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PART 1
GENERAL PROVISIONS

§22-101. Short Title.

This Chapter shall be known as the Borough of Northern Cambria Subdivision and Land Development Ordinance.

(Ord. 2000-1, 1/3/2000, §1)

§22-102. Purpose.

1. These regulations are adopted for the following purposes:
 - A. To protect and provide for the public health, safety and general welfare of the Borough.
 - B. To guide the future growth and development of the Borough, in accordance with the Comprehensive Plan of the Borough.
 - C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
 - D. To protect the character and social and economic stability of the Borough and to encourage the orderly and beneficial development of the Borough.
 - E. To protect and conserve the value of land throughout the Borough, and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
 - F. To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, stormwater management, schools, parks, playgrounds, recreation, and other public requirements and facilities.
 - G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic within the Borough, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the proper location and width of streets and building lines.
 - H. To establish reasonable standards of design and procedures for subdivision and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

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- I. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams and ponds, to assure the adequacy of drainage facilities, to safeguard the water table and to encourage the wise use and management of natural resources in order to preserve the community and value of the land.
- K. To control stormwater in a manner consistent with the Cambria County stormwater management plan.
- L. To regulate the subdivision and/or development of land within any designated floodplain district in order to promote the general health, welfare and safety of the community.
- M. To require that each subdivision lot in flood-prone areas include a safe building site with adequate access and that public facilities which serve such uses be designed and installed to minimize flood damage.
- N. To protect individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision and/or development of unprotected lands within the designated floodplain districts.
- O. To preserve the natural beauty and topography of the Borough and to ensure appropriate development with regard to these natural features.
- P. To provide for open spaces through efficient design and layout of the land.
- Q. And finally, to ensure that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided, and the new parcels thus created.

(Ord. 2000-1, 1/3/2000, §1)

§22-103. Authority.

1. **Authority of the Borough Council.** The Borough Council of Borough is vested by law with the control of the subdivision of land and land development within the Borough by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* The Borough Council shall retain the authority to approve all subdivision plans and land development plans as required herein.

2. **Authority of the Borough Planning Commission.** The Borough Planning Commission is hereby designated by the Borough Council as an agency which shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Borough Council and, when provided by ordinance, make other recommendations.

(Ord. 2000-1, 1/3/2000, §1)

§22-104. Application of Regulations.

1. **Subdivision Control.** No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this Chapter. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded and until the improvements required by the Borough Council in connection therewith have either been constructed or guaranteed as herein provided in §612.
2. **Land Development Control.**
 - A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by resolution of the Borough Council.
 - B. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and the same shall be indicated on the land development plan.

(Ord. 2000-1, 1/3/2000, §1)

§22-105. Interpretation and Conflicts.

1. **Interpretation.** In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.

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2. **Conflict with Public and Private Provisions.**

- A. **Public Provisions.** Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- B. **Private Provisions.** This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Borough Council in approving a subdivision or in enforcing this Chapter, and such private provisions are not inconsistent with this Chapter or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

3. **Municipal Liability.** The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any identified floodplain area or district shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees.

(Ord. 2000-1, 1/3/2000, §1)

§ 22-106. Modifications.

1. The Borough Council may grant a modification of the requirements of one or more provisions of this Chapter 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.
2. All requests for modification shall be in writing and shall accompany and be part of the application for 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 this Chapter involved and the minimum modification necessary.
3. The request for modification shall be referred to the Borough Planning Commission for advisory comments.

4. The Borough Council shall keep a written record of all action on all requests for modifications.

(Ord. 2000-1, 1/3/2000, §1)

§22-107. Preventative Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferrer from such penalties or from the remedies herein provided.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - A. The owner of record at the time of such violation.
 - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owners, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 2000-1, 1/3/2000, §1)

§22-108. Enforcement Remedies.

1. Any person, partnership, or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor

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timely appeals the judgement, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending the final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction in proceedings brought under this Section.

(Ord. 2000-1, 1/3/2000, §1)

PART 2

DEFINITIONS

§22-201. Construction.

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated. The present tense shall include the future; the singular number shall include the plural; words used in the masculine gender shall include the feminine and the neuter; the word "shall" is always mandatory; the word "may" is always permissive.

(Ord. 2000-1, 1/3/2000, §1)

§22-202. Terminology.

ACCELERATED EROSION - the removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

ADJUSTED FOR FAMILY SIZE - adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility level determined as provided in the definition of low to moderate-income persons based upon a formula as established by the rule of the agency.

ADJUSTED GROSS INCOME - all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by rule of the department, adjusted for family size, less deductions under § 62 of the Internal Revenue Code of 1968 (P.L. 99-514, 26 U.S.C. §62 *et seq.*).

AFFORDABLE - with respect to the housing unit to be occupied by low to moderate-income persons, monthly rents or monthly mortgage payments including property taxes and insurance, that do not exceed 30% of that amount which represents 100% of the adjusted gross annual income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the County in which the housing unit is located, divided by 12.

AGENCY - the Pennsylvania Housing Finance Agency as created pursuant to the act of December 3, 1959 (P.L.1688, No.621), known as the "Housing Finance Agency Law."

ALLEY - a public or private right-of-way having a right-of-way width of 20 feet or less, which affords secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no main building shall have its frontage on an alley. An alley may also be known as a court, place or lane.

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APPLICANT - a land owner, or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways.

BOROUGH - The Borough of Northern Cambria, Cambria County, Pennsylvania.

BOROUGH COUNCIL - The Borough Council of Borough, Cambria County, Pennsylvania.

BUILDING - any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattels and including covered porches or bay windows and chimneys. Included shall be all manufactured homes and trailers to be used for human habitation.

CARTWAY OR ROADWAY - the portion of a street right-of-way designed or intended for vehicular use.

CLEAR SIGHT TRIANGLE - a triangular area of unobstructed vision at street intersections, having as its sides two perpendicular street lines and a line established between a point on each street line a given distance from the intersection.

COMMON OPEN SPACE - a parcel 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.

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDOMINIUM AND COOPERATIVE - (an ownership arrangement and not a land use) a method of ownership which, when applied to a multi-family dwelling, provides for separate ownership for each unit, title of which shall consist of ownership of the unit together with an undivided interest in the common element.

CONSERVATION DISTRICT - the Conservation District serving Cambria County.

CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

COUNTY - the County of Cambria, Pennsylvania.

COUNTY PLANNING COMMISSION - the Planning Commission of the County of Cambria.

CUT - an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEPARTMENT - the Department of Community and Economic Development of the Commonwealth.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) - the Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

DESIGNATED FLOODPLAIN AREAS - a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100-year flood as designated in the Borough Zoning ordinance, as amended [Chapter 27].

DETENTION POND - an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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.

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, the construction or placement of buildings or other structures, mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

DEVELOPMENT PLAN - the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition.

DRAINAGE - the removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY - any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY - the lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

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DRIVEWAY - a private vehicular passageway providing access between a street and a private parking area or private garage.

DWELLING - a structure or portion thereof which is used exclusively for human habitation.

EASEMENT - a grant for the use of a parcel of land by the public, a corporation, or a person, for a specified purpose.

ENGINEER - a registered professional engineer in Pennsylvania designated by the Borough.

ENGINEERING SPECIFICATIONS - the engineering criteria of the Borough regulating the installation of any improvement or facility.

EROSION - the process by which the land surface and/or sub-surface is worn away by the action of natural elements.

ESSENTIALLY DRY SPACE - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXCAVATION - any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

EXISTING DEFICIENCIES - existing highways, roads or streets operating at a level of service below the preferred level of service designated by the municipality, as adopted in the transportation capital improvement plan.

FILL - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

FLOOD - a temporary inundation of normally dry land areas.

FLOODPLAIN - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOOD-PROOFING - any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100 year magnitude.

GRADING AND DRAINAGE PLAN - a plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in this Chapter as being inundated by the 100 year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

IMPACT FEE - a charge or fee imposed by a municipality against new development in order to generate revenue for funding the costs of transportation capital improvements necessitated by and attributable to new development.

IMPERVIOUS SURFACE - a surface which prevents the penetration of water into the ground.

IMPROVEMENTS - those physical additions, installations, and changes required to render land suitable for the use intended including, but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, cross-walks, driveways, culverts and street shade trees. (See also “off-site improvements” and “on-site improvements”).

INTERIOR WALK - a right-of-way or easement for pedestrian use, extending from a street into a block or across a block to another street.

LAND DISTURBANCE - any activity involving grading, tilling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

LAND DEVELOPMENT - any of the following activities:

- 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.

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- C. "Land development" does not include development which involves:
1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 2. The addition of an accessory building, including farm building, 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 the 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 the proper authorities.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- A. **LOT, CORNER** - a lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than 135 degrees.
- B. **LOT, DEPTH** - the mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.
- C. **LOT OF RECORD** - a lot which has been recorded in the Office of the Recorder of Deeds.
- D. **LOT, INTERIOR** - a lot, the side lot lines of which do not abut on a street.
- E. **LOT, MINIMUM WIDTH** - the minimum lot width at the building setback line.
- F. **LOT, REVERSE FRONTAGE** - a lot which abuts upon both a street and either an arterial or a collector street, with vehicular access solely from the former.
- G. **LOT, THROUGH** - an interior lot having frontage on two parallel or approximately parallel streets.
- H. **LOT, TRIANGULAR** - a lot having three lot lines, but which does not qualify as a corner lot.

- I. **LOT, WIDTH** - the distance measured between the side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.
- J. **LOT, NONCONFORMING** - a lot, the area or dimension of, which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

LOW TO MODERATE INCOME PERSONS - one or more natural persons or a family, the total annual adjusted gross household income of which is less than 100% of the median annual adjusted gross income for households in this Commonwealth, or is less than 100% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the County in which the household is located, whichever is greater.

MAINTENANCE GUARANTEE - any security, other than cash, which may be accepted by the Borough for the maintenance of any improvements required by this Chapter.

MAJOR SUBDIVISION - any subdivision not classified as a minor subdivision.

MARKER - a wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including, the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MINOR SUBDIVISION - the subdivision of land into not more than two parcels located on an existing improved street that does not involve installation of improvements as required by this Chapter; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with the Borough's Comprehensive Plan, Zoning ordinance [Chapter 27], any portion of this Chapter or other State, County or Borough ordinances, laws or regulations.

MOBILE OR MANUFACTURED HOME - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

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MOBILE OR MANUFACTURED HOME PARK - a parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more mobile or manufactured homes.

MOBILE OR MANUFACTURED HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile or manufactured home.

MONUMENT - a concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945".

MUNICIPALITIES PLANNING CODE - act of Assembly of July 31, 1968, P.L. 805, as amended.

NEW DEVELOPMENT - any commercial, industrial, or residential or other project which involves new construction, enlargement, reconstruction, redevelopment, relocation or structural alteration, and which is expected to generate additional vehicular traffic within the transportation service area of the municipality.

OFF-SITE IMPROVEMENTS - those public capital improvements which are not onsite improvements and that serve the needs of more than one development.

ONE HUNDRED YEAR FLOOD - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1% chance of occurring each year, although the flood may occur in any year).

ONSITE IMPROVEMENTS - all improvements constructed on the applicant's property, or the improvements constructed on the property abutting the applicant's property necessary for the ingress or egress to the applicant's property, and required to be constructed by the applicant pursuant to any municipal ordinance including, but not limited to, the municipal building code, this Chapter, PRD regulations and Zoning ordinance [Chapter 27].

OWNER - 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 owner, or other persons having a proprietary interest in the land, shall be deemed to be an owner for the purpose of this Chapter.

PASS-THROUGH TRIP - a trip which has both an origin and a destination outside the service area.

PERFORMANCE GUARANTEE - any security which may be in lieu of a requirement that certain improvements be made before the Borough Council approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

PERSON - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLAN, FINAL - a complete and exact subdivision plan or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAN, PRELIMINARY - a tentative subdivision plan or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SKETCH - an informal plan, subdivision or land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.

PLAN, SOIL EROSION AND SEDIMENTATION CONTROL - a plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

PLANNING AGENCY - the Planning Commission of the Borough.

PLAT - a map or plan of a subdivision or land development whether sketch, 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; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Borough Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 *et seq.*

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PUBLIC NOTICE - notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

REGULATORY FLOOD ELEVATION - the 100 year flood elevation plus a freeboard safety factor of 1½ feet.

RESERVE STRIP - a narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

RESIDENT PROPERTY OWNER - any individual maintaining a voting address in the Borough, within 1,000 feet of the proposed subdivision, owning real estate in his own or joint names.

RE-SUBDIVISION - any subdivision or transfer of land, laid out on a plan which has been approved by the Borough Council which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

RIGHT-OF-WAY - a corridor of land set aside for use, in whole or in part, by a street.

ROAD IMPROVEMENT - the construction, enlargement, expansion or improvement of public highways, roads or streets. It shall not include bicycle lanes, bus lanes, busways, pedestrian ways, rail lines or tollways.

RUNOFF - the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land; that part of precipitation which flows over the land.

SEDIMENT - solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

SEDIMENTATION - the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity. Once this matter is deposited, or remains suspended in water, it is usually referred to as "sediment."

SEPTIC TANK - a watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

SETBACK (BUILDING SETBACK LINE) - the minimum distance that a building must be held back from an adjacent lot line, depending on the zoning district in which the lot is located.

SEWER, COMMUNITY - a system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

SEWER, INDIVIDUAL - a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal.

SHOULDER - the portion of a roadway (cartway) between the curb or gutter and the travelway intended for emergency and parking use.

SIGHT DISTANCE - the unimpeded view a vehicle operator has along the street he is traveling or the street he is entering or crossing, such distance related to driver reaction time and posted speed limits and assuming the operator's eye level is between 2 feet, 6 inches and 8 feet above the pavement.

SLOPE - the face of an embankment of cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL PERCOLATION TEST - a field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for onsite sewage disposal.

SPECIAL PERMIT - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

STORMWATER MANAGEMENT PLAN - the plan for managing stormwater runoff adopted by Cambria County as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Stormwater Management Act".

STREET, ROAD or HIGHWAY - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private which are identified on the legally adopted Borough street or highway plan or the official map together with all necessary appurtenances, including bridges, rights-of-way and traffic control improvements. The term shall not include the interstate highway system.

- A. **Local Access Streets** - those used primarily to provide access to abutting properties.
- B. **Collector Streets** - streets which give minimal emphasis to travel mobility, which is characterized by low travel speeds, full land access, neighborhood penetration, and which serves minor traffic generators such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principle or minor arterials.
- C. **Arterial Streets** - those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

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- D. **Marginal Access Streets** - minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with the arterial street.
- E. **Half or Partial Street** - a street generally parallel and adjacent to a property line having a lesser right-of-way width than normally required for satisfactory improvements and use of the street.
- F. **Cul-de-sac** - a minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (A) before the improvement or the repair is started or (B) if the structure has been damaged and is being restored, before the damage occurred.

SUBSTANTIALLY COMPLETED - where in the judgment of the Borough engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR - a licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE - a low-lying stretch of land characterized as a depression used to carry surface water runoff.

TOP SOIL - surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

TRAFFIC OR TRANSPORTATION ENGINEER OR PLANNER - any person who is a registered professional engineer in this Commonwealth or is otherwise qualified by education and experience to perform traffic or transportation planning analyses of the type

required in Part 7 and who deals with the planning, geometric design and traffic operations of highways, roads and streets, their networks, terminals and abutting lands and relationships with other modes of transportation for the achievement of convenient, efficient and safe movement of goods and persons.

TRANSPORTATION CAPITAL IMPROVEMENTS - those offsite road improvements that have a life expectancy of 3 or more years, not including costs for maintenance, operation or repair.

TRANSPORTATION SERVICE AREA - a geographically defined portion of the Borough not to exceed 7 square miles of area which, pursuant to the Comprehensive Plan and applicable district zoning regulations, has an aggregation of sites with development potential creating the need for transportation improvements within such area to be funded by impact fees. No area may be included in more than one transportation service area.

UNDEVELOPED LAND - any lot, tract or parcel of land which has not been graded or in any other manner improved.

UNIT - a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

WATER FACILITY - any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough.

WATERCOURSE - a stream of water, river, brook, creek; a channel or ditch for water, whether natural or manmade.

WETLANDS - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission.

(Ord. 2000-1, 1/3/2000, §1)

PART 3

PROCEDURES

§22-301. General Procedure.

1. **Classification of Subdivision.** Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development.
2. **Pre-Application Township Consultation.** Prior to filing an application for approval of a subdivision or land development within Borough, the owner or his authorized agent shall meet with the Borough Engineer for an official classification of his proposed subdivision or land development. The Borough Engineer shall determine whether the proposal shall be classified as a minor subdivision, a major subdivision or a land development. At this time, the Borough Engineer shall advise the Owner or his authorized agent as to which of the procedures contained herein must be followed.
3. **Pre-Application DEP Consultation.** Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when onsite sewage disposal facilities are proposed.
4. **Pre-Application Conservation District Consultation.** Prospective developers should consult with the Cambria County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development.
5. **Pre-Application Research.** If it is known that the parcels being created will be used for development requiring a special permit, or for development that is considered dangerous to human life, prospective developers should check the provisions contained in the Zoning ordinance [Chapter 27] and Building Code [Chapter 5], which pertain specifically to those kinds of development.
6. **Official Filing Date.**
 - A. For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Planning Commission next following the date the application and plans are received in the Municipal Building; provided, that should said regular meeting occur more than 30 days following the submission of the application, the official filing date shall be the 30th day following the day the application has been submitted.

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- B. Upon receipt of an application for subdivision or land development approval, the Borough Engineer shall affix to the application both the date of submittal and the official filing date.
- 7. **Cambria County Planning Commission Review.** All plans shall be submitted to and reviewed by the Cambria County Planning Commission in accordance with its then prevailing rules and regulations. The Borough shall forward to the subdivider a copy of any report of the Cambria County Planning Commission.

(Ord. 2000-1, 1/3/2000, §1).

§22-302. Fee Schedule.

- 1. All filing, inspection and engineering fees shall be submitted to the Borough.
- 2. **Plan Filing Fee.** A filing fee shall accompany the preliminary plan. No application shall be accepted or acted upon unless payment is made to the Borough. The Borough Council shall create by resolution a schedule of fees to be paid by the subdivider or land developer to defray the cost of administering and processing of plans. The schedule of fees may be changed, from time to time, by resolution of the Borough Council.
- 3. **Review Fees.**
 - A. Review fees shall include the reasonable and necessary charges by the Borough's professional consultants or engineer for review and report to the Borough, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
 - B. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Borough that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
 - C. In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and re-certified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

4. An applicant shall, by filing a plan, be then obligated to pay the fees herein provided. The engineering fees required to be paid by this Section shall be promptly submitted to the Borough by the applicant upon the submission of bills therefor to the applicant from time to time by the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§22-303. Minor Subdivision Procedure.

1. Minor subdivision plans shall be initiated and submitted for review in the form of a final plan as specified in §22-403 and shall be otherwise reviewed in accordance with the procedures and standards of §22-304.
2. **Additional Subdivision.** Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed to be a major subdivision and shall follow the procedure applying thereto.

(Ord. 2000-1, 1/3/2000, §1)

§22-304. Major Subdivision and Land Development Procedure.

1. **Sketch Plan.** Prospective subdividers and developers are strongly urged to discuss possible development sites with the Planning Commission prior to submission of a preliminary plan. A sketch plan shall be presented for review not less than 10 days prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of a subdivision or land development plan with the Borough Council. Sketch plans should include those items listed in Part 4, "Plan Requirements."
2. **Preliminary Plan.**
 - A. **Submission of Preliminary Plans.**
 - (1) The preliminary plan and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Chapter. It is the responsibility of the subdivider or developer to coordinate his plans with the respective private and public service agencies.
 - (2) The application form shall be accompanied by the requisite fee as set forth in §22-302 of this Chapter and by not less than three copies of all required material and not less than nine prints of the preliminary plan of the subdivision or development.

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- (3) The Borough Engineer shall forward one copy of the preliminary plan prints and one copy of the required material to the Cambria County Planning Commission and such other agencies as he deems appropriate for review and comment.
- (4) The Engineer shall forward the remaining copies of the preliminary plan prints and required materials to the Planning Commission.
- (5) When applicable, the application form shall be accompanied by a planning module for land development, as required by the Pennsylvania Department of Environmental Protection.

B. Review of Preliminary Plans.

- (1) In cases where the subdivision or land development adjoins an existing or proposed State highway or has proposed streets entering onto State highways, the developer shall submit the plans to the Pennsylvania Department of Transportation for review.
- (2) The Planning Commission will consider the plan to determine if it meets the standards set forth in this Chapter and the Borough Zoning ordinance [Chapter 27].
- (3) The Planning Commission shall act on the preliminary plan within 60 days of the official filing date, but in any event shall act on the plan in time for the Borough Council to render their decision within 90 days from the official filing date. In the event that any modification of this Chapter is requested by the applicant or is deemed necessary for approval, the modification and the reasons for its necessity shall be entered into the records of the Borough Council.

C. Planning Commission Recommendation.

- (1) The Planning Commission shall recommend whether the preliminary plan shall be approved, approved with modifications, or disapproved, and shall notify the Borough Council in writing thereof, including if disapproved, a statement of reasons for such action.
- (2) In making its recommendation, the Planning Commission shall consider the recommendations of the Borough Engineer, Borough staff, the Borough Sanitary Engineer, the Cambria County Planning Commission, interested residents and the recommendations of any agency or agencies from which a review was requested under §22-304(2)(A)(3) of this Chapter.

- D. Borough Engineer Review.** All plans shall be reviewed by the Borough Engineer, which approval shall precede the transmission of such plans to the Borough Council.

E. **Resubmission of Preliminary Plans.** A revised plan submitted after disapproval shall be considered, and processed as a new plan submission.

F. **Approval of Preliminary Plans.**

- (1) The Borough Council shall act on the preliminary plan within 90 days of the official filing date. Failure to do so shall be deemed an approval. Before acting on a preliminary plan, the Borough Council may hold a hearing thereon after public notice.
- (2) The Borough Council shall notify the applicant of its decision to approve, approve with conditions, or disapprove the preliminary plan in writing. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than 15 days following the decision. If the plan is approved with conditions acceptable to the developer and accepted by him in writing or disapproved, the Borough Council shall specify in their notice the conditions which must be met and/or the defects found in the plan, and the requirements which have not been met, including specific reference to provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq*, or any other statute or this Chapter or any other ordinance which have not been fulfilled.
- (3) Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots and other planned features. The approval binds the subdivider or developer to the general scheme of the subdivision shown, unless a revised preliminary plan is submitted, and permits the subdivider to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan.

3. **Final Plan**

A. **Submission of Final Plans.**

- (1) After the subdivider or developer has received official notification from the Borough Council that the preliminary plan has been approved, he must submit a final plan in accordance with the provisions of §508 of the Municipalities Planning Code.
- (2) The final plan shall conform in all respects with the approved preliminary plan. If it does not, the plan submitted shall be considered as a revised preliminary plan and shall be forwarded by the Borough Engineer to the Planning Commission for review and recommendation as a preliminary plan.

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- (3) The subdivider or developer must submit with the final plan a guarantee for the installation of improvements which meets the requirements of Part 6.
- (4) The application form shall be accompanied by the requisite inspection and engineering fees as set forth in §22-302(C)
- (5) Documented approval of the planning module for land development by the Pennsylvania Department of Environmental Protection shall be a part of the requisite materials accompanying the final plan submission.
- (6) The subdivider or developer shall submit a reproducible original of the plans, nine prints of the final subdivision or land development plans and at least three copies of all other required information.
- (7) Upon receipt of the final plan, the Engineer shall forward the original plans and five copies of the plans and one copy of all the other material to the Planning Commission for review and recommendation; one copy of the plan and one copy of all other material to the Cambria County Conservation District for review and comments; one copy of the plan and one of all other material to the Cambria County Planning Commission; one copy of the plan to the Borough sanitary engineer; and copies to such other agencies whose recommendations would be pertinent to the processing of the plan.

B. Review of Final Plans.

- (1) The Planning Commission will review the plan and requisite materials for compliance with the approved preliminary plan and for conformance to the requirements of this Chapter.
- (2) The Planning Commission shall act on the final plan within 60 days of the official filing date.

C. Planning Commission Recommendation.

- (1) The Planning Commission shall recommend whether the final plan shall be approved, approved with conditions, or disapproved, and shall notify the Borough Council in writing thereof, including if approved with conditions or disapproved, a statement of reasons for such action.
- (2) In making its recommendation, the Planning Commission shall consider the recommendations of the Borough Engineer, the Cambria County Planning Commission, the Cambria County Conservation District, PennDOT, and the recommendations of any agency or agencies from which a review was requested under §22-304(3)(A)(7).

- D. **Borough Engineer Review.** All plans shall be reviewed by the Borough Engineer, which approval shall precede the transmission of such plans to the Borough Council.
- E. **Resubmission of Final Plans.** A revised plan submitted after disapproval shall be considered and processed as a new plan submission.
- F. **Approval of Final Plans.** The Borough Council shall act upon the application for approval of a final plan and render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed; provided, that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the thirtieth day following the day the application has been filed.
- (1) The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
 - (2) When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* or any other statute and the provisions of this Chapter and any other ordinance relied upon.
 - (3) Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- G. **Recording of Final Plans.**
- (1) Upon approval of the final plan, the subdivider or developer shall prepare one transparent reproduction of the original final plan on stable plastic base film and no less than four prints thereof which shall be submitted to the Borough not later than 30 days after approval. These plans, upon satisfaction of all conditions attached to the approval, will be signed by the Borough Council. A copy of the signed final plan shall be recorded in the office of the Cambria County Recorder of Deeds within 90 days after approval of the final plan or the approval of the Borough Council shall be null and void. The final plan must be recorded before proceeding with the sale of lots or construction of buildings.

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- (2) Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided. The approval of the final plan shall not impose any duty upon the Borough Council of the Borough concerning maintenance of the improvements offered for dedication nor shall such approval be construed as an acceptance of such dedication.
- (3) The subdivider shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner, and the Borough shall assume no responsibility for improvement or maintenance thereof; which fact shall be noted on the final plan.

(Ord. 2000-1, 1/3/2000, §1)

PART 4

PLAN REQUIREMENTS

§22-401. Sketch Plan.

1. A sketch plan may be submitted by the subdivider or developer as a basis for informal discussion with the Planning Commission, which may comment upon such sketch plan, but no approval or disapproval shall be given.
2. Data furnished in a sketch plan shall be at the discretion of the subdivider. For fullest usefulness, it is suggested that a sketch should include the following information:
 - A. Tract boundaries.
 - B. Location within the Borough.
 - C. North point.
 - D. Streets on and adjacent to the tract.
 - E. Significant topographical physical features, including floodplains, if any.
 - F. Proposed general street layout.
 - G. Proposed general lot layout, including location of proposed open space and other preservation areas.
3. A subdivision sketch plan need not be to scale nor are precise dimensions required.

(Ord. 2000-1, 1/3/2000, §1)

§22-402. Preliminary Plan.

1. The preliminary plan shall be at a scale of not more than 100 feet to the inch.
2. The preliminary plan shall show or be accompanied by the following information:
 - A. Proposed subdivision or land development name or identifying title.
 - B. Borough name.
 - C. North point, scale and date of preparation.
 - D. Name(s) and addresses of the owner(s) of the property, including reference to deed book, volume and page of current legal owner.

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- E. Name of the registered engineer or surveyor or other person responsible for the plan.
- F. Tract boundaries, with bearings and distances.
- G. Existing contours at vertical interval of 5 feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
- H. Datum to which contour elevations refer shall be U. S. Coast and Geodetic Survey datum. (Borough will furnish elevations of nearest known bench marks.)
- I. All existing water courses, floodplains or tree masses and other significant natural features with a map showing the location of the proposed subdivision and/or land development with respect to any identified floodplain area or district, including information on the 100 year flood elevations. Where the subdivision and/or land development lies partially or completely within any identified floodplain area or district or where such activities border on any identified floodplain area or district, the preliminary plan map shall include the following information:
 - (1) The location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities.
 - (2) The 100 year flood elevations.
 - (3) Areas subject to special deed restrictions.All such maps shall show contours at intervals of 2 or 5 feet depending upon the slope and identify accurately the boundaries of the identified floodplain areas or districts.
- J. All existing buildings, sewers, water mains, culverts, petroleum or petroleum products lines, fire hydrants and other significant manmade features.
- K. All existing streets on or adjacent to the tract, including name, right-of-way width and cartway width.
- L. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
- M. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions and areas of all lots; proposed minimum set-back line for each street; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed street names; proposed watercourses and detention ponds; proposed phasing of land development; typical section of all streets.

- N. Total acreage, number of lots, average lot size, density, open space and existing zoning classification.
- O. Names of owners of all adjoining properties and the names of all abutting subdivisions.
- P. A location map, at a scale of 400 feet to the inch, showing the proposed development and adjoining areas, will be required.
- Q. Where the preliminary plan covers only a part of the subdivider's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.
- R. Where applicable, a plan revision module for land development shall be the responsibility of the applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. The completed module shall accompany the preliminary plan submission.
- S. All existing and proposed drainage structures, land disturbances and impervious surfaces; all temporary and permanent stormwater management controls; all erosion and sedimentation controls; maintenance responsibilities of permanent stormwater management control facilities and all streams or other bodies of water, swales, and drainage-ways.
- T. When required by §22-512 of this Chapter, a proposed soil erosion and sedimentation control plan shall be submitted.
- U. A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any identified floodplain area or district. All such maps shall show contours at intervals of 2 feet and identify accurately the boundaries of the floodplain areas. Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.
- V. Block for signatures of the reviewing agency membership and date of recommendation, as per example in Appendix A.
- W. Block for signatures of the Borough Council and date of approval, as per example in Appendix A.
- X. Land development plans shall show building locations and parking areas in addition to the above information.

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- Y. A letter from the subdivider specifically requesting any waiver from the regulations herein established and citing the reasons for same.
- Z. **Water Supply.** If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission of an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

(Ord. 2000-1, 1/3/2000, §1)

§22-403. Final Plan.

1. Final plans shall be on sheets 18 inches by 24 inches. Where necessary to avoid sheets larger than the size prescribed, final plans shall be drawn in two or more sections. The plan shall be drawn and annotated in accordance with the "Subdivision Plan Form" shown as Appendix A hereto. The final plan shall be at a scale of not more than 100 feet to the inch.
2. The final plan shall include or be accompanied by the following:
 - A. Subdivision name or identifying title.
 - B. Borough name.
 - C. North point, scale, date of preparation and date of preliminary plan approval.
 - D. Name and address of the record owner and subdivider or land developer, including reference to deed book, volume and page of current legal owner.
 - E. Name and seal of the registered professional engineer or surveyor responsible for the plan.
 - F. Tract boundaries with bearings and distances.
 - G. All existing streets and driveways on or adjacent to the tract, including name, right-of-way width, cartway width, street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
 - H. Sufficient data, including bearing and length, to locate every street, lot, easement, right-of-way and boundary line upon the ground.
 - I. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.

- J. All dimensions and angles or bearings of the lines of each lot and of each lot proposed to be dedicated to public use.
- K. The proposed building set-back line for each street and the proposed placement of each building, except placement for single-family dwellings.
- L. Location and width of all rights-of-way, easements and the purpose for which the rights-of-way and easements were established.
- M. Location of all sanitary and storm sewer easements, and location of all watercourses and detention ponds, whether public or private.
- N. All dimensions shall be shown in feet and hundredths of a foot.
- O. Lots within a subdivision shall be numbered and their area shown within the lot boundaries; house numbers, as assigned by the Borough, shall also be shown therein.
- P. Typical section for all proposed streets.
- Q. Permanent reference monuments shall be shown on the plan and designated existing or proposed.
- R. Names of any adjoining subdivisions shall be shown.
- S. Names of the owners of any adjoining unplotted land shall be shown.
- T. An approval block providing for the signatures of the reviewing agency and the Borough Council and the date of approval, as per example in Appendix A.
- U. An appropriate statement signed by owner unequivocally indicating his intention either: (A) to dedicate for public use all streets, roads, easements and rights-of-way so intended and designated or (B) to reserve as private any streets, roads, easements or rights-of-way intended not to be dedicated for public use.
- V. A statement of acknowledgment in legal form, executed by a Notary, stating that the subdivider is the owner or equitable owner of the land proposed for subdivision, and that the subdivision as shown on the final plan is the act and deed of the subdivider and that it is desired to record the same.
- W. A copy of the sewage plan revision module for land development or other equivalent documentation approved by the Department of Environmental Protection in compliance with the requirements of the Pennsylvania Sewage Facilities Act, 35 P.S. §691.1 *et seq.*
- X. Water Supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative

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association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of public Convenience from the Pennsylvania Public Utility Commission of an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

- Y. All existing and proposed drainage structures, land disturbances and impervious surfaces; all temporary and permanent stormwater management controls; all erosion and sedimentation controls; maintenance responsibilities of permanent stormwater management control facilities and all streams or other bodies of water, swales and drainage-ways.
- Z. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any identified floodplain area or district. All such maps shall show contours at intervals of 2 feet and identify accurately the boundaries of the floodplain areas. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

3. **Improvement and Construction Plan.**

- A. The improvement construction plan(s) shall be at any of the following scales:
- B. It shall show the following:
 - (1) Subdivision name or identifying title.
 - (2) North point, scale and date.
 - (3) Name of the owner of record, the subdivider, and telephone numbers.
 - (4) Name and seal of the registered professional engineer or surveyor responsible for the plan.
 - (5) Center line of streets with bearings, distances, curve data, sight distances and stations corresponding to the profile.
 - (6) Right-of-way and curb lines of streets with radii at intersections.
 - (7) Beginning and end of proposed construction of streets.
 - (8) Tie-ins by courses and distances to intersection of all public roads with their names and widths.

- (9) Location of all monuments with reference to them.
 - (10) Property lines and ownership of abutting properties.
 - (11) Location and size of all drainage structures, public utilities, street name signs, and shade trees.
 - (12) Location and size of storm and/or sanitary sewer lines with stations corresponding to the profile.
 - (13) Location of storm and/or sanitary sewer manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.
 - (14) Property lines and ownership, with details of easements where required.
 - (15) Beginning and end of proposed construction of storm and/or sanitary sewer.
 - (16) Location of storm and/or sanitary sewer laterals, Ys, etc.
 - (17) Location of all other drainage facilities and public utilities.
 - (18) Profile of existing ground surface along center line of street.
 - (19) Proposed center line grade of streets with percent of grade on tangents and elevations at 50 foot intervals, including grades at intersections, control points, etc.
 - (20) Vertical curve data of streets, including length and elevations and sight distances as required by Engineer.
 - (21) Profile of existing ground surface with elevations at top of manholes or inlets.
 - (22) Profile of storm drain or sewer, showing size of pipe, grade, cradle (if any), manhole or inlet locations, elevations at flow line.
4. Grading and drainage plan, prepared in accordance with §§22-506 and 22-507 of this Chapter.
 5. Soil erosion and sedimentation control plan when required by §22-512 of this Chapter.
 6. Stormwater management plan approved by the Borough. The following activities are specifically exempt from these planning provisions:
 - A. Land disturbances associated with existing dwellings.
 - B. Subdivisions of fewer than two single family homes.

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- C. Commercial, industrial or multi-family buildings resulting in less than a total of 5,000 square feet of impervious surface.
 - D. Agriculture when operating in accordance with a conservation plan approved by the Conservation District.
 - E. Forest management operations which are following the Department of Environmental Protection management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.
- 7. A copy of final deed restrictions or protective covenants.
 - 8. A copy of any and all proposed written easements or deeds to be granted, including but not limited to, storm drainage easements, recreation easements or dedication, or agreements to pay a fee in lieu thereof, and sanitary sewer easements.
 - 9. Written agreement of land developer or subdivider in a form approved by the Borough Council including an agreement to construct in form and substance agreeable to the Borough, required improvements including but not limited to streets, curbs, sidewalks, and storm drainage facilities.
 - 10. An approved Department of Environmental Protection planning module where onlot sewage disposal systems or community treatment systems are proposed, or written proof of the Department of Environmental Protection's approval for the extension of existing sanitary sewer service.
 - 11. If required, a highway occupancy permit or review and written approval by the Pennsylvania Department of Transportation.
 - 12. Approval by the U. S. Postal Service of street names.
 - 13. Plans of bridges and other improvements shall contain sufficient information to provide complete working plans for the proposed construction.
 - 14. Typical cross-section of streets showing:
 - A. Right-of-way width and location and width of paving.
 - B. Type, thickness and crown of paving.
 - C. Type and size of curb.
 - D. Grading of sidewalk area.
 - E. Location, width, type, and thickness of sidewalks.

F. Typical location of sewers and utilities with sizes.

(Ord. 2000-1, 1/3/2000, §1)

§22-404 As-Built Plans.

The subdivider or developer will furnish the Borough with as-built plans for sanitary sewer systems and storm sewer systems within the subdivision or land development.

(Ord. 2000-1, 1/3/2000, §1)

PART 5

GENERAL DESIGN STANDARDS

§22-501. Application.

The following principles, standards and requirements will be applied by the Borough Council and Planning Commission to evaluating plans for proposed subdivision or land development. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the Borough Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Chapter.

(Ord. 2000-1, 1/3/2000, §1)

§22-502. Land Requirements.

1. Land shall be suited to the purposes for which it is to be subdivided or developed.
2. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land included as having unsuitable characteristics would be the following:
 - A. Land subject to flooding or which has a high ground water table.
 - (1) Where not prohibited by this or any other laws or Chapters, land located in any identified floodplain area or district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and Chapters regulating such development.
 - (2) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any identified floodway area or district. Sites for these uses may be permitted outside the floodway if the sites or dwelling units are elevated up to the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least 15 feet beyond the limits of the proposed structures.
 - (3) Building sites for structures or buildings other than for residential uses shall also not be permitted in any identified floodway area or district. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in subsection (2) above. However, the Borough Council may allow the subdivision and/or development of areas or sites for

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commercial and industrial uses at an elevation below the regulatory flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be flood-proofed at least up to that height.

- (4) If the Borough determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
 - (5) When a developer does not intend to develop the plat himself and the Borough determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
- B. Land which, if developed, will create or aggravate a flooding condition upon other land.
 - C. Land subject to subsidence.
 - D. Land subject to underground fires.
 - E. Land containing significant areas of slopes greater than 10%.
 - F. Land which, because of topography or means of access, is considered hazardous by the Borough Council.
 - G. Land which is subject to ground pollution or contamination.
3. Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
 4. Proposed land uses shall conform to the Borough Zoning ordinance [Chapter 27].

(Ord. 2000-1, 1/3/2000, §1)

§22-503. Street System.

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Borough and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.
2. Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted or filed as prescribed by law.
3. Streets shall be related to the topography so as to produce usable lots and acceptable grades.

4. Access shall be given to all lots and portions of the tract in the subdivisions or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to Borough specifications. Reserve strips and land-locked areas shall not be created.
5. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic.
6. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or limited access highway and the marginal access streets. The Borough Council may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
7. Half or partial streets will not be permitted in new subdivisions or land developments except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
8. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.
9. Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
10. New reserve strips, including those controlling access to streets, shall be forbidden.
11. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land.
12. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.
13. No street shall be laid out or opened which extends to or crosses any boundary between the Borough and any other municipality except with the specific approval of the Borough Council and upon such condition as the Borough Council may impose. If the street is proposed to serve a commercial area, an industrial area or a residential area of fifty (50) dwelling units or more, located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the Borough are adequate to handle the anticipated volume.

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- 14. All streets shall have a uniform width throughout their respective lengths except where otherwise required by the Borough Council pursuant to §22-504(2)(C).

(Ord. 2000-1, 1/3/2000, §1)

§22-504. Street Design.

- 1. **Street Classification.** Three functional classifications are hereby established for the streets and roads in Borough:

- A. **Arterial.** This classification includes highways which provide intra-county or intermunicipal traffic of substantial volumes where the average trip lengths are usually five miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.
- B. **Collector.** This classification is intended to include those highways which connect local access highways to arterial highways. They may serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.
- C. **Local Access.** This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under.

- 2. **Right-of-Way Widths.** Minimum widths for each type of public street shall be as follows:

<u>Type of Street</u>	<u>Right-of-Way Width</u>	<u>Cartway Width</u>
Arterial	80' to 120'	46'
Collector	60'	34'
Local Access	50'	30'

- A. Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Chapter, sufficient additional width for right-of-way shall be provided and dedicated to meet the foregoing standards.
 - B. Additional right-of-way and cartway widths may be required by the Borough Council to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.
- 3. **Cul-de-sac Streets.**

- A. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than 50 feet.
- B. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.
- C. Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the Borough Engineer. His recommendations will be given to the Borough Council who shall have final authority in this matter.
- D. Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed 600 feet in length.

4. **Street Alignment.**

- A. Whenever street lines are deflected by more than 5 degrees, connection shall be made by horizontal curves.
- B. The minimum radius at the center line for horizontal curves on collector and arterial streets shall be 300 feet, and for local streets the minimum radius shall be 100 feet.
- C. On local access streets, the minimum tangent between reverse curves shall be at least 100 feet; on collector and arterial streets, the minimum tangent shall be at least 250 feet.
- D. Minimum vertical sight distance measured 4 feet above grade shall be 300 feet for collector and arterial streets and 100 feet for local access streets.

5. **Street Grades.**

- A. The minimum grade on all streets shall be ½%.
- B. The maximum grade on collector or arterial streets shall be 7% and on local access streets 10%.
- C. Vertical curves shall be used in changes of grade exceeding 1% and shall provide proper sight distances as specified herein above.
- D. The finished elevation of proposed streets shall not be more than the 1 foot below the regulatory flood elevation. The Borough may require profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

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6. Street Intersections.

- A. Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than 800 feet as measured from centerline to centerline.
- B. The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than 150 feet unless the streets are directly opposite each other.
- C. Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- D. Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than 75 degrees. The intersection of two local streets shall not be at an angle of less than 60 degrees.
- E. Minimum curb radius at the intersection of two local streets shall be at least 20 feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least 25 feet.
- F. There shall be provided and maintained at all intersections clear sight triangles of 75 feet in all directions measured along the centerline from the point of intersection. Nothing which obstructs the vision of a motorist shall be permitted in this area.
- G. Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having a grade of not greater than 4% for a distance of 25 feet measured from the nearest right-of-way line of the intersecting street.

7. Pavement Design.

- A. All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation Specifications, Form 408.
- B. **Minimum Requirements.** The following shall be considered to be minimum standards for street construction in Borough:

ALTERNATIVES	TYPE	LOCAL ACCESS STREETS	COLLECTOR/AR- TERIAL STREETS
Flexible Pavement			
Surface	ID-2	1-1/2"	1-1/2"
Base	Bituminous	4"	6"
Subbase		6" if required	6" if required

Surface	ID-2	3"	3"
Base	Crushed Aggregate	6"	10"
Subbase	(regular or dense grade	6" if required	6" if required
Surface	ID-2	3"	3"
Base	Modified Stone	8"	10"
Subbase	Aggregate	6" if required	9" if required
Rigid Pavement	Plain Cement Concrete Subbase	6"	6"

8. Alleys and Driveways.

- A. Alleys are prohibited in residential developments.
- B. Driveways serving properties located adjacent to an intersection shall be offset from the intersection of the curb line a distance not less than the required setback dimension.

(Ord. 2000-1, 1/3/2000, §1)

§22-505. Curbs and Sidewalks.

1. Curbs.

- A. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback line is 100 feet or less. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed the above minimum, when the center line street grade of any street exceeds 3%. In such cases curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement of the curbs may be waived at the discretion of the Borough Council.
- B. All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. The depression shall be in line with sidewalks where provided.
- C. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.
- D. All curbs shall be constructed of Portland cement concrete with expansion joints every 20 feet, and shall follow PennDOT standards where applicable.

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2. Sidewalks.

- A. Sidewalks shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Sidewalks shall also be required on new streets in subdivisions or land developments in which average lot width of interior lots at the required building setback line is 100 feet or less. The requirement of sidewalks may be waived at the discretion of the Borough Council.
- B. Minimum widths for sidewalks along each type of public street shall be 4 feet, and shall follow PennDOT specifications where applicable.

(Ord. 2000-1, 1/3/2000, §1)

§22-506. Stormwater Drainage.

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from structures. The Borough may require a primarily underground system to accommodate frequent floods and a secondary system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the excess runoff onto adjacent properties.

- A. Lots shall be laid out and graded to provide positive drainage away from buildings. The Borough Council may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.
- B. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from the Borough or Department of Environmental Protection, whichever is applicable.
- C. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.
- D. The Borough will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.
- E. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:
 - (1) Collect onsite surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

- (2) Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for Borough.
 - (3) Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond or natural water course.
- F. Storm sewers, culverts and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- G. Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than 15 feet wide, as approved by the Borough Engineer, who may require additional width of easement as circumstances warrant.
- H. Street drainage will not be permitted to cross intersections or the crown of the road.
- (1) Maximum spacing of street inlets shall not exceed 600 feet.
 - (2) All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.
 - (3) All culvert ends shall be provided with either reinforced concrete head walls or pipe end sections.
 - (4) Minimum pipe size shall be 15 inch diameter.
 - (5) When material for storm drain systems is not specified, PennDOT specifications will govern.
- I. All springs and sump pump discharges shall be collected so as not to flow in the streets.
- J. Stormwater roof drains shall not discharge water directly over a sidewalk.
- K. Stabilized outlets shall be provided for footer drains, floor drains and down spouts.
- L. The Soils Cover Complex Method of the Soil Conservation Service of the U. S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.

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- M. The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor subdivisions.
- N. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
- O. The minimum design criteria shall be a 10 year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.
- P. Runoff calculations must include complete hydro logic and hydraulic design and analysis of all control facilities.
- Q. **Control Facilities.**
 - (1) Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a 10 year storm frequency. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.
 - (2) Control facilities shall be designed to meet, at a minimum, the design standards and specifications the regulations of the Department of Environmental Protection, 25 Pa.Code §102.1 *et seq.*
 - (a) Detention ponds may be waived by the Borough Council on the recommendation of the Borough Engineer at sites in close proximity to major streams. This is to facilitate drainage prior to stream flooding.
 - (b) In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the Borough, a lining shall be required.
 - (c) Any ponds with slopes steeper than three to one shall be fenced with a 6 foot fence of a type subject to the approval of the Borough.
 - (3) A maintenance program for control facilities must be included as part of the grading and drainage plan.
 - (a) Maintenance during development activities of a project shall be the responsibility of the contractor, developer and owner.

- (b) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Borough Council.

In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner's association). In such cases a legally binding agreement between the owner and the Borough shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by the Borough.

(Ord. 2000-1, 1/3/2000, §1)

§22-507. Excavating and Grading.

Where any excavating or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the Cambria County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit.

- A. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum 2% slopes away from structures shall be required.
- B. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. When drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than 1% nor more than 4%. The swales shall be sodded, planted or lined as required. A grading and draining plan shall be required for all subdivisions and land developments, except minor subdivisions.
- C. No final grading shall be permitted with a cut face steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
 - (1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two horizontal to one vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Borough Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
 - (2) A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Borough Engineer for review and approval is provided.

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- D. No final grading shall be permitted which creates any exposed surface steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
- (1) The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alley or buildings.
 - (2) A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Borough Engineer.
 - (3) A wall is constructed to support the face of the fill.
- E. The top or bottom edge of slopes shall be a minimum of 3 feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one horizontal to one vertical and 5 feet or more in height shall be protected by a protective fence no less than 3 feet in height approved by the Borough Engineer.
- F. All lots must be kept free of any debris or nuisances whatsoever.

(Ord. 2000-1, 1/3/2000, §1)

§22-508. Blocks and Lots.

1. The length, width, shape and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the Borough, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.
2. Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail:
 - A. Blocks shall not exceed 1600 feet in length, nor be less than 500 feet in width.
 - B. Residential blocks shall generally be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two tier design.

- C. Crosswalks or interior pedestrian walks shall be required in blocks exceeding 1000 feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for width of not less than 4 feet, shall be located in easements not less than 10 feet in width, and shall, insofar as possible, be located in the center of any such block.
- D. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.
- E. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
- F. Lots shall, in general, front on a street which has already been dedicated to the Borough, or which the subdivider or developer proposes to dedicate to the Borough in connection with approval of the final plan. In commercial or industrial subdivisions or land developments, where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by the Borough Council.
- G. The Borough shall assign house numbers to each lot within a subdivision.
- H. Minimum lot sizes shall be in accordance with the Borough Zoning ordinance [Chapter 27].
- I. Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Borough Council.
- J. Double frontage lots are prohibited except in accordance with §22-508(2)(B), above.
- K. No residential lots shall be created which front upon an arterial or collector street, as defined in §22-504(1) herein.

(Ord. 2000-1, 1/3/2000, §1)

§22-509. Development on Private Streets Discouraged.

- 1. It is the policy of this Borough that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this Borough recognizes the need for limited exceptions to the foregoing general policy.

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2. No subdivision will be approved on a private street or road if more than two lots already front on such street or road or if after subdivision more than two lots will front on such private street or road.

(Ord. 2000-1, 1/3/2000, §1)

§22-510. Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments.

1. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas and water course.
2. **Open Space.** Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work," which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.
3. **Tree Preservation.** Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.
4. **Topsoil Preservation.** All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10% and shall be stabilized by sodding on slopes 10% or more and planted in ground cover on slopes 20% or greater.
5. **Landscaping.** For all multi-family, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees and natural barriers.
6. **Buffer Planting Requirements.** Buffer Yard requirements should be as specified in the Borough Zoning ordinance [Chapter 27].
7. **Preserved Landscaping.** When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

8. **Trees.** The planting of trees within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.
9. **Watercourse Protection.** Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. Such easement shall be in addition to the open space required in §22-510(2).

(Ord. 2000-1, 1/3/2000, §1)

§22-511. Contribution for Recreation Purposes.

1. It is the policy of this Borough to provide recreational facilities for all the residents of the Borough pursuant to the Borough Recreation Plan. Centralized facilities are preferred over local neighborhood facilities. New and additional facilities are required in direct proportion to increase in population. Developers causing increases in population by new residences must share in the cost of additional recreational facilities.
2. A contribution for recreation purposes shall be made at the rate of [*\$amount*] per dwelling unit payable upon and as a condition of obtaining an occupancy permit pursuant to the ordinances of this Borough.
3. The requirements of §22-511(2) shall be noted upon the final subdivision plan, which notation shall be deemed not to constitute a lien or encumbrance on the title of the land.
4. All monies paid to the Borough in this manner shall be kept in a capital reserve fund established as provided by law. Monies in such fund may be combined for investment purposes, if permitted by law, but shall be used only for the acquisition of land or capital improvements for open space and park and recreation purposes.
5. The foregoing provisions of this Section shall not apply to any subdivision for which a preliminary plan has been approved by this Borough before the effective date of this Chapter which provides for active recreational facilities (i.e., swimming pool, tennis courts, baseball/ softball fields, etc.) as distinguished from passive recreational facilities (i.e. yards, open play fields, walking trails, etc.), it being the intention of this Borough to extend a credit against the monetary contribution above provided to any developer who has heretofore planned to provide active recreational facilities agreeable to the Borough.

(Ord. 2000-1, 1/3/2000, §1)

SUBDIVISION AND LAND DEVELOPMENT

§22-512. Erosion and Sediment Control.

1. General Purpose.

- A. The Borough Council finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare, and therefore those regulations governing erosion control and sedimentation control are necessary for the Borough.
- B. No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Borough Engineer and/or Cambria County Soil and Water Conservation District, or there has been a determination by the above entities that such plans are not necessary.
- C. No subdivision or land development plan shall be approved unless: (1) there has been an erosion and sedimentation control plan approved by the Borough Council that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (2) there has been a determination by the Borough Council that a plan for minimizing erosion and sedimentation is not necessary.
- D. Where not specified in this Chapter, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the Cambria County Soil and Water Conservation District. The Borough Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Soil and Water Conservation District.

2. Performance Principles. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

- A. Stripping of vegetation, regrading or other development shall be done in such a way that will prevent all but minor erosion.
- B. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- C. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

- D. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - E. Disturbed soils shall be stabilized as quickly as practicable.
 - F. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - G. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
 - H. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
 - I. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
3. **Grading for Erosion and Other Environmental Controls.** In order to provide suitable sites for building and other uses, improve surface drainage and control erosion, the following requirements shall be met:
- A. Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with §504(7) and as approved in the final plan.
 - B. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
 - C. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
 - D. Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
 - E. During grading operations, necessary measures for dust control will be exercised.
 - F. Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.
4. **Responsibility.**

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- A. Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
 - B. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.
 - C. It is the responsibility of any developer or subdivider, and any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
 - D. The subdivider or land developer shall provide and install, at his expense, in accordance with Borough requirements, all drainage and erosion control improvements (temporary and permanent) shown on the erosion and sediment control plan.
5. **Compliance with Regulations and Procedures.**
- A. The Borough Council, in its consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in Sections 512.2 and 512.3 hereof.
 - B. The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the Cambria County Soil and Conservation District.
6. **Stream Channel Construction.** Stream channel construction on watersheds with drainage areas in excess of $\frac{1}{2}$ square mile, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Protection.

(Ord. 2000-1, 1/3/2000, §1)

§22-513. Sanitary Sewer Facilities.

All sanitary sewer systems, whether public or private, shall be flood-proofed up to the regulatory flood elevation.

- A. The installation of sewage disposal facilities requiring soil absorption systems shall be prohibited where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics or within designated floodplain areas or districts. The Borough may require that the developer note on the face of the plan and in any deed of conveyance that soil absorption fields are prohibited in any such area or district.
- B. The Borough may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the Borough shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

(Ord. 2000-1, 1/3/2000, §1)

§22-514. Water Facilities.

All water systems, whether public or private, shall be flood-proofed up to the regulatory flood elevation. If there is an existing public water supply system on or near the subdivision, the Borough shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

(Ord. 2000-1, 1/3/2000, §1)

§22-515. Other Utilities and Facilities.

All other public and private utilities and facilities, including gas and electric, shall be elevated or flood-proofed up to the regulatory flood elevation.

(Ord. 2000-1, 1/3/2000, §1)

PART 6

ONSITE IMPROVEMENTS

§22-601. General Requirements.

The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or security to the Borough Council is provided.

(Ord. 2000-1, 1/3/2000, §1)

§22-602. Streets.

Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Borough Engineer. The subdivider must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The streets shall be designed and constructed to the standards set forth in §§22-503 and 22-504 of this Chapter.

(Ord. 2000-1, 1/3/2000, §1)

§22-603. Curbs and Sidewalks.

Curbs and sidewalks shall be provided in accordance with the standards set forth in §22-505 of this Chapter.

(Ord. 2000-1, 1/3/2000, §1)

§22-604. Sewers.

1. **Public Sewer Systems.** When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Borough Council. Where required, DEP planning module approval shall also be obtained for final plan approval.
2. **Private Sewer Systems.** When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Borough Council from the Pennsylvania Department of Environmental Protection certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the Borough.

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3. **Onlot Sewage Disposal.** In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, onlot sewage disposal systems shall be provided.
4. **Capped Sewer System.** Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the subdivider shall install sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required. At such time as any planned construction of extensions to the existing sanitary sewer system is under contract, the subdivider may reduce the size of any required septic system drain fields or septic tank by 50%.

(Ord. 2000-1, 1/3/2000, §1)

§22-605. Water.

1. **Provision of System.** The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the Pennsylvania Department of Environmental Protection with satisfactory provision for the maintenance thereof; except that, when such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection.
2. **Plans.** The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision or land development will be connected, shall be submitted to the Borough Council. Upon the completion of the water supply system, one copy of each of the plans for such system shall be filed with the Borough.
3. **Fire Hydrants.** Fire hydrants shall be provided as an integral part of any public water supply system. The Borough Fire Marshall shall be consulted to determine the location of proposed fire hydrants.

(Ord. 2000-1, 1/3/2000, §1)

§22-606. Storm Drainage.

A storm drainage system shall be provided in accordance with the standards as set forth in §22-506 of this Chapter.

(Ord. 2000-1, 1/3/2000, §1)

§607. Utilities.

1. Easements for utilities shall have a minimum width of 15 feet.
2. To the fullest extent possible, easements for public utilities shall be centered on or adjacent to rear or side lot lines.
3. Telephone, electric, T.V. cable and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Borough Council and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

(Ord. 2000-1, 1/3/2000, §1)

§22-608. Monuments and Markers.

1. Monuments shall be of concrete or stone at least 6 inches by 6 inches by 30 inches and marked on top with a copper or brass dowel. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or brass 30 inches by 3/4 inch diameter and set at all points where lines or lines and curves intersect.
2. **Monument Replacement.** Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person responsible for the removal.

(Ord. 2000-1, 1/3/2000, §1)

§22-609. Other Improvements.

1. Shade trees shall be provided as specified in §22-510(8) of this Chapter.
2. Street name signs conforming to Borough specifications shall be provided and installed by the subdivider or developer at all street intersections.
3. Open space shall be provided as specified in §22-510(2) of this Chapter.

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4. Other improvements to promote public safety and health as required by the Borough Council as a condition of approval.

(Ord. 2000-1, 1/3/2000, §1)

§22-610. Time Limits.

All improvements shall be installed according to a time schedule which shall be approved by the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§22-611. Inspection.

At the time each improvement is to be installed and upon its completion, the subdivider shall notify the Borough Council so that adequate inspections can be made. The inspection will be made by the Borough Engineer. All costs of undertaking the inspection will be borne by the subdivider.

(Ord. 2000-1, 1/3/2000, §1)

§22-612. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval.

1. No plan shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by Chapter, the developer may deposit with the Borough financial security in an amount sufficient to cover the related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.
2. When requested by the developer, in order to facilitate financing, the Borough Council, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent agreement shall expire and be deemed to be revoked if the financial security is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

3. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.
4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110% percent. Any additional security shall be posted by the developer in accordance with this subsection.
7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
8. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each 1 year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1 years period by using the above bidding procedure.

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9. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvement in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, of such portions of the financial security necessary to payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, and the Borough Council shall have 45 days from receipt of such request within which to allow the Borough engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said 45 day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% percent of the estimated cost of the aforesaid improvements.
11. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% percent of the actual cost of installation of said improvements.
12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from public roads to such building or buildings to a mud-free or otherwise permanently

passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

(Ord. 2000-1, 1/3/2000, §1)

§22-613. Release from Improvement Bond.

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. The Borough Council shall notify the developer, within 15 days of receipt of the Engineer's report, in writing, by certified or registered mail, of the action of said Borough Council with relation thereto.
3. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.
6. Where herein reference is made to the Borough Engineer, he shall be a duly registered professional Engineer analyzed by the Borough or engaged as a consultant thereto.
7. The applicant or developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Borough Council and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough engineer or consultant for work

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performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

- A. In the event the applicant disputes the amount of any such expense in connection with the inspection or improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case, the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
- B. If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- D. In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding 5 years.
- E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 dollars or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay $\frac{1}{2}$ of the fee of the appointed professional engineer.

(Ord. 2000-1, 1/3/2000, §1)

§22-614. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plat the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal

and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

(Ord. 2000-1, 1/3/2000, §1)

PART 7

OFFSITE IMPROVEMENTS

A. General.

§22-701. Purpose.

In order to further the purposes of this Chapter in an era of increasing development and of a corresponding demand for municipal capital improvements; to ensure that the cost of needed capital improvements be applied to new developments in a manner that will allocate equitably the cost of those improvements among property owners; and to respond to the increasing difficulty which municipalities are experiencing in developing revenue sources to fund new capital infrastructure from the public sector; the following provisions are enacted pursuant to the Borough Comprehensive Plan, this Chapter and Zoning ordinance [Chapter 27] and the Municipal Capital Improvements amendments to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 209.

(Ord. 2000-1, 1/3/2000, §1)

B. Transportation Capital Improvements.

§22-711. Incorporation of Documents.

Pursuant to resolutions previously adopted by the Borough Council, the following documents are hereby incorporated by reference into this Chapter:

- A. Land Use Assumptions.
- B. Roadway Sufficiency Analysis.
- C. Transportation Capital Improvements Plan.
- D. Transportation Service Area Map.

(Ord. 2000-1, 1/3/2000, §1)

§22-712. Establishment of Boundaries.

The following boundaries are hereby established within which impact fees are uniformly applicable within each of the following Transportation Service Areas:

<u>Name</u>	<u>Boundary Description</u>
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(Ord. 2000-1, 1/3/2000, §1)

§22-713. Exemptions or Credits.

The following impact fee exemptions or credits are hereby authorized by the Borough Council for specific developments, pursuant to a resolution, adopted prior to preliminary approval of the subdivision or land development plan:

- A. Exemption or credit of up to 100% of the applicable impact fees for all new development and growth which constitutes affordable housing to low and moderate income persons.
- B. Exemption or credit of up to 100% of the applicable impact fees for growth which are determined by the Borough Council to serve an overriding public interest.
- C. Exemption of de minimus applications from impact fee requirements which includes all minor subdivisions and those major subdivisions and land developments involving less than 2 of lots.

(Ord. 2000-1, 1/3/2000, §1)

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§22-714. Imposition of Impact Fees.

There is hereby imposed impact fees upon certain new development within the Borough for the purpose of financing off-site public transportation capital improvements pursuant to Municipal Capital Improvement amendments to the Pennsylvania Municipalities Planning Code, Act 209 of 1990, and the Transportation Capital Improvement Program of the Borough. Subject to the exemption and credit provisions of §22-713, such impact fees shall apply to all new subdivisions and land developments within each of the transportation service areas established in §22-712 hereof. Said impact fees shall be a condition precedent to the final approval of any subdivision or land development plan application and no building permit shall be issued by the Borough for any construction within the same unless the applicant therefor has paid the impact fees imposed by and calculated pursuant to this Chapter.

(Ord. 2000-1, 1/3/2000, §1)

§22-715. Calculation of Fees.

1. The impact fees for transportation capital improvements shall be based upon the total costs of the road improvements included in the Capital Improvement Plan within a given transportation service area attributable to and necessitated by new development within the service area divided by the number of anticipated peak hour trips generated by all new development consistent with the Land Use Assumptions and calculated in accordance with the Trip Generation Manual published by the Institute of Transportation Engineers, fourth or subsequent edition as adopted by the Borough Council by resolution to equal a per trip cost for transportation improvements within the service area.
2. The specific impact fee for a specific new development or subdivision within the service area for road improvements shall be determined as of the date of preliminary land development or subdivision approval by multiplying the per trip cost established for the service area by the estimated number of trips to be generated by the new development or subdivision using generally accepted traffic engineering standards.
3. The Borough Council may authorize or require the preparation of a special transportation study in order to determine traffic generation or circulation for a new nonresidential development to assist in the determination of the amount of the impact fee for such development or subdivision. A developer may, however, at any time, voluntarily prepare and submit a traffic study for a proposed development or may have such a study prepared at its expense after the development is completed to include actual trips generated by the development for use in any appeal as provided for under Act 209 of 1990. The special transportation study shall be prepared by a qualified traffic or transportation engineer using procedures and methods established by the Borough

Council based on generally accepted transportation planning and engineering standards. The study, where required by the Borough, shall be submitted prior to the imposition of an impact fee and shall be taken into consideration by the Borough Council in increasing and reducing the amount of impact fee for the new development for the amount shown on the impact fee schedule established below.

(Ord. 2000-1, 1/3/2000, §1)

§22-716. Schedule and Use of Fees.

Within each of the following Transportation Service Areas the impact fee for each new land development or subdivision is hereby established as follows:

<u>Name of Service Area</u>	<u>Per-trip Cost</u>	<u>Fee Per Trip</u>
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The above impact fees shall be used for those costs incurred for improvements designated in the Transportation Capital Improvement program which are attributable to new development, including the acquisition of land and rights-of-way; engineering, legal and planning costs; and all other costs which are directly related to road improvements within the service area or areas, including debt service.

(Ord. 2000-1, 1/3/2000, §1)

§22-717. Administration.

1. **Responsibility.** The Chief Administrative Officer shall be responsible for the administration of this Part including the collection, disbursement and accounting for impact fees.
2. **Establishment of Account.** Any impact fees collected by the Borough shall be deposited by the Chief Administrative Officer into an interest bearing fund account designated solely for impact fees, clearly identifying the transportation service area from which the fee was received. Funds collected in one transportation service area must be accounted for and expended within that transportation service area and such funds shall only be expended for that portion of the transportation capital improvements identified as being funded by impact fees under the transportation capital improvements plan. All interest earned on such funds shall become funds of that account.
3. **Collection.** Following the recording of a finally approved new subdivision or land development plan, but prior to the issuance of any building permits, the Borough Engineer shall calculate the impact fees due and payable under this Chapter and forward that information to the Chief Administrative Officer. The Chief Administrative Officer will then prepare an invoice on Borough letterhead and forward the same by certified mail to the applicant. The applicant will then be responsible for payment of the fees prior to the processing of any applications for building permits by the Borough.

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4. **Reporting.** The Chief Administrative Officer shall provide that an accounting be made annually for any fund account containing impact fee proceeds and earned interest. Such accounting shall include, but not be limited to, the total funds collected, the source of the funds collected, the total amount of interest accruing on such funds and the amount of funds expended on specific transportation improvements. Notice of the availability of the results of the accounting shall be included and published as part of the annual audit required by law. A copy of the report shall also be provided to the Impact Fee Advisory Committee.

(Ord. 2000-1, 1/3/2000, §1)

§22-718. Credits.

An applicant shall be entitled to a credit against the impact fee in the amount of the fair market value of any land dedicated by the applicant to the Borough for future right-of-way, realignment or widening of any existing roadways or for value of any construction of road improvements contained in the transportation capital improvement program which is performed at the applicant's expense. The amount of such credit for any capital improvement constructed shall be the amount allocated in the capital improvement program, including contingency factors, for such work. The fair market value of any land dedicated by the applicant shall be determined as of the date of the submission of the land development or subdivision application to the Borough.

(Ord. 2000-1, 1/3/2000, §1)

§22-719. Refunds.

Impact fees previously collected by the Borough shall be refunded, together with earned accrued interest thereon, to the payor of such fees from the date of payment under any of the following circumstances:

- A. In the event that the Borough terminates or completes the capital improvements plan for a transportation service area and there remains at the time of termination or completion un-dispersed funds in the accounts established for that purpose, the Borough shall provide written notice by certified mail to those persons who previously paid the fees which remain un-dispersed of the availability of said funds for refund of the person's proportionate share of the fund balance. The allocation of the refund shall be determined by generally accepted accounting practices. In the event that any of the funds remain unclaimed following one year after the notice, which notice shall be provided to the last known address provided by the payor of the fees to the Borough, the Borough shall be authorized to transfer any funds so remaining to any other fund in the Borough without any further obligation to refund said funds.
- B. If the Borough fails to commence construction of any transportation service area road improvements within three years of the scheduled construction date set forth in the transportation capital improvements plan, any person who

paid any impact fees pursuant to that transportation capital improvements plan shall, upon written request to the Borough, receive a refund of that portion of the fee attributable to the contribution for the un-commenced road improvement, plus the interest accumulated thereon from the date of payment.

- C. If, upon completion of any road improvements project, the actual expenditures of the capital project are less than 95% of the costs properly allocable to the fee paid within the transportation service area in which the completed road improvement was adopted, the Borough shall refund the pro rata difference between the budgeted costs and the actual expenditures, including interest accumulated thereon from the date of payment, to the person or persons who paid the impact fees for such improvements.
- D. If the new development for which transportation impact fees were paid is not commenced prior to the expiration of building permits issued for the new development within the time limits established by applicable building codes within the Borough or if the building permit as issued for the new development is altered and the alteration results in a decrease in the amount of the impact fee due in accordance with the calculations set forth in §22-715.

(Ord. 2000-1, 1/3/2000, §1)

§22-720. Retroactivity.

The provisions of this Part shall have retroactive application, for a period not to exceed 18 months after the adoption of the resolution creating an impact fee advisory committee, pursuant to §504-A(b)(1) of Act 209, to preliminary applications for land development or subdivision with the Borough on or after the first publication of the Borough's intention to adopt the impact fee Chapter; provided, however, that the impact fee imposed on building permits for construction of new development approved pursuant to such applications filed during the period of pendency shall not exceed \$1,000 per anticipated peak hour trip as calculated in accordance with the generally accepted traffic engineering standards as set forth under the provisions of subsection (a)(1) of §505-A of Act 209 or the subsequently adopted fee established hereby, whichever is less.

(Ord. 2000-1, 1/3/2000, §1)

APPENDIX "A"

Format for "Approval" spaces.

The following format shall be used in "Approval" spaces on Final Subdivision Plans:

Reviewed this _____ day of _____, 19____, and found to meet the requirements for a Final Plan as stated in the Subdivision and Land Development Chapter.

_____ Borough Engineer

Recommended for Approval by the Borough Planning Commission this _____ day of _____, 19____.

_____ Chairman

_____ Secretary

OWNER'S STATEMENT

It is hereby certified that the undersigned has legal or equitable title to the land shown. All roads or streets shown hereon, if not previously dedicated, are hereby offered for public use.

RECORDED IN PLAN BOOK _____ PAGE _____

Note: Plan size for recording purposes shall not exceed 18"x 24".

(Ord. 2000-1, 1/3/2000, §1)

