101. Authority.**

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

(*Ord. 337, 11/1994, §100*)

SECTION 22-102. Effective Date

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

(*Ord. 337, 11/1994, §101*)

SECTION 22-103. Short Title

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

(*Ord. 337, 11/1994, §102*)

SECTION 22-104. Subject Properties

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

(*Ord. 337, 11/1994, §103*)

SECTION 22-105. Exclusions and Waiver

A. Land development 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.

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

(*Ord. 337, 11/1994, §104*)

SECTION 22-106. Compliance Required

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

(*Ord. 337, 11/1994, §105*)

SECTION 22-107. Purpose

This Ordinance is adopted for the following purposes:

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

(*Ord. 337, 11/1994, §106*)

PART II**DEFINITIONS****SECTION 22-201. 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 as well as an individual, or an association of individuals.
- E. The words "shall" and "will" are always mandatory.
- F. The word "may" is permissive or discretionary where compliance is indicated.

(Ord. 337, 11/1994, §200)

SECTION 22-202. 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 Harmony staff, members of the Planning Commission, 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 Harmony Borough Zoning Ordinance.

- A. Alley shall mean a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.
- B. Amusement Park shall mean a tract of land or an area used principally as the location for permanent amusement structure or rides.
- C. Applicant shall mean a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.
- D. Application for Development shall mean 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.

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

F. Available Sewer shall mean a municipal sewer when:

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

2. Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Resources pursuant to the "Pennsylvania Sewage Facilities Act;" or

3. An existing municipal sewer line, with sufficient capacity, is located within one thousand (1,000) feet of the nearest point of a subdivision.

G. Block shall mean an area bounded by streets.

H. Borough shall mean the Borough of Harmony, Butler County, Pennsylvania.

I. Borough Engineer shall mean a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of Harmony, or its planning commission.

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

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

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

M. Cartway shall mean 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.

N. Clear Sight Triangle shall mean the triangular area formed by two (2) intersecting street centerlines 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.

O. Common Open Space shall mean a parcel or parcels of land or an area of water, or a combination of land and water within the development site, designed, intended and dedicated to the common use of the residents of the planned residential development. Common open space may be designated for various types of approved uses.

P. Contour shall mean a line which joins all points of equal elevation on the ground.

Q. Corner Lot shall mean a property which abuts two (2) or more intersecting public streets from each of which buildings on the property must be set back the normal front yard distance for the zoning district in which such property is located.

R. Council shall mean the Borough Council of the Borough of Harmony, Butler County, Pennsylvania.

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

T. Cul-De-Sac Street shall mean 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.

U. Developer shall mean 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.

V. Common Driveway shall mean 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.

W. Multi Driveway shall mean 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 700, Performance Standards, Section 701, Performance Guarantees, and Section 702, Release from Improvement Bond.

X. Private Driveway shall mean 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.

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

Z. Elevation shall mean 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.

AA. Engineer - See Borough Engineer.

BB. Flood Plain, Flood Hazard Area, Flood Prone Area shall mean a land area adjoining a river, stream, water body, or water course which may periodically flood as established by the United States Federal Emergency Management Agency.

CC. Form 408 shall mean Pennsylvania Department of Transportation Form 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication #408.

DD. Homeowners Association shall mean an organization of property owners of lots in individual residential developments responsible for the maintenance of common open space in each plan and the payment of taxes on that land classified as commonly owned open space.

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

FF. Inspector shall mean 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.

GG. Interior Walk shall mean 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.

HH. Land Development shall mean any of the following activities:

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

(a) 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;

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

2. A subdivision of land.

3. Development other than those activities specified as exclusions in Section 104 of this Ordinance.

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

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

KK. Lot Corner shall have the meaning of "Corner Lot."

LL. Lot Depth shall mean the average horizontal distance between the front and rear lot lines.

MM. Lot Flag shall mean 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 vehicular egress, ingress, and 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 Harmony Borough Zoning Ordinance. Lot width at the building line shall comply with the requirements of the Harmony Borough Zoning Ordinance.

NN. Interior lot shall mean a lot other than a corner lot.

OO. Lot Lines shall mean the boundary line describing the limits of a property and separating it from adjacent properties or a public street or way.

PP. Lot Width shall mean the average horizontal distance across the lot between the side lot lines, measured at the building line.

QQ. Modification shall mean when the subdivider 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 Commission a modification may be made without destroying the intent of such provision, the Planning Commission 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.

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

SS. Off Site Sewer Service shall mean sanitary sewage collection system approved by the Borough in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

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

UU. On Site Sewer Service shall mean single system of piping, tanks or other facilities approved by the Borough serving only a single lot and disposing of sewage in whole or in part into the soil.

VV. On Site Water Service shall mean single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

WW. Open Space shall mean 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.

XX. Owner shall mean 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.

YY. Parking space shall mean an off-street space having dimensions of nine feet (9') in width and eighteen feet (18') in depth and an area of not less than two hundred (200) square feet, whether inside or outside of a structure, for the temporary standing of an automotive vehicle to be used exclusively as a parking stall for one (1) automotive vehicle plus one hundred fifty (150) square feet for each parking space used exclusively for turning and access to the parking space.

ZZ. Patio shall mean 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.

AAA. Planning commission shall mean the duly constituted Planning Commission of the Borough of Harmony, Butler County, Pennsylvania.

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

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

DDD. Porch (Also Deck) shall mean an attachment to the exterior of a principal residential use or structure primarily used for private recreation. This attachment is considered a part of the principal structure for the purpose of determining a minimum setback.

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

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

GGG. Public notice shall mean a notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

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

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

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

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

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

MMM. Site Distance shall mean 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.

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

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

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

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

OOO. Street, Private shall mean 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 Standards in Section 700, Performance Guarantees in Section 701, and Release from Improvement Bond in Section 702 shall apply to all developments proposing to install a private street.

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

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

RRR. SUBDIVISION shall mean the division or redivision of a lot, tract or parcel of land by any means including partition by a court among heirs into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or building or land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access shall be exempted.

SSS. Subdivider shall mean developer.

TTT. Substantially Completed shall mean, when, in the judgment of the borough engineer or Zoning Officer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 701 of this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

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

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

WWW. Wetlands shall mean 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 Resources (DER).

XXX. Zoning shall mean a legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.

YYY. Zoning Ordinance shall mean the officially adopted Zoning Ordinance of Harmony Borough and all subsequent amendments thereto.

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

(Ord. 337, 11/1994, §201)

PART III

APPLICATION AND PLAT REQUIREMENTS

SECTION 22-301. Procedure

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

(*Ord. 337, 11/1994, §300*)

SECTION 22-302. Preapplication

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

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. The name of the subdivider.
3. The name of the registered owner.
4. The north point, scale and date.
5. The name of the engineer, surveyor, landscape architect, or other qualified person responsible for the map.
6. Tract boundaries with bearings and distances.
7. Approximate location of watercourses, tree masses, rock out-crops, existing buildings, and actual location of sanitary sewers, storm sewers and inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.

8. Adjacent street.
9. Zoning District in which property is located.

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

(*Ord. 337, 11/1994, §301*)

SECTION 22-303. Preliminary Plat

A. Preliminary Plat Application. The subdivider shall prepare and submit to the Planning Commission Secretary at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission, eight (8) copies of the preliminary plats of the total land to be ultimately developed for review by the Planning Commission according to the requirements and standards contained herein. Upon receipt of the plat, the Planning Commission shall forward a copy to the Butler County Planning Commission for review and recommendation, comments to be submitted back to the Borough of Harmony within thirty (30) days of submittal.

B. Application Fee. At the time of filing an application for preliminary plat approval the subdivider 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 consultants hired by the Borough of Harmony to conduct reviews of said applications.

C. 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 301.
2. Names and addresses of the owner or Owners of the property.
3. Name of the subdivision 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 and planning of the tract.
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 flood plain, flood hazard area, flood-prone area as established by the Federal Emergency Management Agency.

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

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 set back 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 subdivider'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 or a plan showing the location of individual wells in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.

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

18. Where on lot sewage disposal systems are proposed, the subdivider or owner shall submit a completed Department of Environmental Resources Sewage Facilities Planning Module in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.

19. 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.

20. 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.

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

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

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

24. The subdivider shall provide such additional information as may be required by the Planning Commission, Borough Council, Borough Engineer, Zoning Officer, or Sewage Enforcement Officer in order to more fully evaluate the proposed subdivision and its effect on adjacent property or the Borough as a whole.

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

26. A grading plan as per Section 616 of this Ordinance.

27. A plan, calculations and narrative for the collection, management and discharge of all stormwater. The subdivider 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.

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

D. Supplementary Data Required. The preliminary plan shall be accompanied by the following supplementary data:

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

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

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

4. 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 Resources, as to how these utilities are proposed to be furnished.

E. Planning Commission Review and Action. Preliminary Subdivision Applications.

1. The Planning Commission shall review the Preliminary 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. No report or recommendation shall be prepared prior to receipt of the County Planning Commission's recommendation or expiration of the thirty (30) day time period granted for County reviews.

2. Prior to preparation of the written report, the Planning Commission may schedule a public meeting, advertised in accordance with the provisions of the Sunshine Act, which is mutually convenient to the subdivider and the Planning Commission 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 subdivider, consideration of the preliminary plat shall be conducted at the next regularly scheduled meeting of the Planning Commission.

3. At the Planning Commission meeting when considering the preliminary plats, the subdivider shall be given an opportunity to discuss any matters in the preliminary plat which might assist the Planning Commission in making its recommendation to the Borough Council.

F. Action of Borough Council . The Borough Council shall render its decision on the preliminary plat and communicate such decision to the subdivider not later than ninety (90) days following the date of the regular Planning Commission 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.

1. 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.

2. 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.

3. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein after receipt of all information necessary to render such opinion as required under Section 302 shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

4. Failure on the part of the subdivider to supply all data necessary for review and recommendation as required under Section 302 shall constitute an incomplete application, and as such shall not delay or circumvent time constraints imposed elsewhere in this Section.

G. 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 or 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 304 shall apply to any applications herein described. In all other cases preliminary plat approval shall be an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. Granting of preliminary approval shall not qualify a plat for recording, not authorize development or the issuing of any building permit, except as herein specified. Where due to the nature of an application for subdivision approval, the Planning Commission at its sole discretion may consolidate the review processes for both preliminary plat approval, Section 302, and final plat approval, Section 303. Information required in Section 303 shall be submitted for review and consideration in accordance with the time limits established in this Section.

(Ord. 337, 11/1994, §302)

SECTION 22-304. Final Plat

Upon approval of the preliminary plat, the developer shall submit an application for approval of a final plat. The application shall be submitted to the Planning Commission Secretary fifteen (15) days prior to a regular meeting of the Planning Commission and shall include eight (8) copies of the final plat.

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

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

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

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

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

5. Shall be on sheets not larger than twenty-four (24) inches by thirty-six (36) inches over all. It is recommended that as far as practicable final plat sheets be held to an overall

size of either twenty-four (24) inches by thirty-six (36) inches or eighteen (18) inches by twenty-four (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.

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

7. Shall be drawn to a scale of one hundred (100) feet to the inch or larger; more than one (1) sheet may be used for larger tracts and must be indexed.

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

- (a) Name of the recorded owner and subdivider.
- (b) Municipality in which the subdivision is located.
- (c) Name, address and seal of the Registered Professional Land Surveyor preparing the plat.
- (d) Certificate of ownership, including name of owner of record, deed book volume, date of instrument and date of recording.

9. Beyond the boundary lines of the proposed subdivision all final plats submitted shall be drawn according to the following:

- (a) Streets and other ways of medium solid lines.
- (b) Property lines of adjacent subdivision by medium dashed and two dotted lines.
- (c) Lot line by light dotted lines.
- (d) Restriction lines, easements, etc., by light dashed lines.

10. Within the subdivision boundary lines all final plats shall be drawn according to the following:

- (a) Streets or ways of heavy solid lines.
- (b) Perimeter property lines of subdivision by heavy dashed and two dotted lines.

- (c) Lot lines of medium solid lines.
- (d) Restriction of building lines by medium dashed lines.
- (e) Easements of other reserved areas by light dotted lines.

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

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

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

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

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

(a) Existing and finished profile along centerline of proposed street.

(b) Finished grade at fifty (50) foot stations located along the centerline of the proposed street, all vertical curve elevations information, length, including beginning-ending elevations, high and low points located along said vertical curve.

(c) Finished profile for all sanitary sewers, stormwater sewers, and water lines with stations, identification numbers, invert and top elevations, size and type of materials, and percent of slope of each utility proposed.

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

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

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

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

7. Purpose for which sites other than residential are to be dedicated.
 8. Building set back line on all lots and sites.
 9. Location and description of survey monuments.
 10. Names of recorded owner of adjoining plotted or unplotted land.
 11. Certification of Professional Land Surveyor who prepared the plat certifying to the accuracy of the survey and plat.
 12. Attestation by the applicant stating that the applicant is owner of the tract or land proposed to be subdivided.
 13. Statement by the owner dedicating the streets, the right-of-way, easements and any sites proposed for public use.
 14. A plan for the control of erosion and sedimentation for review by the Butler County Conservation District office, as required by the Pennsylvania Clean Streams Act or Chapter 102, Erosion Control of the rules and regulations of the Pennsylvania Department of Environmental Resources.
 15. All plats which will require access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a Highway Occupancy Permit is required pursuant to 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.
 16. Such other certificates, bonds, affidavits, endorsements or dedication as may be required in the enforcement of this Ordinance.
 17. North point, scale and date.
 18. Approvals required by County, State or Federal agencies with jurisdiction.
- D. Planning Commission Review and Action. Final Subdivision Applications.
1. The Planning Commission 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.
 2. Prior to finalization of the written report, the Planning Commission may schedule a public meeting, advertised in accordance with the provisions of the Sunshine Act, which is mutually convenient to the subdivider and the Planning Commission 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 subdivider, consideration of the final plat shall be conducted at the next regularly scheduled meeting of the Planning Commission.

3. 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, as amended.

4. At the Planning Commission meeting when considering the final plats, the subdivider shall be given an opportunity to discuss any matter in the final plat which might assist the Planning Commission in making its recommendation to the Borough Council.

E. Action of the Borough Council. The Borough Council shall render its decision on the final plat and communicate its decision to the subdivider not later than ninety (90) days following the date of the regular Planning Commission 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.

1. The decision of the Borough Council shall be in writing and shall be communicated to the subdivider 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.

2. When the application is not approved as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

3. Failure of the Borough Council to render a decision and communicate it to the subdivider within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended communication shall have like effect.

4. From the time an application for approval of a final plat is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the subdivider and the subdivider 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 subdivider, 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 subdivider 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.

5. Before acting on any subdivision plat, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

(Ord. 337, 11/1994, §303)

SECTION 22-305. 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 303 may be waived for subdivisions of three (3) 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 302 for preliminary plats shall be applicable.

B. The Planning Commission 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 303, Subsection D.

(Ord. 337, 11/1994, §304)

SECTION 22-306. Resubdivision or Replatting

The amendment, alteration or revision of a previously approved plat, or the combination or recombination of lots or portions of previously plotted lots, where the resultant lots are increased in street frontage and total area size, which meets or exceeds the standards of this 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 Harmony Planning Commission and approved by the Borough Council.

(Ord. 337, 11/1994, §305)

SECTION 22-307. Land Development Plan Review

A. Land Development Plan Review Criteria. Any developer or owner of property in Harmony Borough who proposes to construct a new non-residential building, to enlarge an existing non-residential 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 Commission with six (6) copies of plans as described in this Article. Where an owner or developer proposes to enlarge or relocate parking areas, access drives, or to erect signs or other permanent features or improvements,

on a lot or tract of land, he shall provide the Planning Commission with six (6) copies of site 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 Harmony Borough Zoning Ordinance, 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 this Ordinance, before proceeding to satisfy the requirements of this Article.

C. Procedure for Consideration and Approval.

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

2. At its next regularly scheduled meeting following the submission of plans, the Planning Commission 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 Commission meeting after which the application was received, so long as the date of the Planning Commission 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 the 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.

3. The Planning Commission 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 Commission and resubmit plans to the Borough for reconsideration. Where the reconsideration and review will extend beyond the ninety (90) day period authorized, the Planning Commission or Borough Council may request an extension of time from the applicant. Where no extension is granted, action shall be taken as prescribed.

4. Immediately after the Planning Commission has made its decision 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 Commission'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.

5. 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 Commission, 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

6. Separate building permits shall be required for each building to be erected as part of an approved group of buildings on a site in the C Commercial District or the I Industrial District regardless of the proposed timing of the construction of each. Site development work, including but not limited to paving, stormwater drainage structure and landscaping shall be included as part of the work covered under the building permit and subject to the same completion requirements as for the building. (Earth disturbance activities and stormwater management, and design standards for said facilities shall be in compliance with Article VI.

7. At least ten percent (10%) of the gross area of any property to be developed shall be landscaped per recommendation of the Planning Commission 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, ground cover, mulching materials, or other features, and shall be maintained. Submitted drawings shall clearly show all landscaping elements by type and location.

8. 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.

D. Contents of Land Development Plan Submission.

1. The land development plan shall be presented in six (6) prints 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 if desired, indicating the site in relation to major roads and major landmarks in the vicinity.

2. 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 Commission at its discretion. For existing structures where only the use is changing, design requirements may be waived by the Borough Council upon the recommendation of the Planning Commission.

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

(b) Location of adjacent road curbs or edge of paving and existing and proposed curb cuts;

(c) 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 boundary;

(d) 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;

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

(f) Distances between all proposed structures or additions and property lines;

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

(h) Areas with mature trees or forests as defined herein;

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

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

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

(l) 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 access street;

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

(n) North arrow, graphic scale, title and date of submission;

(o) A narrative describing the present and proposed use of the property;

(p) 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; and

(q) Environmental impact statements as specified in Section 306-E of this Article.

(r) 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.

D. Environmental Impact Statement:

1. Environmental Impact Statement Requirements. Where a combination of two (2) or more of the following site characteristics are present, the Planning Commission 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 Resources, and shall be received by the Borough Council at least ten (10) days prior to a scheduled review.

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

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

(c) 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.

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

(e) Construction activity within one hundred feet (100') of any wetland.

2. Environmental Impact Statement Content:

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

(i) limit of the following slope areas:

a. 0 - 15%

b. 15-25%

c. over 25%

(ii) all natural watercourses and wetlands;

overburden;

- (iii) undermined areas with less than one hundred feet (100') of
- (iv) landslide-prone soils;
- (v) all forested areas.

(b) An assessment of the environmental impact of the proposed development with particular attention paid to those items as outlined in Section 306-E.

(c) A list of all licenses, permits and other approvals required by municipal, county, state and federal law and the status of each shall be required before final consideration of the land development plan. Where applicable, the applicant shall submit at the time of consideration of final approval stream encroachment or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.

(d) 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.

(e) Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geo-technical consultant for undermining and landsliding problems, etc.

3. Waiver of Environmental Report Requirement. The Planning Commission 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 flood-prone area as delineated on the FEMA map for Harmony Borough.

4. Waiver of Requirements. Provided the land development plan application is in conformance with all applicable provisions of this Ordinance, that the applicant has requested such in writing, and that the Planning Commission has made a recommendation, 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 Ordinance.

(b) Unusual site characteristics. Whenever a physical feature exists on or adjacent to the site which prevents a literal conformance to requirements or standards.

5. Request for Additional Information. Whenever it is determined by the Planning Commission 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 Commission will notify the applicant of such and said information shall be provided at the applicant's expense before the application will be considered complete.

F. Preventative Remedies:

1. 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.

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

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

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

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

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

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

(Ord. 337, 11/1994, §306)

PART IV
MODIFICATION

SECTION 22-401. Purpose

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

(Ord. 337, 11/1994, §400)

SECTION 22-402. Granting

In granting modifications, the Planning Commission may recommend and the Borough Council may require such conditions, as will, in its judgment, secure substantially the objectives of the standard or requirements so varied or modified. The granting of administrative relief and modifications by the Planning Commission shall be conditional and subject to the final approval of the Borough Council.

(Ord. 337, 11/1994, §401)

SECTION 22-403. Procedure

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

(Ord. 337, 11/1994, §402)

PART V**DESIGN STANDARDS****SECTION 22-501. Application of Standards**

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

(Ord. 337, 11/1994, §500)

SECTION 22-502. Land Requirements

A. Land shall be suited for the purpose for which it is to be subdivided.

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

(Ord. 337, 11/1994, §501)

SECTION 22-503. Street Requirements

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

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

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

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

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

F. Wherever a tract to be subdivided borders an existing half or partial street, the unimproved part of the street shall be plotted within such tract. The cost of said improvements shall be borne equally by the developer/subdivider and the Borough.

G. 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 eight hundred (800) lineal 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 impracticable or undesirable, the turn-around right-of-way shall be placed adjacent to a property line, and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into an adjoining tract.

H. 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.

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

J. Maximum Allowable Grades. Centerline of Streets.

Arterial Streets Six (6) percent

Collector Streets Ten (10) percent

Local Streets Twelve (12) percent

Cul-de-sac - the maximum grade of the turn-around pavement portion of the cul-de-sac shall be five (5) percent.

K. Minimum grades on all streets shall not be less than one (1) percent.

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 = 60 mph Arterial Streets 500 feet

Design Speed = 40 mph Collector Streets 275 feet

Design Speed = 30 mph Local Streets 200 feet

M. Alignment

1. Whenever street lines are deflected in excess of two (2) degrees, connection shall be made by horizontal curves.

2. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

| | | |
|-----------------------|-------------------|------------|
| Design Speed = 60 mph | Arterial Streets | 1,000 feet |
| Design Speed = 40 mph | Collector Streets | 400 feet |
| Design Speed = 30 mph | Local Streets | 100 feet |

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

| Type of Street | Cartway | Right of way |
|----------------|---------|--------------|
| Arterial | 40 feet | 60 feet |
| Collector | 26 feet | 50 feet |
| Local | 24 feet | 50 feet |

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 conformation with above standards 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 Commission and the Borough Engineer.

O. Street Intersection

1. Curbs, where required, shall be installed by the subdivider 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.

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

3. Multiple intersection of more than four (4) roads shall be prohibited.

P. Street Offsets. Street offsets of less than one hundred twenty-five (125) feet shall be avoided.

Q. Reverse Curves. Reverse curves shall be designed to accommodate anticipated volumes of traffic at designed speeds.

R. Alleys

1. Not permitted in residential areas.

2. Permitted in commercial and industrial areas subject to design approval of the Planning Commission and Borough Council.

S. Driveways

1. Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway serves, and shall be designed and constructed in accordance with the requirements of the Borough.

2. 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.

(Ord. 337, 11/1994, §502)

SECTION 22-504. Lots

A. Residential lots shall be subdivided in accordance with the terms of the Borough of Harmony Zoning Ordinance and the provisions contained herein.

B. Subdivision and development of land other than for residential purposes shall be subject to review by the Planning Commission and the Borough Council insofar as size, depth, width of lots, access to public roads and parking are concerned.

C. 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.

D. 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.

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

F. Where two (2) such vehicular access areas abut one another, a combined driveway shall be required to a distance of one hundred and fifty feet (150'). The minimum twenty foot (20') width may be reduced to fifteen feet (15') on each lot.

G. Lots proposed as flag lots shall not be recommended for approval by the Planning Commission and approved by the Borough Council unless the developer/subdivider can demonstrate that a modification or variance is warranted in accordance with the provisions of this Ordinance. Where a lot is proposed requiring an extended access to a public or private right-of-way for vehicular ingress and egress and a modification or variance is granted, the land upon which the private driveway is to be constructed shall be a minimum of twenty feet (20') in width.

(Ord. 337, 11/1994, §503)

SECTION 22-505. Building Lines

The building lines shall be in accordance with the terms of the Borough of Harmony Zoning Ordinance.

(Ord. 337, 11/1994, §504)

SECTION 22-506. 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).

(Ord. 337, 11/1994, §505)

SECTION 22-507. 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, 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.

(Ord. 337, 11/1994, §506)

SECTION 22-508. Reserved Areas

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

(Ord. 337, 11/1994, §507)

SECTION 22-509. Street Names

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

(Ord. 337, 11/1994, §508)

SECTION 22-510. Access

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

(Ord. 337, 11/1994, §509)

PART VI

IMPROVEMENTS

SECTION 22-601. Grading

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.

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

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 of Form 408, or an acceptable alternative. Compaction of the subgrade shall also meet the density requirements of 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 VII of this Ordinance.

(Ord. 337, 11/1994, §600)

SECTION 22-602. 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 subgrade 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.

(Ord. 337, 11/1994, §601)

SECTION 22-603. Curbing

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

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

1. Straight curb (8" x 24")
2. Battered curb (6" x 8" x 24")
3. Rolled curb and gutter
4. Combined curb and sidewalk
5. Extruded Concrete.

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

(Ord. 337, 11/1994, §602)

SECTION 22-604. 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 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.

(*Ord. 337, 11/1994, §603*)

SECTION 605. Pavement Wearing Course

A. The pavement wearing course shall not be installed until ninety (90) percent of the dwellings are completed and construction equipment is not using roadway. All damaged base course shall be replaced using same depth and materials specified herein in Section 603. Any 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 (ID-2) with a compacted thickness of not less than one and one 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 base course.

C. The pavement wearing course shall be installed and constructed in accordance with standards and specifications established by the Borough.

(*Ord. 337, 11/1994, §604*)

SECTION 22-606. Sidewalks

A. Sidewalks shall be provided by the subdivider or developer when considered necessary by the Planning Commission and approved by the Borough Council for protection of the public, or wherever it is determined that the potential volume of pedestrian traffic requires that sidewalks be installed.

B. Sidewalks shall be of Portland Concrete four (4) inches in thickness except at driveways where they shall be a minimum of six (6) inches in thickness. Sidewalks shall be a minimum of four (4) feet in width exclusive of the width of the curb in the manner approved in the preliminary plat.

C. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having sidewalks on one (1) or both sides.

D. Sidewalks, where provided, shall be within the right-of-way and in residential areas, where conditions permit, two and one-half (2 1/2) feet from the curb. Sidewalks should line up with walks in adjoining subdivisions.

(Ord. 337, 11/1994, §605)

SECTION 22-607. Street Signs

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

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.

(Ord. 337, 11/1994, §606)

SECTION 22-608. Sanitary Sewers

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

B. In areas where a municipal sewer is not available (over one thousand {1,000} feet from the nearest point of the subdivision), is not planned, is not topographically feasible, or where an easement cannot be obtained through adjoining property, individual septic tanks, individual on-lot septic disposal systems or private sanitary sewage treatment systems may be permitted, subject to approval of drawings and design by the Borough Council and the Pennsylvania Department of Environmental Resources.

C. In areas where a municipal sewer is available, all properties within the subdivision shall be connected thereto.

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

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

(Ord. 337, 11/1994, §607)

SECTION 22-609. Sanitary Sewage Treatment Plant

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

B. No building permit will be issued for any construction or development until either an individual sanitary sewage disposal system or a sanitary sewage treatment plant installation has been approved by the Borough Council upon receipt of written approval of said system by the Pennsylvania Department of Environment Resources pursuant to the requirements of the "Pennsylvania Sewage Facilities Act" (Act 537), as amended.

(Ord. 337, 11/1994, §608)

SECTION 22-610. Stormwater Management

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

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

C. All materials and methods of construction and installation shall meet and comply with the requirements of Commonwealth of Pennsylvania Department of Transportation's Form 408, current edition and their Standards for Roadway Construction Series RC-0 to 100, current edition.

D. Approved precast concrete inlets and metal castings shall be placed at all low points, street intersections and at points along both sides of the street to ensure adequate drainage, but in no case shall the distance between inlets along the street exceed four hundred (400) feet unless approved by the Borough Engineer. Inlets at street intersections shall be placed on the tangent and not on the curved portion.

E. Manholes and metal castings of the type shown on the standards and specifications established by the Borough shall be installed at all changes in alignment and grades of stormwater

sewers as may be directed by the Borough Engineer to provide for proper maintenance. Inlets may be substituted for manholes where practical.

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

G. Stormwater sewers shall be reinforced concrete or a high density polyethylene corrugated pipe with an integrally formed smooth interior and have a minimum diameter of fifteen (15) inches and a minimum grade of zero point five (0.50) percent.

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

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

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

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

L. There shall be reserved in all residential subdivision of more than three (3) acres including more than five (5) building lots, one or more areas for the temporary detention of overland stormwater run-off. Said common detention area shall be identified on the preliminary plat and shall be incorporated as described in a covenant and deed restrictions document to be filed with the final subdivision plat. The covenants and deed restrictions document shall also include:

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

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

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

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

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

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

7. Provisions for transfer of maintenance responsibilities to the Township in the event that the homeowner fail to provide such maintenance as per the Pennsylvania Municipalities Planning Code and amendments thereto (Section 705).

(Ord. 337, 11/1994, §609)

SECTION 22-611. (Intentionally Omitted)

SECTION 22-612. Water Supply

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

B. Community wells or project wells for water supply shall be approved by the Pennsylvania Department of Environmental Resources and the Borough Council.

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

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

(Ord. 337, 11/1994, §611)

SECTION 22-613. Monuments

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

(Ord. 337, 11/1994, §612)

SECTION 22-614. Street Trees

Should the subdivider plan to provide trees, their proposed locations, spacing and species must be submitted for approval by the Planning Commission 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.

(Ord. 337, 11/1994, §613)

SECTION 22-615. Space for Special Purposes

A. Easements, adequate for all utilities - See Section 506.

B. Buffer area or planting screen minimum width - ten (10) feet, where required.

C. When adequate public play space does not exist in the opinion of the Borough Council, within one-half (1/2) miles of the site, the Council will request the developer to provide recreational space on a pro-rata schedule based on minimum recreation needs as defined by the Harmony Borough Council. A fee in lieu of dedication of open space may be accepted by the Council at its sole discretion and based upon a formula developed to assess minimum Borough recreation land or facility needs in relation to the size and location of the development being considered for approval. Procedures for collection of fees in lieu of dedication shall conform to Section 503, Subsection 11 of the Pennsylvania Municipalities Planning Code as amended.

(Ord. 337, 11/1994, §614)

SECTION 22-616. Existing Natural Conditions

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

(Ord. 337, 11/1994, §615)

SECTION 22-617. 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 under Section 302-D-(2) of this Ordinance. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding, both temporary and permanent, or planted in accordance with the approved erosion and sedimentation control plan as required under Section 302-D-(2) of this Ordinance.

(Ord. 337, 11/1994, §616)

SECTION 22-618. As Built Plans

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

(Ord. 337, 11/1994, §617)

PART VII

CONDITION OF ACCEPTANCE

SECTION 22-701. Performance Requirements

A. Before approving any subdivision plan, the Borough Council shall require a written agreement that necessary grading, paving and street improvements, sidewalks, street lights, fire hydrants, water mains and sanitary sewers, as may be required by the Borough, shall be installed by the subdivider 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 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.

(Ord. 337, 11/1994, §700)

SECTION 22-702. 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 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 Section for the developer requesting final approval of a plat. The decision of which alternative shall be required is that of the Borough Council and final approval of a plat 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 subdivider'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 subdivider. 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 subdivider, 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 subdivider.

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

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

b. Escrow Account. The subdivider 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 subdivider shall file with the Borough Council an agreement between the financial bank and himself guaranteeing the following:

(1) 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 subdivider as security in any other matter during the period;

(2) And that in the case of a failure on the part of the subdivider 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 subdivider to complete said improvements shall cause the funds posted as an irrevocable letter of credit to be more available to the Borough upon written notice of a claim against said funds.

(Ord. 337, 11/1994, §701)

SECTION 22-703. 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 in limitation of the subdivider's or 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 Harmony for all fees reasonable and necessary, to cover costs incurred by the Borough for engineering review and inspection of improvements, as outlined in Article VII. 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 Butler 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 appointed professional engineer for determining the reasonable and necessary expenses for review and inspection of improvements shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000.00) or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

7. At the time of final approval and prior to the issuance of any required Borough permit, 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.

(Ord. 337, 11/1994, §702)

SECTION 22-704. 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 Ordinance 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.

(Ord. 337, 11/1994, §703)

SECTION 22-705. 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 Corporate Maintenance Bond, or other surety acceptable to the Borough Solicitor, in such amount, under such conditions, and in such form as shall be required by the 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 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.

(Ord. 337, 11/1994, §704)

SECTION 22-706. Acceptance of Public Improvements

Upon completion of the inspection and approval of the public improvements, the developer shall submit a request to the Borough Council, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare a resolution or ordinance and shall be submitted at least 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 chapter.

(Ord. 337, 11/1994, §705)

SECTION 22-707. 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.

(Ord. 337, 11/1994, §706)

SECTION 22-708. 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 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 sand 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.

(Ord. 337, 11/1994, §707)

SECTION 22-709. 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.

(Ord. 337, 11/1994, §708)

SECTION 22-710. Recording Plat

A. Upon approval of this final plat, the subdivider or developer shall within sixty (60) days of such final approval deliver to the Borough offices the following plats and documents for Borough signatures:

1. One (1) original linen or mylar and two (2) duplicate mylars and six (6) prints.

2. Four (4) sets of prints of the final construction drawings and supporting documents.

3. Executed Homeowners Association document, signed and recorded by participating property owners and meeting the requirements of Article VI, Section 610, Subsection L of this ordinance.

4. Executed developer's Agreement meeting the requirements of Section 700, Performance Requirements and of Section 701, Performance Guarantees of this ordinance.

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

C. Upon recording of plats and Homeowners Association documents, the Borough shall apprise the subdivider or developer of the official filing date as well as the appropriate recording reference data and make available one (1) duplicate mylar plat and one (1) set of approved construction drawings plus a copy of the Homeowners Association documents.

D. 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.

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

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

G. Any single non-residential 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 Butler county as an approved site plan following completion of all contemplated improvements and structures. One (1) mylar drawing shall be submitted to the Butler County Recorder of Deeds and two (2) paper copies filed with the Borough of Harmony.

(Ord. 337, 11/1994, §709)

SECTION 22-711. Reconsideration

Any subdivider aggrieved by a finding, decision or recommendation of the Borough of Harmony Planning Commission or the Borough Council, may present additional relevant information and request reconsideration of the original finds, decision or recommendation upon written request within thirty (30) days of notification of the Planning Commission or Borough Council decision on either preliminary or final plat application.

(Ord. 337, 11/1994, §710)

SECTION 22-712. Approval Refused by Council

In any case where the Borough Council shall refuse to approve any plats 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 Butler County, Pennsylvania.

(Ord. 337, 11/1994, §711)

SECTION 22-713. No Responsibility of Borough Where Plans Not Approved

If any road or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plats approved and recorded as herein provided, neither the 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. Provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodating of other territory.

(Ord. 337, 11/1994, §712)

PART VIII**FEES****SECTION 22-801. Fee**

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

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

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

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

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. Site development plans;
3. 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 Commission 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 review fees shall be made payable to the Borough of Harmony. All review fees deducted from the original deposit are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee submitted.

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

(Ord. 337, 11/1994, §800)

PART IX**AMENDMENTS****SECTION 22-901. 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 Commission, Borough Council shall submit each such amendment to the Planning Commission 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 Butler 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 Butler County Planning Commission.

(Ord. 337, 11/1994, §900)

SECTION 22-902. (Intentionally Omitted)**SECTION 22-903. 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 sixty (60) 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 Butler 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, the governing body 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.

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

(Ord. 337, 11/1994, §901/2)

PART X**ENFORCEMENT REMEDIES****SECTION 22-1001. Enforcement Remedies**

A. Any person, partnership or corporation who or which has violated the provisions of the Harmony Borough 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 Section shall be construed or interpreted to grant to any person or entity other than the Borough of Harmony the right to commence any action for enforcement pursuant to this Section.

(Ord. 337, 11/1994, §1000)

PART XI**PREVENTIVE REMEDIES****SECTION 22-1101. Preventive Remedies**

A. In addition to other remedies, the Borough of Harmony 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 Harmony 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.

(Ord. 337, 11/1994, §1100)

PART XII**CERTIFICATES, AFFIDAVITS, APPROVALS, ETC.****SECTION 22-1201.**

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

(Ord. 337, 11/1994, §1200)