

Chapter 520

SUBDIVISION AND LAND DEVELOPMENT

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[HISTORY: Adopted by the Council of the City of Easton 7-14-1966 by Ord. No. 1919; amended in its entirety 7-8-2020 by Ord. No. 5702. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 119.	Public health standards — See Ch. 444.
Building construction and code enforcement — See Ch. 245.	Sewers — See Ch. 475.
Fees — See Ch. 285.	Stormwater management — See Ch. 507.
Historic preservation — See Ch. 318.	Streets and sidewalks — See Ch. 515.
Attorneys' fees for municipal claims and liens — See Ch. 369.	Shade trees — See Ch. 554.
Plumbers — See Ch. 422.	Water — See Ch. 572.
Property maintenance and housing standards — See Ch. 435.	Zoning — See Ch. 595.

ARTICLE I

Purpose; Interpretation; Enforcement**§ 520-1. Short title. [Amended 9-8-2021 by Ord. No. 5758]**

This chapter shall be known and may be cited as the "City of Easton Subdivision and Land Development Ordinance of 2007," hereinafter referred to as the "City of Easton Subdivision and Land Development Ordinance." The regulations adopted hereunder shall be known and may be cited as the "City of Easton Subdivision and Land Development Regulations of 2007," hereafter referred to as the "City of Easton Subdivision and Land Development Regulations" or "Subdivision and Land Development Ordinance."

§ 520-2. Purpose.

The purpose of the chapter is:

- A. To ensure sites suitable for building purposes and human habitation and to provide for the harmonious development of the City;
- B. To coordinate the existing streets with proposed streets, parks or other features of the City's Official Map;
- C. To provide adequate open spaces for traffic, recreation, light and air and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the residents of the City; and
- D. To establish rules for the submittal and processing of plats relating to land subdivision and/or development and establish regulations, rules and standards for the design and construction of subdivisions and land developments in accordance with the City of Easton Comprehensive Plan and the spirit, purposes and the intent of this Planning and Zoning Code; suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity; and in accordance with sound standards of land development practice. [Amended 9-8-2021 by Ord. No. 5758]

§ 520-3. Plan approval by Planning Commission and Council.

From and after the effective date of this chapter, all plats, plots or re-plots of lands proposed for development and/or laid out in building lots and the streets or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the City limits shall be submitted to the City Planning Commission and be approved by it before it shall be recorded. No plan, plot or re-plot shall be received or recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Planning Commission, as required by law. From and after the effective date of this chapter, no plan or plot of streets within the City limits shall be entered in any public office of the County of Northampton until also approved by Council.

§ 520-4. Installation of improvements and permit issuance.

From and after the effective date of this chapter, no sewer, water or gas main or pipes or other improvement shall be voted or made within the area under the jurisdiction of the City Planning Commission for the use of any such purchasers or owners, nor shall any permit for connection with or other use of any such improvement existing or for any other reason made be given, to any such purchasers or owners until such

plan is so approved and, where required, recorded.

§ 520-5. Conflict; greater restriction to control.

In interpreting the provisions of this chapter, they shall be held to be minimum requirements for the creation of conditions favorable to the health, safety, morals and general welfare of the residents of the City. Where the provisions of this chapter adopted hereunder impose greater restrictions than those of any other ordinance or regulations, the provisions of this chapter adopted hereunder shall control. Where the provisions of any other ordinance or regulations impose greater restrictions than this chapter adopted hereunder, the provisions of such other ordinance or regulations shall control. The Subdivision and Land Development Ordinance adopted hereunder is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between private parties. However, where this chapter adopted hereunder imposes greater restrictions than those imposed by any such easement, covenant or other agreement, the provisions of this chapter adopted hereunder shall control. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by this chapter adopted hereunder, the provisions of the easement, covenant or other agreement shall control.

§ 520-6. Content of regulations.

The parts of the Subdivision and Land Development Ordinance adopted hereunder to carry out the purpose of this chapter include definitions, design standards, plan requirements, plan processing procedures, improvement construction requirements and conditions of acceptance of improvements.

§ 520-7. Appeal to Council.

Any subdivider or land developer aggrieved by a finding, decision or recommendation of the Planning Commission may request and receive opportunity to appear before Council, present additional relevant information and request reconsideration of the original finding, decision or recommendation upon written request within 30 days of notification of the Commission's action.

§ 520-8. Judicial appeal.

In any case where Council disapproves a subdivision or land development plan located within the City limits, any person aggrieved thereby may, within 30 days thereafter, appeal therefrom, by petition to the Court of Common Pleas of Northampton County, Pennsylvania, which Court shall hear the matter de novo and, after hearing, enter a decree affirming, reversing or modifying the action of Council as may appear just in the premises. The Court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the Court shall be final.

§ 520-9. Fees.

To defray the expense of processing subdivision and/or land development applications and the expense of review and inspection activities incurred by the City as a result thereof, the following schedule of fees shall apply.

- A. For a minor subdivision involving no more than three existing or proposed lots and/or dwelling units abutting existing improved streets, the sum of the following:
 - (1) For each filing of a subdivision application and plan per § 520-46, the fee shall be as provided in Chapter 285, Fees.
 - (2) Legal expenses shall be determined in accordance with rules and procedure set forth in

Subsection B(2) hereof.

- (3) Field inspection, review and processing expenses shall be established by the City Engineer and the Department of Planning and Development and approved by Council after giving due consideration to other permit/inspection fees applicable under City ordinances, with a maximum cost not to exceed an amount as specified in Chapter 285, Fees.

B. For other minor subdivisions and/or land developments, the sum of the following:

- (1) For each filing of a subdivision application and/or development plan, the fee shall be as specified in Chapter 285, Fees.
- (2) Legal expenses shall be based on the hourly rate schedule to be prepared and updated in January of each year by the City Solicitor after giving due consideration to the various categories of legal and associated work required. The hourly rate schedule and updates shall become effective immediately upon adoption by resolution of the Planning Commission. The total fee for legal expenses shall not exceed actual cost calculated in accordance with hourly rate schedule effective 30 days prior to Planning Commission action on final plan.
- (3) Review, processing and field inspection expenses shall be established by the City Engineer and Department of Planning and Development and approved by Council after giving due consideration to other permit/inspection fees applicable under City ordinances, with maximum costs not to exceed actual costs incurred by the City.

C. For a major subdivision, the sum of the following:

- (1) For each filing of a subdivision application and plan per § 520-46, the fee shall be as specified in Chapter 285, Fees.
- (2) Legal expenses shall be determined in accordance with rules and procedure set forth in Subsection B(2) hereof.
- (3) Review, processing and field inspection expenses shall be established by the City Engineer and Department of Planning and Development and approved by Council after giving due consideration to other permit/inspection fees applicable under City ordinances and to the need to employ extra inspectors, with maximum costs not to exceed actual costs incurred by the City. No final plan shall be approved unless all fees and expense charges are paid in full or unless escrow accounts satisfactory to the City Solicitor have been established for payment of fee and expense charges incurred by the subdivider and/or developer prior to plan approval and for payment of fee and expense charges expected to be incurred after plan approval.

§ 520-10. Enforcement by Council; permit compliance.

It shall be the duty of Council to enforce this chapter adopted hereunder for any subdivision located within the City limits. Council shall, on its own initiative or upon receipt of pertinent information, proceed to the remedy of violations. All officers or officials of the City vested with the duty or authority to issue permits shall conform with the provisions of this chapter adopted hereunder and shall issue no permits or licenses in conflict with this chapter adopted hereunder. Any permit or license issued in conflict with this chapter adopted hereunder shall be null and void.

§ 520-11. Notice of violation; abatement.

Council or its duly appointed agent shall serve a written notice of violation or order on the owner,

subdivider or land developer responsible for any violation of the provisions of this chapter adopted hereunder. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

§ 520-12. Prosecution of violation.

- A. If the written notice of violation is not complied with promptly, Council shall request the City Solicitor to institute in the name of the City any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation of the provisions of this chapter or of the order or direction made pursuant thereto.
- B. In the event that required improvements have not been installed in accord with the approved plan and/or agreement between the City and the subdivider and/or land developer, including supporting documentation submitted by the subdivider and/or land developer and approved by the City in connection with the approved plan and/or agreement, Council shall authorize the City Solicitor to institute proceedings for enforcing any corporate bond or other security in accordance with Section 511 of the Pennsylvania Municipalities Planning Code (Act 247),¹ as amended.

§ 520-13. Violations and penalties.

Any person, partnership or corporation, who or which being the owner or agent of the owner of any lot, tract or parcel of land, shall subdivide, lay out in lots, construct, open or dedicate any street, sanitary sewer line, storm sewer line, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this chapter and has been recorded as provided herein, is guilty of a misdemeanor and, upon conviction thereof, such person or the members of such partnership or the officers of such corporation or the agent of any of them, shall be fined not more than \$500 per lot or parcel or per dwelling within each lot or parcel. All such fines collected shall be paid to the City. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

§ 520-14. Other legal remedies.

The imposition of the penalties herein prescribed shall not preclude the Council from instituting appropriate action to prevent unlawful continuance of any violation of the provisions of this chapter or to restrain, correct or abate a violation or to prevent illegal use or sale of any lot in violation of the provisions of this chapter.

§ 520-15. Waivers and modifications.

A waiver or modification to the minimum standards of this chapter may be requested when the literal compliance with mandatory provisions is shown to the satisfaction of the Commission, where applicable, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

- A. The Commission may grant a modification of the subdivision and land development requirements of

1. Editor's Note: See 53 P.S. § 10511.

one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed, and that such request for modification is not in conflict with the requirements of Chapter 595, Zoning.

- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for subdivision and/or land development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the chapter involved and the minimum modification necessary.

§ 520-16. Amendment.

The provisions of this chapter may, from time to time, be supplemented, amended or repealed all or in part by the vote of the majority of members of the Planning Commission and concurred in by a majority of the members of Council and in accordance with the same process as required for the original enactment of this chapter.

§ 520-17. Adoption by Planning Commission.

The Subdivision and Land Development Ordinance is hereby adopted by the Easton City Planning Commission and recommended for adoption by Council.

ARTICLE II

Definitions**§ 520-18. Word usage.**

For the purposes of this chapter, certain terms, phrases and words shall have the meanings given in this article. Words used in the singular include the plural and those in the plural include the singular. Words used in the present tense include the future. The word "may" is permissive. The word "shall" is mandatory and not merely directory.

§ 520-19. Definitions.

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

ALLEY — A street which is used primarily for vehicular service access to the rear or side of lots, which is 20 feet or less in right-of-way width.

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

BLOCK — A land area bounded by streets, public parks, railroad rights-of-way, and/or corporate boundaries lines of the City.

COMMISSION — The Easton City Planning Commission.

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

COMPREHENSIVE PLAN — The composite of the mapped and written recommendations concerning the development of the City adopted by the Planning Commission.

COUNCIL — The Council of the City of Easton, Northampton County, Pennsylvania.

COURT — The Court of Common Pleas, Northampton County, Pennsylvania, or other court of competent jurisdiction.

CUL-DE-SAC — A street intersecting another street at one end and terminated at the other by a vehicular turnaround.

DEVELOPER — Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

EASEMENT — A vested or acquired right, either in the public generally or in private entities of persons, to the use of a piece or parcel of land for a special purpose, including the location of utilities, storm drains or access, which right may include the use of the surface, subsurface and/or the air space over such land.

ENVIRONMENTALLY SENSITIVE LANDS — Any land that contains environmental resources reviewed or regulated under this chapter, including, but not limited to:

- A. Floodplains.
- B. Wetlands.
- C. Wetland buffers.
- D. Riparian buffers.

E. Carbonate bedrock.

F. Surface waters.

GOVERNING BODY — The Council of the City of Easton, Northampton County, Pennsylvania.

LAND DEVELOPMENT —

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two 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 tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Provisions for the exclusion of certain land development from the definition of land development only when such land development involves:
 - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three dwelling units, unless such units are intended to be condominiums;
 - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LOCATION MAP — A map showing the site or place of the subdivision and/or land development plan in relationship to the surrounding area in order to easily identify the location of the plan.

LOT — A designated parcel, tract or area of land established by plat, subdivision or otherwise and permitted by law to be sold, developed or built upon as a unit. For the purpose of this chapter, a lot is further identified as:

- A. The total of all lands described in a legal deed of record; or
- B. The total of two or more contiguous parcels described in separate legal deeds of record owned by the same person.

LOT LINE — A property boundary line of any lot held in single and separate ownership. In the case of

any lot abutting a street, the lot line for such portion of a lot as abuts such street shall be deemed to be the same as the street line.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MINOR SUBDIVISION — Any subdivision involving no more than three existing or proposed lots and/or dwelling units abutting on an existing improved street which is of sufficient right-of-way width and paved roadway as shall be determined by the Official Map and which shall not involve any street proposed to be laid out through unimproved land.

MITIGATION — The act of precluding a potentially adverse impact or making a potentially adverse impact less severe through measures that will improve a condition and/or lessen the impact.

NAVD 88 — The North American Vertical Datum of 1988 (NAVD 88) is the vertical control datum established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-United States leveling observations.

OFFICIAL MAP — The Map adopted by official action of Council, which shall be deemed official and conclusive as regards the location and width of streets and the location and extent of public parks and playgrounds.

OWNER — Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land which has been subdivided or developed or is sought to be subdivided or developed to commence and maintain proceedings to subdivide the same under this chapter.

PLAN (RECORD PLAN) — A complete and exact subdivision plan, prepared for official recording as required by statute, to define property rights and proposed public improvements to be used as the basis of final approval by the Planning Commission and Council.

PLANTING STRIP — The grass, lawn or open space between the outer line of the street or building and the adjoining line of the sidewalk space.

PLAT — The map or plan of a subdivision or land development whether preliminary or final.

PUBLIC GROUNDS — Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

PUBLIC OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the use and enjoyment of the general public, typically in the form of a park, plaza, playground, playfield, promenade, trail or other similar area.

RECORDER — The Recorder of Deeds, Northampton County, Pennsylvania.

RIGHT-OF-WAY — The land opened, intended, reserved or dedicated for a street, sidewalk, drainage or other public purpose.

ROADWAY — A portion of a street or alley intended for vehicular use.

SIDEWALK SPACE — The space or area between the planting strip and the adjoining lot line of an abutting lot.

SIGHT DISTANCE — The maximum extent of unobstructed vision in a horizontal or vertical plane, along a street from a vehicle located at any given point on the street.

STREET — Includes the rights-of-way and cartways of a street, avenue, boulevard, road, roadway, highway, parkway, lane, alley, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET, ARTERIAL — A street which is used primarily for large volumes of traffic and includes facilities classified as primary and secondary highways by the State Department of Transportation.

STREET, COLLECTOR — A street which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential neighborhood development and streets for circulation within such a neighborhood development.

STREET, HALF — A minor street, generally parallel and adjacent to a lot line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

STREET, MINOR — A street used primarily to provide access to abutting properties.

SUBDIVIDER — The registered owner or the authorized agent of the registered owner of a subdivision and/or land development.

SUBDIVISION — The division or redivision of a single lot, tract or parcel of land or a part thereof into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building development; provided, however, that the subdivision by lease of land for agricultural purposes in parcels of more than 10 acres, not involving any new street or easement of access, shall be exempt from the provisions of this chapter.

WRITTEN NOTICE — Shall be considered to have been served if delivered in person to the owner or if delivered at or sent by certified mail to the last address known to the party giving the notice.

ARTICLE III
Design Standards

§ 520-20. Land suitability.

- A. Land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard.
- B. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the subdivider or land developer shall consult with the Northampton County Conservation District concerning plans for erosion and sediment control and the soil characteristics of the site. All recommendations of the Northampton County Conservation District shall be incorporated and submitted to the Planning Commission (see Article IV, Plan Requirements). In addition, the land suitability report shall contain information requested by the City (such as geologic studies, slope studies, flood studies, etc.) to support and justify the subdivider's or developer's proposal as to the type and degree of development the site may accommodate. The proposal's strict compliance with Chapter 298, Floodplain Management, regulations and requirements shall also be demonstrated by the report.

§ 520-21. Street system.

- A. Conformity with Official Map and plans. The arrangement, type, extent, width, grade and location of all streets shall conform with the Official Map, the Comprehensive General Plan, and any other official City, county or state plan which has been prepared, adopted and/or filed as prescribed by law.
- B. Street system location. Streets shall be located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection and provide access of firefighting equipment to buildings.
- C. Continuance of streets. Provisions shall be made for continuing or extending any adjoining existing or recorded streets or land where such extension may be necessary for public service or convenience. Opportunities shall be provided for extending streets beyond the boundaries of any subdivision where such extension may be required for public service or convenience.
- D. Relation to topography and proposed use. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades. They shall be in appropriate relation to the proposed uses of the land to be served by such streets.
- E. Minor street location. Minor streets shall be so laid out that their use by through traffic shall be discouraged, but provisions for street connections into and from adjacent tracts will be required.
- F. Future streets. If lots resulting from the original subdivision are large enough to permit resubdivision or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.
- G. Half or partial streets. New half or partial streets shall be prohibited, except where essential to reasonable subdivision of land in conformity with the other standards of this chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured. Wherever land to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such land.
- H. Dead-end streets and culs-de-sac. A dead-end street or cul-de-sac shall be prohibited, except as a stub

to permit future street extension into adjoining tracts. Dead-end streets, designed to be so temporarily, shall not be longer than one lot depth.

- I. Subdivision borders on a railroad or limited access highway. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, a street may be required approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for business or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations. All railroad crossings shall be subject to approval by the Public Utility Commission and/or other regulating agency.

§ 520-22. Street cross sections.

- A. Standard right-of-way, roadway, planting strip and sidewalk space widths. These widths shall be as shown on any official plans or maps and, where not shown, shall not be less than as follows:

- (1) Arterial street.

(a) Right-of-way: 80 feet.

(b) Roadway: 50 feet.

- (2) Collector street.

(a) Right-of-way: 60 feet.

(b) Roadway: 36 feet.

- (3) Minor street.

(a) Right-of-way: 50 feet.

(b) Roadway: 30 feet.

- (4) Alley.

(a) Right-of-way: 20 feet.

[1] The right-of-way may be less than 20 feet where the use of the alley is not consistent with pedestrian travel and sidewalks or pedestrian paths are not constructed.

(b) Roadway: 14 feet.

- B. Insufficient widths. Where a subdivision abuts or contains an existing street of insufficient width as required above, additional cross-section widths in conformance with the above standards shall be required. These additional widths shall be divided evenly between the abutting lots on the opposite sides of the street.

- C. Additional widths. Additional cross-section widths may be required in order to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection and provide access of firefighting equipment to buildings.

§ 520-23. Street alignment.

- A. Deflection. Wherever street lines are deflected in excess of 5°, connection shall be made by use of a

long radius curve.

- B. Minimum center-line radii. To ensure adequate sight distance, minimum center-line radii for horizontal curves shall be as follows:

Street	Minimum Center-Line Radii (feet)
Arterial	300
Collector	150
Minor	50

- C. Tangents on reversed curves. A tangent shall be required between reversed curves on arterial and collector streets of at least 50 feet.

§ 520-24. Street grades.

- A. Minimum grade. Center-line grade shall not be less than 1%.
- B. Maximum grade. Center-line grades shall not exceed the following:

Street	Maximum Grade (percent)
Arterial or collector	7%
Minor	10%

- C. Adequate sight distances. Vertical curves shall be used at changes of grade exceeding 1% and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distance:

Street	Minimum Sight Distance (feet)
Arterial	400
Collector	275
Minor	200

§ 520-25. Street intersections.

- A. Range of intersections angle. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60°.
- B. Multiple intersections. Multiple intersections involving junction of more than two streets shall be prohibited. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- C. Street jogs. Streets entering opposite sides of another street shall be laid out either directly opposite

one another or with a minimum offset of 125 feet between their center lines.

- D. T-intersections. For purposes of traffic safety, T-intersections shall be used in residential areas.
- E. Curb radii. Minimum curb radii at street intersections shall be 10 feet for intersections involving only minor streets, 25 feet for intersections including other type streets, or such greater radius as is deemed necessary by the Planning Commission. The Commission may permit comparable cutoffs or chords in place of rounded corners.

§ 520-26. Blocks.

- A. Continuation of existing block structure. Provisions shall be made to create new blocks with a similar shape, length and perimeter as existing blocks in the zoning district.

§ 520-27. Lots.

- A. Side lot lines. Side lot lines shall be approximately at right angles or radial to the street line on which the lot faces.
- B. Access to public street. Every lot shall front on a public street, other than an alley, or an officially approved publicly owned cul-de-sac.

§ 520-28. Easements.

- A. Utility easements. Where utilities are to be installed or proposed other than within a right-of-way, they shall be placed in an easement having a minimum width of 20 feet.
- B. Drainage. 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, a minimum of 20 feet, as shall be adequate to preserve natural drainage and provide sufficient width for maintenance.

§ 520-29. Parks, playgrounds and other community facilities.

- A. Conformity with Official Map. All subdivisions shall conform with the Official Map as to the reservation, location and size of parks and playgrounds.
- B. New parks, playgrounds, and other community facilities. Due consideration shall be given to the allocation of suitable areas for schools, churches, parks, playgrounds and other community facilities to be dedicated for public use or reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Subdivisions or land developments exceeding 10 acres, exclusive of streets, should set aside at least 5% of the area for recreational purposes or provide fee as described in § 520-29C.
- C. In order to further the principles and standards established in the City's Park, Recreation and Open Space Plan, as amended, as herein incorporated by reference in accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code, Act 247,² as amended, the following requirements shall apply to all new residential and commercial subdivisions and land developments within the City of Easton unless otherwise specified herein. Fees shall be assessed.

(1) Fees shall be paid in the following manner:

2. Editor's Note: See 53 P.S. § 10503(11).

- (a) The total fee must be deposited by the applicant prior to final plan review by the Easton Planning Commission. In the event the plan is denied/rejected, the deposit shall be refunded. Upon approval of the final plan, the fee shall be retained by the City regardless of subdivision and/or land development implementation.
- (2) Method of contribution. The preferred method of allocation of the contribution should be in accordance with the findings, standards and principles contained in the City's Park, Recreation and Open Space Plan, as amended from time to time.
- (3) Use of collected park, recreation and open space fees. In accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code,³ all fees collected for use in the City of Easton's Park, Recreation and Open Space System shall be deposited into an interest-bearing park, recreation and open space trust fund. Interest earned on said account shall become funds of that account, and said funds shall be expended by the City of Easton within three years of their collection for capital improvements, including, but not necessarily limited to, the development, improvement, or construction of park, recreational and/or open space facilities for which the fees were collected.

§ 520-30. Street tree, shade tree and landscaping requirements.

- A. Street trees and shade trees shall be added and/or replaced per the requirements of the City Forester as outlined in Chapter 554, Trees, Shade, for all subdivision and/or land development activities.
- B. All required landscaping shall be installed and maintained in accordance with a landscape plan approved by the City Engineer and City Forester, which shall be in compliance with this section, the tree replacement standards of § 520-31 and the buffering requirements of § 520-32. The landscape plan shall be signed and sealed by a certified design professional. The plan shall depict all proposed plantings required to complement, screen or accentuate buildings, streets, alleys, parking areas, sidewalks, walkways, sitting areas, courtyards, service or maintenance areas, and other site features.
- C. The landowner or developer shall protect trees to be retained from damage during construction. The following procedures shall be followed in order to protect such trees:
 - (1) Trees of six-inch diameter or more at breast height (DBH) shall be preserved to the greatest extent possible, and the City Forester may require the landowner or developer to plant one tree of not less than two inches in caliper for each tree of six inches in caliper or more to be destroyed.
 - (2) No more than six inches of soil shall be placed around the trunks of trees which are to remain. For those trees which are to remain, where more than six inches of soil are to be placed, tree wells shall be constructed to preserve such trees.
 - (3) Trees to remain shall be protected by temporary fencing placed at the dripline of such trees.
 - (4) No boards or other material shall be nailed to trees during construction, and no trees shall be sprayed with paint.
 - (5) Heavy equipment operators shall avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than 25 feet from tree trunks.
 - (6) Tree trunks and exposed roots damaged during construction shall be protected from further

3. Editor's Note: See 53 P.S. § 10503(11).

damage by being pruned flush, and if trunks are scarred, they shall be traced out for proper healing. All soil shall be properly backfilled and tamped around such trunks and roots.

- (7) Tree limbs damaged during construction shall be pruned.
 - (8) The operation of heavy equipment over root systems of trees shall be minimized in order to prevent soil compaction.
 - (9) Deciduous trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.
 - (10) Construction debris shall not be disposed of near or around the bases of trees.
- D. All landscape plans shall be submitted at the time of preliminary plan approval for any subdivision or land development. All landscape plans shall be reviewed by the Planning Department, Zoning Administrator, City Engineer and/or City Forester, as needed, to ensure compliance with this chapter and other applicable provisions of the City of Easton Code.
- E. Landscape plans shall be based on and reflect the following:
- (1) The functional, environmental, and aesthetic factors which relate to the property and to the principal and accessory buildings and other structures.
 - (2) Enhancing views from and within the property.
 - (3) Screening and complementing proposed buildings and other structures.
 - (4) Creating visual interest for the users and/or residents of the proposed development.
 - (5) Using plant materials which are hardy and acclimated to the conditions at the property and within the City of Easton.
- F. A landscape plan shall include notes, diagrams, sketches or other depictions to present the consideration and analysis of the following:
- (1) An analysis of the site in terms of the existing views to and from the areas which are proposed for development, existing topography and vegetation conditions and other existing conditions which are relevant to the site.
 - (2) The consideration of locations where plantings and other landscaping is needed to provide visual interest, define outdoor space, complement the proposed architectural style, and achieve other functional and aesthetic requirements for landscaped areas.
 - (3) An analysis of proposed planting and other landscaping needs as related to screening parking areas, screening storage areas, screening site utilities, and other appropriate types of screening.
- G. Preliminary and final landscape plans shall reflect the following detailed criteria:
- (1) Street trees shall be provided and/or replaced as required by the City Forester.
 - (2) The outer perimeter of all off-street parking areas shall be screened. Effective screens shall be accomplished through the use of plant materials, fencing or walls.
 - (3) Other landscaping, including trees, shrubs and ground covers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly

- visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a property, at the entrance to buildings and around structures used for service, storage or maintenance purposes.
- (4) Requirements and standards for landscaping, in addition to that specified above, shall be as determined by the City Engineer and City Forester. The City Engineer or City Forester may require plantings to reduce glare; to abate other nuisances; to enhance the planting area in conjunction with streets; and to fulfill screening, buffering and other functional purposes.
 - (5) The location, type, size, height and other characteristics of all landscaping shall be subject to the review and approval of the City Forester and City Engineer.
- H. The preliminary landscape plan shall be drawn at a scale of at least one-inch equals 50 feet. It shall be totally coordinated with the overall site plan in terms of its relationship to proposed buildings, streets, parking areas, walks, fencing, benches, signs, lighting and other structures. It shall contain the following:
- (1) A delineation of existing and proposed plant materials and ground covers.
 - (2) A delineation of other landscaping features, such as planting beds to be used for herbaceous plants, and other elements of the proposed improvements, such as fences, walls, retaining walls, lighting, benches, signs, paving, walkways, stone, tree wells, and the like.
- I. A final landscape plan shall be submitted after the City has reviewed the preliminary landscape plan and submitted comments on the plan to the applicant. The final landscape plan shall be drawn at a scale of one inch equals 50 feet. It shall be totally coordinated with the overall site plan and shall contain the following:
- (1) A final version of all of the plan requirements stated above for a preliminary landscape plan.
 - (2) A plant schedule wherein the botanical and common name of proposed plants are listed, along with the quantity, caliper, height, spread and other dimensions and characteristics.
 - (3) Details for the planting and staking of trees and the planting of shrubs and any other details which depict other related installation or protection, such as ground-cover spacing, tree fencing, tree grates and guards, tree wells and the like.
 - (4) Information regarding the continued maintenance of all plantings and notes indicating that all plantings will be installed and maintained and replaced if dead or diseased in locations as shown on the approved landscape plan.
- J. Plant characteristics and maintenance. All landscape plans shall contain the following notes:
- (1) All plants shall conform with the most recent edition of the American Standard for Nursery Stock of the American Association of Nurserymen.
 - (2) Trees and shrubs shall be typical of their species and variety; have normal growth habits; and have well-developed, densely foliated branches and vigorous, fibrous root systems.
 - (3) Trees and shrubs shall be free from defects and injuries and certified by appropriate federal and state authorities to be free from diseases and insect infestations.
 - (4) Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the City or properly acclimated to conditions of the City

of Easton.

- (5) Any tree or shrub which dies shall be replaced by the landowner or developer. Any tree or shrub which is deemed, in the opinion of the City, not to have survived or grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may only be made when approved by the City Forester.
 - (6) It shall be the responsibility of the landowners, tenants and/or other occupants of the premises to adequately and properly maintain the landscaped areas, which responsibility shall include watering, cleaning of weeds and debris, pruning and trimming, replacement of dead or diseased plantings, and fertilizing to maintain healthy growth.
 - (7) All trees along the right-of-way of any property shall be kept trimmed 10 feet above any sidewalk and 12 feet above all streets, except those subject to truck traffic. On those streets determined by the City Engineer to be primary truck traffic streets, trees shall be trimmed to 16 feet above the street. All trees shall be trimmed in accordance with current arboricultural standards as determined by the City Forester.
 - (8) All shrubs and growth abutting any sidewalks shall be kept cut back three inches from the edge of the sidewalks.
 - (9) Existing trees and shrubs at the corner of an intersection of streets and/or driveways shall be cut to the height of 24 inches from point of intersection of corner property lines back 50 feet to avoid blocking sight distance to oncoming traffic, and shrubs or ground covers to be planted shall be of the dwarf variety and shall not exceed 24 inches in height at maturity.
- K. All final landscape plans shall be accompanied by a cost estimate prepared by the landowner or developer. The cost estimate shall be evaluated by the City and revised by the City if necessary. The cost estimate shall serve as a basis of establishing an escrow account related to landscaping.

§ 520-31. Tree replacement standards.

- A. All trees of six-inch caliper or more shall be preserved to the maximum extent possible, and the procedure outlined in this article shall be followed for tree replacement. The landowner or developer shall plant replacement trees as follows:
- (1) One tree of not less than 2 1/2 inches to three inches in caliper for each tree of six inches up to 12 inches in caliper to be removed.
 - (2) Two trees of not less than 2 1/2 inches to three inches in caliper for each tree from 12 inches up to 24 inches in caliper to be removed.
 - (3) Three trees of not less than 2 1/2 inches to three inches in caliper for each tree of 24 inches or more in caliper to be removed.
- B. In the event such trees cannot be planted on the development site, the City and the landowner or developer shall agree on one or more of the following methods to comply with the tree replacement requirement:
- (1) The required trees shall be planted on other land the landowner or developer owns and maintains within the City.
 - (2) In the event the landowner or developer does not own other property or the other property is

insufficient in size to accommodate the trees, then the required trees shall be planted on City-owned and -maintained property.

- (a) If the trees are to be planted on City-owned and -maintained property, the landowner or developer shall pay the cost of tree planting and agreement shall be made on a fee paid for the cost of future maintenance.

§ 520-32. Buffering standards.

- A. The purpose of the buffering standards are to create an acceptable transition between potentially incompatible land uses and to reduce conflicts between these uses:

- (1) Buffer areas required. In order to protect existing land uses from proposed uses of an incompatible character, buffer areas are hereby required as set forth below. A buffer area consists of a combination of plantings and/or fencing which screens or blocks vision, noise, pollutants or other negative by-products associated with incongruous activities on adjacent properties. Required buffers shall be the responsibility of the new or changed use. The extent of buffering required shall be determined by the type of use proposed and the adjacent uses surrounding the proposed use and subject to the review and approval of the Zoning Administrator, City Engineer, and City Forester.
- (2) Existing vegetation. All existing deciduous and coniferous trees larger than two inches in caliper and/or six feet in height may be considered to contribute to the required buffer yard. Existing plant material of the above caliper and/or height shall be preserved in any required buffer area except where clearance is required to ensure adequate sight distance at intersections and driveways.
- (3) Buffer area use and maintenance. Buffer areas may be included as part of required front, side or rear yards. All buffer areas shall be maintained and kept clean of all debris and rubbish.
- (4) Plant health and death. All plant material used in buffer areas shall be alive and healthy and shall further meet all the requirements of the American Association of Nurserymen. Any plant material that dies shall be replaced immediately.
- (5) Applicability. In addition to the landscaping requirements of § 520-32, buffer areas shall be located between potentially conflicting uses. Visual screening, consisting of the indicated Class A, B, C or D buffer, shall be required between the following uses:
 - (a) Any retail or office use adjacent to any single-family detached or semidetached dwellings shall provide a Class A buffer.
 - (b) Any industrial use, except as noted below, that adjoins any residential use shall provide a Class B buffer.
 - (c) Any industrial use with greater than 50,000 square feet of gross floor area or industrial park adjacent to any residential use shall provide a Class C buffer.
 - (d) A salvage yard, landfill, recycling center, or transfer station shall provide a Class D buffer between the required fence and the street line or any edge of the property adjacent to a residential use.
 - (e) Other uses determined to be potentially conflicting shall provide the buffer class specified by the City Engineer and City Forester.

- (6) Buffer class standards. After determining the required buffer class, the applicant shall select an appropriate planting option listed below. Plantings are not required to be aligned on property or right-of-way boundaries but may be sited as necessary to achieve the optimal screening level. Plant materials shall be selected from the plant materials list included at the end of the chapter.
- (a) Class A: One deciduous/canopy tree of a minimum of two-inch caliper per 40 feet of buffer length, plus one flowering tree of a minimum of two-inch caliper per 60 feet of buffer length, plus one evergreen of a minimum of four feet in height per 60 feet of boundary.
 - (b) Class B: One evergreen of a minimum of four feet in height per 20 feet of buffer length and one flowering tree per 60 feet of boundary.
 - (c) Class C:
 - [1] One evergreen of a minimum of four feet in height per 25 feet of buffer length, plus one berm four feet high; or
 - [2] Six-foot-high fencing or walls, plus one flowering tree of a minimum of two-inch caliper or evergreen tree of a minimum of four feet in height, every 30 feet of buffer length.
 - [3] Minimum width. The minimum buffer width shall be 20 feet.
 - (d) Class D:
 - [1] Six-foot-high fencing or walls, plus one canopy tree of a minimum of two-inch caliper at an average of one tree per 40 linear feet, plus one evergreen tree at an average of one tree per 20 linear feet of buffer.
 - [2] Minimum width. The minimum buffer width shall be 30 feet.
- (7) Plant materials.
- (a) Each option listed in Subsection A(6) above may use any of the plant materials listed in the Plant Materials List contained in the Appendix included at the end of the chapter.⁴ The City Forester may permit other planting types if they are hardy to the area, are not subject to blight or disease and are of the same general character and growth habit as those on the approved list.
 - (b) Existing planting, topography or man-made structures can reduce or eliminate the buffering requirements if they partially or completely achieve the level of screening as the planting requirements outlined in this article. This determination shall be made at the discretion of the City Forester.
- (8) Fence, hedge and wall regulations.
- (a) Fences in residential districts shall be constructed of materials which do not detract from the general neighborhood.
 - (b) Fences, hedges or walls which are located on property lines shall not exceed six feet in height. Fences, hedges or walls which are set back from property lines may be increased

4. Editor's Note: The Plant Materials List is included as an attachment to this chapter.

in height at a ratio of one foot additional height for every two feet of additional setback. In no case shall any fence, wall or hedge exceed 10 feet in height.

- (c) Retaining walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
 - (d) Fences and retaining walls shall be constructed of durable materials and shall be built in accordance with Chapter 245, Construction.
- (9) General buffering requirements.
- (a) All buffering yards shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.
 - (b) All planting in the buffer area shall be installed and thereafter maintained by the property owner.
 - (c) Plant materials required within the buffer area shall be assured by a performance guaranty posted with the City in an amount equal to the estimated cost of the plant materials. Such guaranty shall be released only after the passage of the second growing season following planting.
 - (d) No manufacturing or processing activity or storage of materials shall be permitted within the buffer area.
 - (e) Plant materials and structures required within the buffer area of a corner lot shall be planted and/or maintained at a height not to exceed two feet within the required sight triangle.
 - (f) No structures may be placed within the buffer area, except for the following:
 - [1] Berms, fences or walls, which aid in screening and do not conflict with the character of adjoining properties nor block clear sight required at intersections.
 - [2] Structures relating to and used for landscaping, such as tree wells, tree guards, tree grates and retaining walls, to preserve stands or specimens or existing trees or used for other functional purposes.
 - [3] Streets which provide direct ingress/egress for the lot, including appurtenant structures within street rights-of-way, such as curbs, sidewalks, signs, lighting standards, or benches.
 - [4] Underground utilities.
- (10) Plan review. Prior to plan approval, complete plans showing the location of all adjacent property lines and uses, all buffer areas, and the placement, species and size of all plant materials, fences or walls within those areas shall be reviewed by the City Planning Commission, City Engineer, Zoning Administrator, Building Code Administrator and/or City Forester to ensure compliance with the standards of this article and other applicable City codes.

§ 520-33. Development in stages.

A developer may propose a development in stages and the City may approve same if the following criteria are met:

- A. The application for tentative approval covers the entire development and shows the location and time of construction for each stage, in addition to other information required by this chapter.
- B. The second and subsequent stages are completed in strict accordance with the tentatively approved plan and are of such size and location that they constitute economically sound units of development.
- C. In no case shall work on the current stage area include stripping or disturbance of woodland and soils set aside for later stages.
- D. Any plans, documents and other papers required by the City to depict all of the foregoing and the limits thereof are submitted to and approved by the City.

ARTICLE IV
Plan Requirements

§ 520-34. Preapplication requirements.

Prior to the formal submission of subdivision and/or land development plans to the Planning Commission, each subdivider or land developer shall present the following information for preliminary review of the Planning Commission:

- A. A subdivision location map, which includes the existing and proposed street system.
- B. A drawing of sufficient scale to delineate the proposed tract boundary lines, and showing bearings and distances, ground elevations and total tract size.
- C. Site data, which shall show all proposed uses, both public and private, for the development of the property, including parking, building size, use and lot coverage, applicable Chapter 595, Zoning, requirements, and neighboring land uses.
- D. In order to determine the impact of the proposed subdivision and/or development on the City and on nearby municipalities, an analysis of its potential effects upon such facilities as schools, libraries, parks, fire and police services, utilities, roadway systems, and other City services, including solid waste, shall be required in accordance with Article V, Impact Assessment and Mitigation. A comparison of the costs to the City versus the revenues to the City generated by the proposal shall be included. The impact analysis should be supported by current data, including market analysis data and traffic study data, and such other data as may be required by the Planning Commission. At the discretion of the Planning Commission, minor subdivision proposals and proposals for development of land cleared by means of the urban renewal process or its successor may be relieved of responsibility for submission of impact analysis.
- E. Land suitability report as set forth in § 520-20. All proposals for subdivision development, building or structures on a site of questionable stability shall be accompanied by the recommendations of a certified design professional or other relevant certified professional as approved by the City (i.e., certified geologist, wetlands scientist, etc.) to provide for protection against predictable hazards.

§ 520-35. Subdivision and land development plan.

- A. Each subdivider shall submit to the Planning Commission a subdivision plan which shall consist of six sets of black-and-white copies of the drawings and all related attachments. The plan drawings shall have a horizontal scale of not more than 100 feet to the inch and a vertical scale of not more than 40 feet to the inch; an overall sheet size of approximately 24 inches by 36 inches. Each sheet shall contain a key map and be numbered to show its relation to the entire set. For large subdivisions, the plans may be submitted for approval in contiguous sections.
- B. The plans shall show the following information:
 - (1) Primary control points and datum: to which all dimensions, angles, bearings, elevations and similar data are referred. NAVD 88 datum shall be used.
 - (2) Monuments and markers: location and description.
 - (3) Lines, dimensions, bearings or deflection angles, radii, arcs, central angles: tract boundaries, rights-of-way, easements, lots, other sites, and curves with dimensions in feet and hundredths of feet and angles in degrees and minutes.

- (4) Existing streets on and adjacent to the tracts: name, right-of-way width, and location; type, width and elevation of surfacing; any legally established center-line elevations; and walks, curbs, gutters, culverts, crossovers and driveways.
- (5) Proposed streets: names, locations, right-of-way and roadway widths, grades and gradients, cross sections, profiles, crossovers, driveways, and similar data for alleys, if any, and design of bridges and culverts, if any.
- (6) Other right-of-way or easements (existing and proposed): location, width and purpose, including street extensions as are necessary to provide adequate street connections to adjacent land.
- (7) Utilities on and adjacent to the tract (existing): location, size and invert elevation of sanitary, storm and combined sewers, location and size of water mains, location of gas and pipe lines, fire hydrants, electric and telephone poles, and streetlights; and, if water mains and sewers are not on or adjacent to the tract, the direction and distance to and size of nearest lines, including invert elevation of sewers.
- (8) Utilities (proposed): construction plans and specifications showing actual locations, cross sections and profiles, including inlets, manholes and culverts and, where solar energy systems are proposed, plans for design and construction demonstrating compliance with Chapter 595, Zoning, Article XLI, Solar Energy System Regulations.
- (9) Electric, telephone and other utility facilities shall be installed underground except for those portions of a solar energy system, including solar collectors, which are required to be installed above the ground to provide a functioning system. Letters from appropriate utility companies confirming that the subdivider has entered into agreements to provide for underground installation in accordance with the subdivision plan and Public Utility Commission Investigation Docket 99, as amended from time to time, shall be submitted to the Planning Commission in support of the proposed utility plan, and no plan submission shall be considered complete without such letters.
- (10) Ground elevations on the tract (existing and proposed): (based on NAVD 88 datum) for land that slopes less than 2%, spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; and for land that slopes more than 2%, contours with an interval of not more than two feet.
- (11) Subsurface conditions on the tract: (if required by the Commission) location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five feet; and location and results of any soil percolation tests.
- (12) Other conditions on the tract: watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees six inches or more in diameter, houses, barns, shacks and other structures and significant features.
- (13) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; and for adjacent platted land, refer to subdivision plat by name, recordation date and number and show approximate percent built up, typical lot size, and dwelling type.

- (14) Zoning district boundaries: on or within 300 feet of the tract.
 - (15) Public improvements: highway or other major improvements existing or planned by public authorities for future construction on or near the tract.
 - (16) Location map: including proposed street system of any adjoining land owned by the subdivider or land developer.
 - (17) Lots: numbers, block numbers and size of each lot in square feet or acreage.
 - (18) Sites: for multiple dwellings, common open space(s), public open space(s), cemeteries, shopping centers, churches, industry or other nonpublic uses exclusive of single-family detached dwellings.
 - (19) Sites: reserved or to be dedicated for parks, playgrounds or other public uses.
 - (20) Minimum building lines: lots and other sites.
 - (21) Site data: including number of residential lots, typical lot size and acres in parks.
 - (22) Staging: proposed staging or phasing boundaries, and all proposed construction and associated public utilities and infrastructure for each proposed phase.
 - (23) Deed restrictions: existing and proposed, and those to be placed on each lot sold or transferred.
 - (24) Title and certificates: present tract designation according to official records of the Recorder, political subdivision in which subdivision is located, title under which proposed subdivision is to be recorded, names and addresses of owner and subdivider and/or land developer, notarized affidavit of owner approving plan, notation stating acreage, scale, North arrow, datum, bench marks, certification and seal of professional engineer or land surveyor, and date of survey.
 - (25) Approved certificates: place for signature and approval of City Engineer; place for signature of the Chairman and Secretary of the Commission, resolution number and date of approval.
- C. Upon acceptance of a complete application, together with all required fees and escrow deposits, the Zoning Officer shall transmit the requisite number of copies of the plans and other required materials to the Planning Commission and the Engineer. In addition, copies shall be transmitted to:
- (1) Lehigh Valley Regional Planning Commission for review for consistency with regional policies and plans. Any costs for such review shall be paid by the applicant.
 - (2) Northampton County Soil and Water Conservation District, at the discretion of the City where it deems such consultation advisable, for review of matters relating to drainage and abatement of soil erosion. Any costs for such review shall be paid by the applicant.
 - (3) Such additional persons or agencies as the City and/or Planning Commission shall determine.

§ 520-36. Offer of dedication.

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

§ 520-37. Acceptance of dedication.

City Council shall receive the written recommendation of the Planning Commission concerning acceptance of proposed dedication(s) associated with a subdivision and/or land development plan. Council shall have the right of acceptance or rejection of proposed dedication(s) upon recommendation by the Planning Commission.

§ 520-38. Supporting data to accompany subdivision and/or land development plan.

The subdivision plan as set forth in § 520-35 shall be accompanied by the following supporting data and information, which data and information shall be considered part of the subdivision and/or land development plan and prerequisite to plan approval:

- A. A completed and executed copy of the subdivision and/or land development improvements construction agreement as agreed upon by the subdivider and/or land developer and the Planning Commission and Council, and which specifies, among other things, a completion date for installation of improvements by the subdivider and/or land developer.
- B. A performance guarantee in the amount of 110% of the cost of all required improvements as set forth herein and as estimated by the City Engineer with Planning Commission concurrence. The performance guarantee shall be in a form and with surety approved by the City Solicitor guaranteeing the construction and installation of all such improvements within a stated period, which shall not be longer than two years from the date of final subdivision and/or land development approval.
- C. A maintenance guarantee in an amount of not less than 110% of the City Engineer's estimate of the cost of all required improvements, as determined per Subsection B hereof, guaranteeing that the developer shall maintain all such improvements in good condition for a period of one year after completion of construction and installation of all such improvements and approval of all such improvements by the City Engineer and acceptance of all such improvements by Council.
- D. Plan or plans showing location and development proposals for all common open space, recreation and/or community facility areas appearing on the subdivision plan.
- E. Soil erosion and sedimentation control plan prepared in accordance with the requirements of the Pennsylvania Department of Environmental Protection and approved by the appropriate state agent.
- F. Approved copies of all required permits and approvals, including all complete sets of documents, plans, forms, modules, etc., submitted in application for such permits or approvals and any and all revisions, amendments or conditions required or established by any agency or department of the United States, commonwealth or county in connection with the issuance of any permit.
- G. In the case of plans which call for development in stages, a certified schedule showing the time within which applications for final approval of each stage are intended to be filed and the proposed land use, number and type of dwelling units and residential density and circulation plan for each stage.
- H. Easement agreements and plans describing the purpose and showing the exact boundaries of the easement (dimension and bearings). All agreements and plans shall be approved and signed by the grantor and grantee.

ARTICLE V

Impact Assessment and Mitigation**§ 520-39. Impact assessment and mitigation.**

An impact assessment report shall be submitted for the following:

- A. Any proposed subdivision and/or land development involving a special exception or variance.
- B. Any land development which involves a project on more than 10,000 square feet of land or involves five or more dwelling units, leaseholds or buildings.
- C. Any industrial use.
- D. Any commercial use of 5,000 square feet or greater (gross floor area).
- E. Any institutional use of 20,000 square feet or greater (gross floor area).
- F. Any development proposed on environmentally sensitive lands.

§ 520-40. Submission requirements.

- A. The impact assessment report shall be prepared by a certified design professional and address the following:
 - (1) If a site development plan is needed, including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the lot(s) and a depiction of the features which are proposed, such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces, it shall be drawn at a scale of not more than 50 feet to the inch and may be submitted as an attachment to the report.
 - (2) Floor plans and elevations depicting the proposed size, square footage and height of buildings and/or other structures.
 - (3) A statement indicating the existing and proposed ownership of the lot(s) and, where applicable, the type of ownership, operation and maintenance proposed for areas which may be devoted to open space or otherwise not under the control of a single lot owner.
 - (4) A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
 - (5) An identification of the land use conditions and characteristics associated with the lot(s), such as current and past use, land cover and encumbrances, and the relationship of these to adjacent lot(s). The identification of land use conditions and characteristics includes a narrative description of the above. In addition, the following maps, drawn at a scale of not more than 50 feet to the inch, shall be incorporated into the report or submitted as attachments to it:
 - (a) A map depicting the land cover characteristics of the tract. Such map shall define existing features, including buildings, paved or other impervious surfaces, lawns and landscaped areas, wooded areas, wetlands, streets, other water resources, and any other existing conditions.
 - (b) A map depicting any encumbrances to the tract. Such map shall define easements and other

areas where certain use privileges exist.

- (c) A map depicting the land uses adjacent to the proposed tract. Such map may be at the same scale as the location map.
- (6) An identification of the natural areas associated with or adjacent to the lot(s) at issue, such as areas listed on the Natural Heritage Inventory or Natural Areas Inventory of Lehigh and Northampton Counties, the Pennsylvania Natural Diversity Inventory (PNDI), or similar study.
- (7) An identification of the historic resources associated with the lot(s), such as areas, structures and/or routes and trails which are significant. Areas, structures and/or routes and trails included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places, the Historic American Building Survey, the City Comprehensive Plan and any which may otherwise be identified by the City must be depicted. The identification of historic resources includes a narrative description of the above. In addition, a map drawn at a scale of not more than 50 feet to the inch, depicting historic resources should be incorporated into the report or submitted as an attachment to the report.
- (8) An identification of the community facility needs associated with the users and/or residents of the proposed project.
 - (a) The community facility needs assessment should indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals and other health-care facilities, fire protection, police protection and ambulance and rescue service) should be discussed in terms of the ability of existing facilities and services to accommodate the demands of future users and/or residents of the lot(s) and the need for additional or expanded community facilities.
 - (b) For schools, the following schoolchildren yields shall be used:

	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom or More
Single-family, two-family	—	—	0.63	1.30
Multifamily residential	—	0.22	0.65	1.50
Midrise/highrise	0.05	0.35	0.60	—

- (9) An identification of the utility needs associated with the users and/or residents of the proposed project. The utility needs assessment should indicate in narrative form the type of installations which will be in demand. Utilities, such as those used for water supply, sewage disposal, storm drainage, communications and electrical transmission, shall be discussed in terms of the ability of existing utility installations to accommodate the demands of the future users and/or residents of the lot(s), the need for additional or expanded utility installations and the ability to achieve an adequate system for storm drainage and stormwater management.
- (10) An identification of the relationship of the transportation and circulation system needs of the

proposed project to the existing street, alley or highway network. A discussion of this relationship should be in narrative form and indicate factors such as methods to be used for traffic control within the tract and at points of ingress and egress and expected traffic volumes generated from the project, including their relationship to existing traffic volumes on existing streets for both peak-hour and non-peak-hour traffic conditions. In addition, there should be a discussion of the physical condition of existing streets that will service the proposed project and what parking improvements are proposed to remedy any physical deficiencies at, beyond or worse than level-of-service D.

- (11) Development of regional significance. An identification of any development that would affect the City and any adjoining municipalities in an adverse manner due to its character, magnitude, location, traffic generation, height, impervious cover, or incongruent land uses.
 - (12) An identification of characteristics and conditions associated with existing, construction-related and future air and water quality and noise levels, vibrations, toxic materials, electrical interference, odor, light, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases, radioactive materials and/or other noxious conditions.
 - (13) A subsurface investigation report on the presence of karst topography and the stability of the rock formation and the vulnerability of the subsurface to subsidence (sinkholes). The characteristics, which should be presented in narrative form, include percolation tests, soil borings, or other similar tests or data.
 - (14) An identification of compliance with the environmental controls and protections as required in Chapter 595, Zoning, Article XXIX, Environmental Controls and Protection, of the Code of the City of Easton. Where standards of use are set by other agencies, such as the U.S. Army Corps of Engineers or the Department of Environmental Protection, such standards shall be used.
 - (15) Alternatives to the proposed project. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The applicant shall comment on how alternatives such as redesign, layout or siting of buildings, streets and other structures, reduction in the size of proposed buildings and structures, reduction in the number of buildings, reduction in density of intensity, and the like, would preclude, reduce or lessen potential adverse impact or produce beneficial effects.
 - (16) The implications of the proposed project in terms of the type of beneficial or adverse impacts which may result from it. To indicate such effects, there should be a discussion of the implications of the proposed project to the resources, conditions and characteristics described in this section. In addition to a narrative presentation of implications, the applicant should display where the project adversely impacted the lot(s), resources, conditions or characteristics through the use of a map, drawn at a scale of not more than 50 feet to the inch, wherein the areas adversely affected from proposed development are highlighted. Such map may be either incorporated into the report or submitted as an attachment to the report. Further, the applicant should demonstrate and specify in the report how and where the findings in the report and its attachments are reflected in the subdivision, land development or other plan.
- B. In making its evaluation, the Planning Commission may request any additional information it deems necessary to adequately assess potential impacts.
- C. The impact assessment and mitigation report shall be prepared by a certified design professional and shall be paid for by the applicant. The applicant shall request approval from the City for the authors of the impact assessment and mitigation report, and the City shall determine if the author(s) proposed

by the applicant is (are) qualified to prepare said report. If the City determines that the author(s) proposed by the applicant is (are) not qualified to address the report requirements, in whole or in part, then the City may hire qualified design professionals to prepare all or parts of the report, and the applicant shall reimburse the City for all reasonable fees and expenses for such design professionals.

ARTICLE VI
Plan Processing Procedures

§ 520-41. Preapplication procedure; data submission.

Prior to the filing of the subdivision and/or land development plan, the subdivider, developer and/or landowner shall submit to the Planning Commission the data specified under § 520-34.

§ 520-42. Preapplication action by Commission.

Within 90 days from the date of the first Planning Commission meeting at which the preapplication proposal was considered, the Commission shall act thereon as submitted or modified, and if approved, the Commission shall express its approval and state the conditions of such approval, if any. If disapproved, the Commission shall also express its disapproval and state the reasons thereof. Approval by the Commission shall be considered as conditional approval only.

§ 520-43. Expiration of approval.

Conditional approval of any final plan shall be effective for five years, after the expiration of which such approval shall be considered cancelled and rescinded, unless extended in writing by the Planning Commission.

§ 520-44. Subdivision plan procedure; plan submission.

The subdivision and/or land development plan, together with a completed application, shall be filed with the Secretary of the Commission, and the fee established by § 520-9 of this chapter shall be paid to the City of Easton.

§ 520-45. Action by City Engineer.

The Secretary of the Planning Commission shall transmit the subdivision plan to the City Engineer, who before acceptance shall:

- A. Determine that the proposed subdivision and/or land development plan meets with the requirements of § 520-35 of this chapter.
- B. Upon receipt of the report of the City Engineer, the Secretary of the Commission shall place the subdivision and/or land development plan on the agenda of the next meeting of the Commission.

§ 520-46. Subdivision and/or land development action by the Commission.

Following a review of the subdivision and/or land development plan, the Planning Commission shall, within 90 days from the date of the submission, act thereon as submitted or modified and if approved shall express its approval by resolution. If disapproved, the Commission shall also express its disapproval by resolution and its reasons therefor. The action of the Commission shall be noted on the subdivision and/or land development plan.

§ 520-47. Appeal.

If the subdivision plan is disapproved, any person aggrieved thereby may, within 30 days thereafter, appeal therefrom by petition to the Court.

§ 520-48. Recording of subdivision plan.

- A. The action of the Planning Commission in approving any subdivision and/or land development plan and an approved duplicate copy of any such subdivision and/or land development plan shall within 30 days be recorded in the Office of the Recorder. Within 10 days after the recording of the subdivision and/or land development plan, the owner shall notify the Secretary of the Planning Commission, in writing, that the subdivision and/or land development plan was duly recorded.
- B. All plan sheets that indicate a transfer of property, easements, and offers of dedication shall be recorded with the County of Northampton, Pennsylvania, simultaneously with the associated subdivision and land development plan.

§ 520-49. Recorded plan to become part of Official Map.

After a subdivision and/or land development plan has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the City.

§ 520-50. Time limitations on final plan approval.

- A. When a final plan is approved or approved subject to conditions acceptable to the applicant, such conditions shall be satisfied, and the plan and subdivision improvements agreement shall be signed and fully executed, and any required improvements guarantee posted, and the plan duly recorded in the Northampton County Recorder of Deed Office within five years of the date of such approval.
- B. Should any of the above requirements fail to be fulfilled within such five-year period, the plan shall be considered abandoned, and no further attempt shall be made to proceed with the plan without resubmission and full review and approval of the plan and compliance with all other requirements, pursuant to this chapter of the City of Easton.
- C. Plans which at the effective date of this section have been approved or approved subject to conditions for which any of the requirements as set forth above have not been satisfied shall be subject to the same provisions and the five-year time period to begin.

ARTICLE VII
Improvement Construction Requirements

§ 520-51. Standards and specifications.

All improvements required under the provisions of this chapter shall be constructed at the expense of the owner in accordance with the design standards and plan requirements of the land subdivision regulations, standards and specifications of accepted state and federal codes and of local ordinances and be under the supervision of the City Engineer and to his satisfaction. In any case where standards and/or specifications are found to be in conflict one with another, the provision which establishes the highest standard and/or specification shall prevail.

§ 520-52. Monuments and markers.

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at such intermediate points as shall be necessary to reestablish the ground survey of the tract of blocks included in the tract. The monuments shall be of the permanent type and shall be constructed of concrete or stone at least four inches on the top, at least 30 inches long and containing an imbedded brass plate on the top. Markers consisting of one-and-one-half-inch pipe or one-inch steel pins not less than 30 inches long shall be placed at the corners of each lot shown on the approved subdivision plan.

§ 520-53. Required improvements.

A. General policy.

- (1) Sidewalks. Under Third Class City Law,⁵ the City may order construction of sidewalks. It is the policy of the City to order these sidewalks constructed in cases where the City deems it a need. Sidewalks shall be at least four feet to six feet in width.
- (2) Streets. The developer will rough grade all streets and construct curbs, after which the developer will put in the base of the street and surface the same, all as specified by the City and to the satisfaction of the City Engineer. Right-of-way widths and cross sections will conform to the City's requirements.
- (3) Storm sewers. As part of the street construction work, the developer will construct storm sewers and appurtenances thereto where deemed necessary by the City and according to standards determined by the City.
- (4) Sanitary sewers. The City may construct sanitary sewers, including laterals to the curb, in dedicated and/or ordained streets where feasible, and the cost of construction shall be assessed against owners of abutting property. It is the developer's responsibility to coordinate other street improvements with sanitary sewer line construction.
- (5) Waterlines. Upon determination that water main extension is feasible and necessary, the City may extend main waterlines in dedicated and/or ordained streets, assessing abutting property owners in accordance with the rate schedule established by ordinance or resolution authorizing such extension. Water service lines from the main to the curb, as well as from the curb into a building, shall be constructed in accordance with applicable City regulations and ordinances governing standards and charges. The developer must ensure coordination of street improvements with waterline construction.

5. Editor's Note: See 11 Pa.C.S.A. § 10101 et seq.

- (6) Fire hydrants. Whenever a central water supply system is provided, fire hydrants, furnished by the developer, as specified by the City, shall be installed by the developer within 600 feet of all existing and proposed structures at locations approved by the City.
- (7) Street trees. Street trees shall be provided according to the standards determined by the City.
- B. Street grading. All streets shall be graded to the grades shown on the approved street profile and cross-section plan with a slope of two, horizontal, to one, vertical, beyond the right-of-way line where cut or fill is necessary.
- C. Curbs. Curbs, 24 inches deep by seven-inch top by nine-inch bottom over four inches of cinders or banked gravel, shall be installed at all roadway lines shown on the approved subdivision plan.
 - (1) Other improvements. Council may require any other improvement construction requirements that are in keeping with the health, safety, morals and general welfare of the residents of the City. Where electric service is supplied by underground methods, and prior to the installation of curbs, sidewalks and curb cuts or driveways, the subdivider shall provide and install ducts and cables to accommodate the installation of a streetlighting system and a fire alarm system and such other service lines as may be required under this section. Where bases are required for the support of standards, such as light standards, the subdivider shall also provide and install such bases.

§ 520-54. Manufactured homes and temporary housing.

- A. Compliance required. Manufactured homes and temporary housing design, materials, assemblies and equipment shall conform to all applicable housing provisions, property maintenance code,⁶ zoning code,⁷ construction code,⁸ Pennsylvania regulations, and federal regulations.
- B. Placement. Placement of manufactured homes on manufactured home stands by jacks or supports shall be prohibited. All manufactured homes shall be on full code-compliant foundations.
- C. Space requirements. The maximum number of occupants of a manufactured home or temporary housing unit shall be limited to the number determined on the basis of square feet of floor area of habitable space, exclusive of habitable space used for cooking purposes in accordance with the following:

Floor Area (square feet)	Occupants
450	3
Each 80 additional	Each additional after 3

§ 520-55. Notice to and inspection by City inspectors.

The City Engineer shall be notified 24 hours before the contemplated installation or construction of any improvement. The City Engineer and his/her staff shall have the power and duty to inspect all improvements and modify or alter the engineering details or construction in the field as they believe will

6. Editor's Note: See Ch. 435, Property Maintenance and Housing Standards.

7. Editor's Note: See Ch. 595, Zoning.

8. Editor's Note: See Ch. 245, Construction.

be in the best interests of the general welfare of the City.

ARTICLE VIII
Acceptance of Improvements

§ 520-56. Conditions of acceptance.

Every acceptance of public improvements by Council as shown on any approved plan shall be subject to the following conditions:

- A. The plan for the subdivision and/or land development on which the public improvement is to be accepted shall have been approved by the Planning Commission and Council or, on appeal, the Court, and duly recorded in the office of the Recorder, in accordance with the Act of Assembly requiring the recording.
- B. The public improvement shall have been offered for dedication or petitioned to Council, which deed for dedication or petition for improvement shall have been approved as to legal form and adequacy by the City Solicitor, and the legal fees to cover any legal expense incurred by Council in the preparation of documents for the approval of any public improvement shall have been paid.
- C. Any bridge, culvert, viaduct or railroad crossing shall have been approved, where required by the Third Class City Code,⁹ by the appropriate state agency or in accordance with any other controlling Pennsylvania Act of Assembly.
- D. That all improvement construction requirements required by Article VII of this chapter, or where specified by Council before final approval of the plan, shall have been installed in accordance with the standards and specifications of the City and have been certified by the City Engineer, or a proper completion guarantee to cover all the improvements shall have been accepted by Council, or other suitable arrangement for the installation of the improvements shall have been accepted by Council in accordance with the Third Class City Code.¹⁰

§ 520-57. Acceptance by Council.

The approval of the Planning Commission of the plan, which automatically is deemed an acceptance of any proposed dedication, shall not impose any duty upon Council concerning the maintenance or improvement of any such dedicated parts until Council has made actual appropriation of the same by acceptance, entry, use of improvement.

9. Editor's Note: See 11 Pa.C.S.A. § 10101 et seq.

10. Editor's Note: See 11 Pa.C.S.A. § 10101 et seq.