

article I

General Provisions

SECTION 100 SHORT TITLE

This Ordinance shall be known as the Spring City Subdivision and Land Development Ordinance of 1995, as amended.

SECTION 101 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance has been drafted in accordance with and enacted through the authority provided by the Pennsylvania Municipalities Code, Act 247, Article V, as reenacted and amended, for the following objectives. The objectives are established to maintain conditions favorable to the health, safety, and general welfare of citizens and to ensure that land development in the Borough shall conform to the intent of the Spring City Comprehensive Plan and Zoning Ordinance. The objectives are as follows:

- A. Conserve the small town and historic amenities that make Spring City a desirable place to live.
- B. Ensure that new development is compatible in scale, bulk, location, and density with existing land uses in the Borough.
- C. Preserve and protect natural resources and open space in the Borough through appropriate land use standards.
- D. Encourage the expansion of the municipal employment base and shopping opportunities in a manner that will not detract from the small town character of the community.
- E. Encourage the continued provision of good municipal facilities and government.
- F. Promote a safe and efficient automobile and pedestrian circulation pattern.
- G. Improve the system of active and passive open space in the Borough.
- H. Promote adequate, safe, and sound housing for present and future residents of the Borough.
- I. Guide future development in the Borough in an orderly fashion in accordance with the Comprehensive Plan for Spring City.

SECTION 102 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, all requirements shall be held to be minimum requirements for promoting the objectives of this Ordinance. Where the provisions of this Ordinance differ from those of any other statute, ordinance, or regulation, the more restrictive regulations shall be controlling.

SECTION 103 SCOPE AND JURISDICTION

- A. From and after the effective date of this Ordinance pursuant to Section 108, any new subdivision and/or land development shall be in conformity with this Ordinance and all standards and specifications adopted as part of this Ordinance. The Borough Council shall have the jurisdiction of subdivision and land development within the Borough limits. In order that the actions of the Borough Council under this Subdivision and Land Development Ordinance may be correlated with all relevant data and procedures, the Borough Council hereby designates the Planning Commission as the agency of the Borough Council:
1. To which all applications relating to sketch plans, preliminary or final approval of subdivision and land development plans shall initially be submitted;
 2. With which applicants shall hold all preliminary consultations relating to the plans;
 3. Which shall make recommendations to the Borough Council concerning approval, disapproval, and conditions for approval of such plans; and
 4. Which shall make recommendations to the Borough Council concerning the interpretation of and granting of modifications to provisions and standards of this Ordinance.
- B. No lot, tract or parcel of land will be subdivided, and no land will be developed, and no street, alley, or other public thoroughfare shall be laid out, constructed, opened, or dedicated, and no related facilities, including but not limited to sanitary sewers, storm sewers, or water mains shall be laid out, constructed, opened, or dedicated for use except in strict conformance with the provisions of this Ordinance and other applicable Borough ordinances. Furthermore, no land development can occur without a final land development plan being duly approved and recorded.
- C. No lot in a subdivision may be sold, no permit to build, alter, or repair any building on land in a subdivision or land development may be issued, and no building on land in a subdivision or land development until a final subdivision or land development plan has been approved and, where required improvements have been completed or their completion has been assured by a corporate bond or the deposit in escrow of fund or securities sufficient to cover the cost of required improvements as estimated by the Borough Engineer or representing agent.
- D. No section of this Ordinance shall be construed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act, Act of July 2, 1980, P.L. 286, No. 82, as amended, 68 Pa.C.S. Section 3101 et seq.

- E. The scope of this Ordinance shall include all matters over which, by law, the Borough is authorized to exercise control by enactment and enforcement of this Subdivision and Land Development Ordinance, including, but not limited to:
1. All improvements within the tract undergoing subdivision or land development;
 2. The improvement of adjacent public facilities, including streets and drainage facilities which border upon the tract; and
 3. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development, provided that the extent of required off-site improvements shall be economically feasible in relation to the size and scope of the proposed subdivision or land development.
- F. The granting of a permit, or the approval of a plan of subdivision or land development, shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any official, employee, agent, or advisor of the Borough, as to the practicability, adequacy, functioning, or safety of any use, improvement, facility, or system installed or maintained pursuant to the aforementioned permit or approval, and such permit or approval shall not create any liability upon the Borough, its officials, employees, agents, or advisors.

SECTION 104 AMENDMENT

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, and as amended, the Borough Council of the Borough of Spring City, Chester County, Pennsylvania, may amend this Ordinance from time to time through the appropriate action in conformance with the law.

SECTION 105 CHALLENGES AND APPEALS

Appeals from the actions or decision of the Borough Council regarding any application for subdivision or land development approval shall be governed by the provisions of the Municipalities Planning Code as they may be amended from time to time, or any successor legislation thereto.

SECTION 106 VALIDITY AND SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such a decision shall not affect the validity of any of the Ordinance as a whole or of any part thereof.

SECTION 107 REPEALER

The Ordinance known and cited as "The Spring City Subdivision And Land Development Ordinance of 1983" is hereby repealed.

SECTION 108 EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its adoption by the Borough Council.