

CHAPTER 22
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Part 1
General Provisions

§22-101. Title.

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

(Ord. 322, 8/24/1976, §101)

§22-102. Legislative Intent.

1. This Chapter is enacted in furtherance of the purposes set forth in §503 of the Pennsylvania Municipalities Planning Code, as amended.
2. Specifically, the purposes of this Chapter are to establish provisions for the submittal, processing and approval, to assure that the layout or arrangement of the subdivision of land development shall conform to the comprehensive plan and to any regulations or maps adopted in furtherance thereof.
3. A further purpose is to ensure that walkways, curbs, water and sewage facilities and other improvements including, but not limited to, off-street parking, shall be installed in an acceptable manner.
4. For the purposes herein, a subdivision may be defined as the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, including changes in street. lines or lot lines for the purpose, whether immediate or future, of transfer of ownership or of building development.

(Ord. 322, 8/24/1976, §102)

Part 2

Administration

§22-201. Development Permits.

1. Hereafter, no land in the Borough of Rutledge shall be subdivided and developed without a development permit bearing a stamp of approval for subdivision site plan review and approval.
2. Subdivision site plans shall be reviewed by the Rutledge Borough Council and the Delaware County Planning Commission and shall be approved or disapproved by the Rutledge Borough Council in accordance with the procedures specified in this and other sections of this Chapter and in Article V of the Pennsylvania Municipalities Planning Code, as amended.
3. In all cases where this Chapter requires approval of a subdivision site plan, the Rutledge Borough Council shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the proposed development and immediate neighborhood in particular, and the affect of such proposal upon traffic control and parking, and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, further the public interest in general and the accomplishment of the objectives set forth hereinbefore in particular.
4. Subdivision site plans shall be reviewed by the Rutledge Borough Council upon application for a development permit submitted to the Building Committee Chairman and payment of the required fee.
5. At the time of submittal, the Building Committee Chairman shall note on the development permit form any other requirements which apply to the subdivision proposed in addition to the provisions of this Chapter. Upon completion of the review procedure and plan approval, the development permit shall be validated by the Rutledge Borough Council certifying this approval and the County Recorder of Deeds stamp certifying recording. However, no development permit shall be valid except when it conforms with all other requirements as noted by the Building Committee Chairman.

(Ord. 322, 8/24/1976, §201)

Part 3
Fee Schedule

§22-301. Fee Schedule.

1. The fees, in amounts as established from time to time by resolution of Borough Council, shall apply to each land subdivision application submitted to the Rutledge Borough Council for review and comment in accordance with the Pennsylvania Municipalities Planning Code, as amended by Act 194 of September 1974. This fee shall cover all proceedings from the submission of the application through the final disposition thereof by Borough Council.
2. Applications shall be made upon a form which shall be obtained from the Borough Secretary and all information requested therein must be submitted.

(Ord. 322, 8/24/1976, §301; as amended by Ord. 351, 8/2/1983, §XII; and by Ord. 428, 7/2/2001)

Part 4

Formal Plan Submission

§22-401. Purpose.

1. A formal plan shall also be submitted with each application for all proposed subdivisions for purposes of discussion between the designated Borough of Rutledge officials and the developer and for the information of the County Planning Commission. The purpose of this plan is to provide a basis for review of the concept and design of a proposed subdivision. A copy of such plan shall also be submitted by the applicant to the County Planning Commission at the same time.
2. Seven copies of the said plan together with an application for subdivision approval and all required supplementary information as set forth in Part 6 shall be submitted to the Building Committee Chairman who shall forthwith transmit same to the Borough Council which will then schedule a meeting not more than 30 days after submission in its capacity as the Borough Planning Commission.

(Ord. 322, 8/24/1976, §401)

Part 5

Plan Review

§22-501. Planning Commission Review Meetings.

The Planning Commission shall immediately, upon scheduling such a review meeting, send a regular mail notice of the time and place of said meeting to the applicant and any other party in interest. At said meeting, the Planning Commission shall discuss the proposed plan with the applicant or any other person in interest with the view of expressing the requirements relating to the development of the site. The Planning Commission may solicit an opinion from the Borough Engineer relative to the merits of the plan. The Planning Commission shall then make a written recommendation to Borough Council.

(Ord. 322, 8/24/1976, §501)

§22-502. Recommendation of Changes.

During the aforesaid conference, the Planning Commission may recommend to the developer such changes or modifications as they deem necessary or advisable in the public interest. They shall also transmit to the developer any written or verbal comments submitted by the County Planning Commission should such a review have been completed.

(Ord. 322, 8/24/1976, §502)

Part 6

Formal Plan Requirements

§22-601. Statement of Intent.

A statement containing the major planning assumption, objectives and concept of the proposed development or subdivision.

(Ord. 322, 8/24/1976, §601)

§22-602. Location Map.

A location map at a scale of 1 inch equals 500 feet, or as appropriate, prepared by a registered civil engineer or registered land surveyor.

(Ord. 322, 8/24/1976, §602)

§22-603. Contents of Plan Drawings.

1. Formal plan(s) legibly drawn to a scale of no less than 1 inch equals 20 feet. This formal plan shall contain at least the following data:
 - A. Name and address of record owner.
 - B. Name of developer if different from owner.
 - C. Name of the registered engineer, surveyor, architect or landscape architect responsible for the plan.
 - D. North arrow, graphic scale and date of drawing.
 - E. Exact tract boundaries both bearings and distance and a statement of the total area of the tract.
 - F. Zoning district.
 - G. All contemplated land uses.
 - H. Exact locations of existing buildings that may effect future development and proposed locations of all principal structures and parking areas.
 - I. Existing rights-of-way and easements which may affect future development and the substance of similar proposed restrictions.

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- J. All adjoining properties of the property being developed, with names of owners, the record book and page numbers where recorded.
- K. The location and elevation of all perimeter monuments.
- L. Certification of accuracy of the drawn plan and placement of the monuments by the engineer or surveyor.
- M. Significant physical features within the proposed subdivision included, but not limited to, in ground swimming pools.
- N. The locations and heights of all buildings and structures, including all free-standing signs, and distances between buildings and between buildings and streets and/or property lines.
- O. Number of dwelling units, by type, number of rooms and the location and square footage of floor space to be devoted to nonresidential use, together with use specifications.
- P. The location, square footage and number of car spaces in all parking areas, and/or specifications of type and size of other parking facilities.
- Q. Lot numbers and the total number of lots and parcels, together with all lot areas.
- R. Locations and widths of all private driveways (present and proposed) and pedestrian walkways, and any controls proposed at their intersections with streets carrying vehicular traffic.
- S. Proposed systems for drainage, water supply and sewage disposal, including:
 - (1) Location, size and invert elevations of all sanitary sewer, water distribution and storm drainage systems and the location of all manholes, inlets and culverts.
- T. Location, width and purpose of existing and proposed easements and utility rights-of-way (see this Section).
- U. Copies of other deed restrictions to be imposed upon the use of land, buildings and structures.

(Ord. 322, 8/24/1976, §603)

Part 7

Formal Plan Review

§22-701. Procedure.

When the formal plan has been reviewed by the Planning Commission, such a plan shall be placed on the agenda of the Borough Council for review at its next regular meeting. During the review of the formal plan, the Borough Council shall also consider the written report, if any, of the Borough Engineer and the Planning Commission. The Borough Council shall act to approve, approve with conditions or disapprove any formal plan within 90 days after the application is filed. Failure to act within 90 days shall be deemed approval.

(Ord. 322, 8/24/1976, §701)

§22-702. Report by County Planning Commission.

No action shall be taken by the Borough Council with respect to the final plan until the Borough Council has received and considered the written report of the County Planning Commission. If the County Planning Commission shall fail to report within 45 days from the date the formal plan was forwarded to the County, then the Borough Council may officially act without having received and considered the report.

(Ord. 322, 8/24/1976, §702)

§22-703. Decision of the Borough Council of Rutledge.

If the formal plan is disapproved, reasons for such action shall be explicitly stated, and if deemed necessary, any modifications of the formal plan required by the Borough Council shall be noted. Copies of these reports shall be sent to the individuals hereinafter listed. Conditional approval shall include written findings on any formal plan element found contrary to the provisions of this Chapter. Such conditions would have to be satisfied prior to certification of approval of the development permit by the Borough Council.

(Ord. 322, 8/24/1976, §703)

§22-704. Notification of Action.

Within 5 days after the meeting(s) at which the formal plan is reviewed by the Borough Council or within 90 days of application filing, whichever is less, the action taken by the Borough Council in approving or disapproving the final plan, together with the findings and reasons upon which such action is based, shall be given in writing to the following:

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- A. Developer or his agent.

(Ord. 322, 8/24/1976, §704)

§22-705. Notation on Plans.

The action of the Borough Council shall be noted, together with the date of action and signature of its Chairman, on three sets of final plans. These plans then shall be distributed as follows:

- A. Two sets to the developer or his agent.
- B. One set to be filed in the office of the Borough of Rutledge.

(Ord. 322, 8/24/1976, §705)

§22-706. Certification on the Development Permit.

If the formal plan is approved by the Borough Council, the Borough Council shall certify this approval in the column designated for the site plan review procedure on the development permit issued by the Building Chairman at the time of application. Space shall be left in the lower part of that column so that the County Recorder of Deeds may acknowledge receipt and recording of the record plan when it is presented.

(Ord. 322, 8/24/1976, §706)

§22-707. Certifications and Permits.

1. **Public.** When water service to the proposed subdivision is to be provided by an existing public system, the developer shall submit two copies of a letter from the agency, authority or utility which states that it can adequately serve the subdivision.
2. **Community.** When the subdivision is to be served by a community sewage disposal system, the developer shall submit two copies of a letter from the Pennsylvania Department of Environmental Protection which evaluates the proposed system in relation to the State's minimum requirements. [Ord. 428]

(Ord. 322, 8/24/1976, §707; as amended by Ord. 428, 7/2/2001)

§22-708. Notarized Notations on Plans.

A certification of ownership, acknowledgment of plan and any offer of dedication lettered on the plan, duly acknowledged and signed by the owner of the property and notarized.

(Ord. 322, 8/24/1976, §708)

Part 8

Recording of the Final Plan

§22-801. Certification of Record Plan.

Upon completion of procedures set forth in the formal plan approval, the record plan shall be certified by the Borough Council. No subdivision may be recorded unless the record plan bears the County Planning Commission stamp certifying that it reviewed the formal plan and the Borough Council stamp certifying approval.

(Ord. 322, 8/24/1976, §801)

§22-802. Time Limit For Recording.

The developer shall file the record plan with the County Recorder of Deeds within 90 days of the date of final approval by the Borough Council. If the developer fails to record the final plan within this period, the action of the Borough Council shall be null and void unless an extension of time is granted in writing by the Borough Council upon written request by the developer.

(Ord. 322, 8/24/1976, §802)

§22-803. Certification of Recording.

The County Recorder of Deeds shall acknowledge recording of the record plan in a space designated for this purpose on the development permit.

(Ord. 322, 8/24/1976, §803)

§22-804. Development Permit Filing.

Upon completion of all procedural requirements, the development permit shall be signed by the Building Committee Chairman. One copy of the fully executed development permit shall be filed in the Borough files along with a set of final plans including the notation of the Borough Council decision.

(Ord. 322, 8/24/1976, §804)

§22-805. Amendments to Approved Plans.

Proposals for amendments to approve the formal plan shall be acted upon in the same manner as that prescribed for the original approved plan.

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(Ord. 322, 8/24/1976, §805)

Part 9
Design Standards

§22-901. Application.

1. **Purpose.** The design standards and requirements outlined in this Part will be utilized by the Borough Council in determining the adequacy of all plans for proposed subdivisions.
2. **Conformance with Other Laws and Regulations.** Development shall be planned, reviewed and carried out in conformance with all municipal, County, State and other applicable laws and regulations.
3. **More Restrictive Standards.** Whenever other municipal ordinances or regulations impose more restrictive standards and requirements than those contained herein, these other regulations shall be observed.

(Ord. 322, 8/24/1976, §901)

§22-902. General Design Considerations.

1. **Hazardous Conditions.** Land with unsafe or hazardous conditions, such as open quarries, unconsolidated fill, floodplains or steep slopes, shall not be subdivided or developed unless the subdivision plan provides for adequate safeguards which are approved by the Borough Council.
2. **Comprehensive Plans.** Consideration shall be given to applicable provisions of the Municipal, County and Regional Comprehensive Plans as they pertain to future school sites, recreation sites, water supply and sewage treatment systems, highway alignments and other public facilities.
3. **Adjacent Development.** The development of the proposed subdivision shall take into consideration relevant features of existing adjacent development.

(Ord. 322, 8/24/1976, §902)

Part 10

Lot Design Standards

§22-1001. General Standards.

Within the requirements of the Zoning Ordinance of the Borough of Rutledge [Chapter 27], the size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.

(Ord. 322, 8/24/1976, §1001)

§22-1002. Lot Frontage.

1. All lots shall have frontage on an existing public street.
2. Driveways to single-family residences shall intersect streets at angles of no less than 60 degrees.
3. Driveway entrances for single-family residential subdivisions shall be rounded at a minimum radius of 5 feet.
4. Access driveway grades should not exceed the following:
 - A. Fourteen percent in single-family subdivisions.
 - B. Ten percent in multi-family subdivisions and mobile home parks.
5. The centerline of a driveway at the point of access to a street shall not be located closer to another street intersection than the following distances:
 - A. For single-family residential subdivisions:
 - (1) One hundred feet if the intersecting street is an arterial street.
 - (2) Fifty feet if the intersecting street is a collector street.

(Ord. 322, 8/24/1976, §1002)

§22-1003. Sidewalks.

Sidewalks shall be provided in all subdivisions meeting Borough ordinance specifications.

(Ord. 322, 8/24/1976, §1003)

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§22-1004. Off-Street Parking.

Subdivision plans shall provide paved off-street parking for two vehicles on all. new lots created from existing lots of a total square footage of not less than 400 square feet.

(Ord. 322, 8/24/1976, §1004)

Part 11

Sanitary Sewage Disposal

§22-1101. Acceptable Types of Systems.

The developer shall provide the most effective type of sanitary sewage disposal consistent with the natural features, location and proposed development of the site. The following types of sanitary sewage disposal are listed in order of preference:

- A. Connection to a public sanitary sewage disposal and treatment system.

(Ord. 322, 8/24/1976, §1101)

§22-1102. Water Supply and Distribution Systems.

- 1. The developer shall provide a water supply and distribution system to service the proposed subdivision through one of the following methods listed in their order of preference:

- A. Public water supply.

- 2. **Design of Drainage Systems.** Design of the drainage system should incorporate the following considerations:

- A. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- B. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without approved provisions being made by the developer for properly handling such conditions.

(Ord. 322, 8/24/1976, §1102)

