

Article V – Final Plan

§ 22-501 Requirement; Time Limitations..... 22-20
 (a) In General.22-20
 (b) Plans Submitted in Sections or Stages.22-20

§ 22-502 Contents of Plan..... 22-20
 (a) In General.22-21
 (b) Additional Data.22-21

§ 22-503 Supplementary Data..... 22-22

§ 22-504 Submission..... 22-22
 (a) To the Planning Commission.22-22
 (b) To the Lehigh Valley Planning Commission.....22-23
 (c) To Other Agencies.22-23

§ 22-505 Receipt..... 22-23

§ 22-506 Reference to Borough Engineer and Planning Commission. 22-23

§ 22-507 Review and Recommendations by the Planning Commission... 22-23

§ 22-508 Review and Decision by Council. 22-24
 (a) In General.22-24
 (b) Conditions.22-24

§ 22-509 Endorsement and Distribution of Plans..... 22-25

§ 22-510 Recording..... 22-25

Article V – Final Plan

§ 22-501 Requirement; Time Limitations.

(a) **In General.** Within twelve (12) months after approval of the preliminary plan, a final subdivision or land development plan and all required supplemental data shall be submitted to the Zoning Officer. An extension of time may be granted by Council upon written request. Otherwise, the plan submitted may be considered as a new preliminary plan. Council, in its discretion, may permit a developer to submit a single preliminary/final plan which meets the requirements of both Article IV (relating to Preliminary Plan) and this Article V (relating to Final Plan) and process the plan for both preliminary plan approval and final plan approval concurrently.

(b) Plans Submitted in Sections or Stages.

(1) The final plan may be submitted in sections or stages, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed preliminary plan, in accordance with regulations as set forth in paragraph (3).

(2) In the case of a final subdivision or land development plan which is to be submitted in sections or stages over a period of years, the time between submissions of applications for final approval of each stage or section shall be no greater than twelve (12) months.

(3) In the case of a subdivision or land development proposed to be developed in stages or sections over a period of years, the final plan requirements of §§ 22-502 (relating to Contents of Plan) and 22-503 (relating to Supplementary Data) shall apply only to the stage or section for which final approval is being sought. However, the final plan presented for the stage or section must be considered as it relates to information presented for the entire subdivision or land development in the application for preliminary approval.

§ 22-502 Contents of Plan.

(a) In General.

(1) The final plan shall conform in all significant respects to the preliminary plan as previously approved by Council, but shall incorporate all modifications required by Council in its approval of the preliminary plan.

(2) The final plan shall conform to standards and data requirements as set forth for preliminary plans in §§ 22-402 (relating to Preliminary Plans—Contents of Plan) and 22-403 (relating to Preliminary Plans—Supplementary Data).

(3) It shall not be necessary to resubmit supporting maps and data submitted with the preliminary plan, *provided* there has been no change.

(b) Additional Data. The following additional data shall be illustrated on the final plan:

(1) The latest source of title to the land, as shown by the deed, page number, and book of the Lehigh County Recorder of Deeds.

(2) The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearing to thirty (30) seconds. These boundaries shall be determined by accurate survey in the field, to an error of closure not to exceed one (1) foot in ten thousand (10,000) feet. The tract boundary shall be subsequently closed and balanced. However, the boundary or boundaries adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.

(3) The following data for all proposed and existing streets:

(A) The name, proposed name, or number of the street.

(B) The cartway width and cartway edge (curblines) of the street.

(C) The right-of-way width and right-of-way lines of the street.

(4) Block and lot numbers, and a statement of the total number of lots; all lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds). All internal angles and tangents within the lots shall be designated to within the nearest second.

(5) All easements or rights-of-way where provided for or owned by public utility companies, and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or be specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities; the exact location of all utility line installations also shall be shown.

(6) Such private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.

(7) A statement of the intended use of all nonresidential lots or parcels, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots or parcels contained in the subdivision, and if covenants are recorded, including the book and page number of the Lehigh County Recorder of Deeds.

(8) If the subdivision proposes a new street intersection with a state road, the occupancy permit application shall be completed and a copy submitted to the Borough.

(9) The location of all existing and proposed street monuments, as required by § 22-705 (relating to Monuments and Markers), a certification of ownership, acknowledgment of plan, and offer of dedication shall be lettered on the plan, duly acknowledged and signed by the owner of the property and notarized; a certificate for review of the plan by the Planning Commission and approval of the plan by Council shall be presented; space shall be left, preferably adjacent to the borough certification, in which the review stamp of the Lehigh Valley Planning Commission may be applied; space shall be left along the lower edge of the sheet in order that the Lehigh County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented; if the final plan requires more than one (1) sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet. Information required in § 22-402(d) (relating to Basic Information for Preliminary Plan) shall also be required.

[Ords. 415 10-29-2003, 437 09-14-2005]

§ 22-503 Supplementary Data.

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

(a) A plan showing the location, size, and invert elevation of all sanitary sewer, water distribution, and storm drainage systems, and the location of all manholes, inlets, and culverts.

(b) Final profiles, typical sections, and specifications for proposed streets, sanitary sewers, water distribution systems, and storm drainage systems, each shown on one (1) or more separate sheets.

(c) A contour grading plan and a plan for minimizing erosion and sedimentation, in accordance with all legal requirements for erosion and sediment control.

(d) A landscape plan, according to the requirements of this Chapter.

(e) A street lighting plan shall be submitted, as prepared by the electric company after final plans are approved.

[Ord. 415 10-29-2003]

§ 22-504 Submission.

(a) **To the Planning Commission.** Official submission of a final plan to the Planning Commission shall be made by submitting the following information to the Zoning Officer no less than twenty-one (21) calendar days prior to a regularly scheduled meeting:

(1) Three (3) copies of a completed final subdivision or land development plan application.

(2) Seventeen (17) paper prints of the final plan, which shall fully comply with § 22-502 (relating to Contents of Plan).

(3) Six (6) copies of all required supplemental information as set forth in § 22-503 (relating to Supplementary Data).

(4) Two (2) copies of all offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.

(5) The appropriate submission fee.

(b) To the Lehigh Valley Planning Commission. Copies of the final subdivision or land development plan shall be submitted to the Lehigh Valley Planning Commission or other appropriate county and state agencies by the developer, shall be accomplished within one (1) business day after the plan is submitted to the Zoning Officer, and shall include all fees, forms, plans, calculations, studies, and other information required under the applicable procedures established from time to time by the Lehigh Valley Planning Commission.

(c) To Other Agencies. Official submission of a final plan to the Lehigh Valley Planning Commission, the Pennsylvania Department of Environmental Protection, and other appropriate agencies shall be the responsibility of the developer.

[Ords. 415 10-29-2003, 437 09-14-2005]

§ 22-505 Receipt.

If the final plan submission complies with §§ 22-502 (relating to Contents of Plan) and 22-503 (relating to Supplementary Data), the Zoning Officer shall acknowledge such compliance by immediate issuance to the developer of a final subdivision plan receipt. Copies of this receipt shall also be sent to Council and to the Lehigh Valley Planning Commission.

[Ord. 415 10-29-2003]

§ 22-506 Reference to Borough Engineer and Planning Commission.

The Zoning Officer shall refer one (1) copy of a complete final subdivision or land development plan application, one (1) print of the final plan, and one (1) copy of all required supplemental information to the Borough Engineer. He shall refer one (1) copy of a complete final subdivision or land development plan application, two (2) prints of the final plan, and one (1) copy of all supplemental information, offers of dedication, and covenants governing undedicated open space to the Planning Commission.

[Ord. 415 10-29-2003]

§ 22-507 Review and Recommendations by the Planning Commission.

Review of the final plan by the Planning Commission shall proceed as follows:

(a) When a final plan has been officially submitted, such plan shall be placed on the agenda of the Planning Commission for review at its next regular meeting, *provided* that such official submission has occurred no less than twenty-one (21) calendar days prior to such regular meeting.

(b) The Planning Commission shall review the final plan to determine its conformance with the standards contained in this Chapter, with other applicable ordinances and with such changes and modifications as were required in connection with approval of the preliminary plan. During review of the final plan, the Planning Commission shall also consider the opinions of the Borough Engineer, Borough Solicitor and the Lehigh Valley Planning Commission.

(c) No recommendations shall be made by the Planning Commission to Council with respect to the final plan until the Planning Commission has received and considered the written report of the Lehigh Valley Planning Commission; *provided*, however, that if the Lehigh Valley Planning Commission shall fail to report thereon within forty-five (45) days after official submission of a final plan, then the Planning Commission may make its recommendations without having received and considered such report.

(d) The Planning Commission shall recommend to Council that the final plan be approved (with or without conditions) or disapproved. Whenever possible, the recommendations of the Planning Commission should be made at least fourteen (14) days before the last regular meeting of Council which occurs on or before the date by which Council is required to render its decision on the final plan. Within fourteen (14) days after the meeting at which the final plan was acted upon by the Planning Commission, the Secretary of the Planning Commission shall send written notice of the Planning Commission's recommendations to the following:

- (1) Council.
- (2) The Borough Engineer.
- (3) The developer or his agent.

[Ords. 415 10-29-2003, 437 09-14-2005]

§ 22-508 Review and Decision by Council.

(a) **In General.** Council shall approve or disapprove the final plan, and shall communicate its decision to the developer or his agent in writing, within the time limitations (including extensions) and in the manner required by law (*see* Municipalities Planning Code § 508, 53 PA. STAT. ANN. § 10508). Council shall not act until after receipt of recommendations from the Planning Commission, *provided* that Council may act without such recommendations if the next regular meeting of Council will not occur until after the date by which Council is required to render on oral decision on the preliminary plan.

(b) **Conditions.** Approval may be granted subject to conditions. However, if the developer or his agent does not affirmatively accept all of the conditions in writing by the Required Acceptance Date, the approval shall be rescinded automatically and the plan shall be deemed de-

nied/disapproved as of the Required Acceptance Date. For purposes of the preceding sentence, the “Required Acceptance Date” shall be the *earlier* of—

(1) the date by which Council is required to render an oral decision on the final plan (including extensions); *or*

(2) ten (10) calendar days after the date of mailing of the decision to grant approval subject to conditions.

[Ords. 415 10-29-2003, 437 09-14-2005]

§ 22-509 Endorsement and Distribution of Plans.

The action of Council shall be noted, together with the date of action and signatures of its President and the Borough Manager, on the final plan. Copies of the final plan, with the appropriate endorsement of Council, shall be distributed as follows:

- (a) One (1) copy to the developer for recording.
- (b) Two (2) copies to the developer or his agent for his files.
- (c) One (1) copy to the Borough Office for its files.

[Ords. 415 10-29-2003, 526 01-28-2015]

§ 22-510 Recording.

(a) The Borough Engineer shall notify Council upon the completion of procedures as set forth in § 22-1003(a) (relating to Financial Security—Prerequisite for Final Plan Approval).

(b) After completion of procedures as set forth in § 22-1003(a) (relating to Financial Security—Prerequisite for Final Plan Approval) and after the final plan is approved by Council, the record plan and as many other copies of the final plan as may be desired shall be endorsed by Council and by the Lehigh Valley Planning Commission. No subdivision or land development plan may be recorded unless it bears Council, Lehigh Valley Planning Commission, and Planning Commission endorsements, and the corporate seal of the Borough.

(c) The record plan shall be a clear and legible print of a type and material required by the Lehigh County Recorder of Deeds.

(d) After endorsement by Council, the Planning Commission, and the Lehigh Valley Planning Commission, the developer shall file the record plan with the Lehigh County Recorder of Deeds within ninety (90) days of the date of final approval by Council. If the developer fails to record the final plan within such period, the action of Council shall be null and void, unless an extension of time is granted in writing by Council upon written request of the developer.

(e) At the time the record plan is endorsed by Council, the Borough shall receive one (1) reproducible print of the final plan as approved for its permanent files. A reproducible Mylar shall be provided to the Borough.

(f) At the time the record plan is endorsed by the Lehigh Valley Planning Commission, the Lehigh Valley Planning Commission shall receive two (2) endorsed paper prints of the final plan as approved by Council.

(g) The developer shall submit reproducible plans of as-built public improvements after construction.

[Ord. 415 10-29-2003]