

Chapter 295

SUBDIVISION AND LAND DEVELOPMENT

- | | |
|--------------------------------------|--|
| § 295-1. Short title. | § 295-11. Definitions. |
| § 295-2. Interpretation. | § 295-12. Plat. |
| § 295-3. Purpose. | § 295-13. Preparation. |
| § 295-4. Scope. | § 295-14. Filing of application; fee. |
| § 295-5. Application. | § 295-15. Advertisement. |
| § 295-6. Subdivision control. | § 295-16. Review of application by
Planning Commission. |
| § 295-7. Approval required. | § 295-17. Review of application by
Council. |
| § 295-8. Approving agency. | § 295-18. Design standards. |
| § 295-9. Exception. | § 295-19. Violations and penalties. |
| § 295-10. Interpretation. | |

[HISTORY: Adopted by the Borough Council of the Borough of East Washington 4-18-1988 by Ord. No. 415. Amendments noted where applicable.]

GENERAL REFERENCES

Park and Shade Tree Commission — See Ch. 42.
Planning Commission — See Ch. 53.

Sewers and sewage disposal — See Ch. 262.
Zoning — See Ch. 340.

§ 295-1. Short title.

This chapter shall be known and may be cited as "The Borough of East Washington Subdivision Ordinance."

§ 295-2. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the maximum requirements adopted for the protection of the public health, safety and welfare.

§ 295-3. Purpose.

This chapter is adopted to assure the harmonious and orderly development of the Borough and thereby promote the health, safety, morals and general welfare of residents of the Borough.

§ 295-4. Scope.

This chapter shall not apply to any lot or lots created prior to the enactment of this chapter, nor is it intended by this chapter to repeal, abrogate, annul or in any way impair or interfere

with the existing provisions of other laws or ordinances, except those inconsistent herewith, or with private restrictions placed upon property by deed, covenant or private agreement.

§ 295-5. Application.

The provisions of this chapter shall apply to all real estate within the boundaries of the Borough of East Washington, Pennsylvania, including real estate which is to be divided for the purpose of creating condominiums.

§ 295-6. Subdivision control.

After the enactment of this chapter, no subdivision of any lot, tract or parcel of land shall be effected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, except in strict accordance with the provisions of this chapter.

§ 295-7. Approval required.

On and after the effective date of this chapter, no lot in a subdivision may be sold; no real estate which formerly formed a part of a lot or tract of ground may be sold; no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision or on a subdivided lot unless and until a subdivision plat has been approved and recorded as required by this chapter.

§ 295-8. Approving agency.

The provisions of this chapter shall be administered by the Council of the Borough of East Washington upon recommendations to be made by the East Washington Planning Commission.

§ 295-9. Exception.

Nothing in this chapter shall be deemed to require the approval of the Council of the Borough of East Washington for divisions of land for agricultural purposes in parcels of more than 10 acres, nor shall anything in this chapter require the Council of the Borough of East Washington to accept for public use any street, sewer or other improvement.

§ 295-10. Interpretation.

For the purposes of this chapter, the terms, phrases, words and their derivations defined in the following sections shall have the meaning given therein. When not inconsistent with the context, words and phrases not defined herein shall be defined in their most usual and common sense. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number shall include the plural. The words "shall" and "will" shall be deemed mandatory and the word "may" shall be deemed permissive.

§ 295-11. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT—The person, partnership, joint venture, corporation or other entity which is seeking approval of a subdivision.

LOT—A portion of a subdivision intended as a unit for transfer of ownership or for development, or both.

PLAT—The map of a subdivision which is submitted for approval by the Council of the Borough of East Washington and which, if approved, will be filed with the County Recorder of Deeds.

SUBDIVISION—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, or changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development.

§ 295-12. Plat.

Any applicant desiring to subdivide land shall first file with the Borough Secretary a plat of the subdivision prepared in accordance with the requirements set forth in this chapter.

§ 295-13. Preparation.

The plat shall be prepared by a registered civil engineer (who shall not be the Township Engineer or an associate of the Township Engineer), a registered architect, a graduate landscape architect or a graduate city planner.

§ 295-14. Filing of application; fee.

The applicant, at least 15 days prior to the regularly scheduled meeting of the Planning Commission at which consideration is desired, shall file an application for approval together with at least two copies of the plat and an application fee of \$75. The application shall include the names of all abutting property owners who shall be given notice of the hearing of the Planning Commission and of the Council of the Borough of East Washington.

§ 295-15. Advertisement.

The Borough Secretary shall cause to be advertised once in the *Observer-Reporter* notice that the subdivision of land is to be considered by the Planning Commission at its next available scheduled meeting, which shall be not less than 24 hours after the appearance of the advertisement. In addition, the Borough Secretary shall mail a copy of the notice by regular mail to each abutting property owner. The cost of the preparation and advertisement of the notice shall be paid from the application fee and, in the absence of evidence to the contrary, shall be assumed to be \$75.

§ 295-16. Review of application by Planning Commission.

The Planning Commission shall meet within 35 days of the submission of the application and shall recommend to the Council of the Borough of East Washington the acceptance or rejection of the plan. The recommendation for acceptance of the plan by the Planning Commission shall be evidenced by the signature of its Chairman or, in the absence of the Chairman, the presiding senior member as Chairman pro tem, on the plan.

§ 295-17. Review of application by Council.

At the Council meeting to be held next after the meeting of the Planning Commission, the Council of the Borough of East Washington shall, after reviewing the recommendation of the Planning Commission, either reject or accept the proposed subdivision. If the subdivision is rejected, the reasons for such rejection shall be entered upon the minutes of the Council. If the subdivision is accepted, such shall be evidenced by the signature of the President or other officers upon the plan.

§ 295-18. Design standards. [Amended 10-10-2011 by Ord. No. 508]

The Planning Commission in formulating a recommendation to the Council of the Borough of East Washington and the Council in reviewing that recommendation shall apply the following standards to their review:

- A. The availability of utility service to the proposed subdivision.
- B. The possibility of the creation or elimination of traffic congestion or unwanted or undesirable vehicular traffic.
- C. The standards for, inter alia, lot area, side yards and lot lines as well as all other provisions within the Zoning Ordinance [Chapter 340] of the Borough of East Washington¹ and the stormwater management plan mandated by the Stormwater Management Ordinance [Chapter 286] of the Borough of East Washington. **[Amended 10-10-2011 by Ord. No. 508]**
- D. The effect, if any, on the maintenance of aesthetics of the Borough of East Washington.
- E. All present and future ordinances of the Borough of East Washington, including the Stormwater Management Ordinance [Chapter 286]. **[Amended 10-10-2011 by Ord. No. 508]**

§ 295-19. Violations and penalties.

Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, such person responsible for such violation shall be sentenced to suffer imprisonment not exceeding two years or to pay a fine not exceeding \$1,000, or both, in the discretion of the court. In addition, the Solicitor for the Borough of East Washington may institute an appropriate action at law or equity to restrain, correct or abate any violation of the provisions of this chapter.

1. Editor's Note: See Ch. 340, Zoning.