

ORDINANCE NO. 21

ADOPTING REGULATIONS FOR THE CONTROL OF SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF MIDDLE TAYLOR; ESTABLISHING PLANNING REQUIREMENTS AND PROCESSING PROCEDURES FOR PLANS, IMPROVEMENTS AND STREETS; AND ESTABLISHING CONDITIONS FOR THE ACCEPTANCE OF PLANS, STREETS, AND IMPROVEMENTS; AND PRESCRIBING FINES AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Township of Middle Taylor, and it is hereby ordained and enacted by Corporate authority of the same as follows:

ARTICLE I - Purposes

The purpose of this ordinance is to assure sites suitable for building purposes and human habitation and to provide for the harmonious and healthful development of the Township of Middle Taylor, for coordination of existing streets with proposed streets, for insuring adequate open space for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the Township. The further purpose of this ordinance is to provide uniform and equitable land subdivision regulations, procedures and standards for observance by land developers, land users, the Township Planning Commission and the Township Supervisors.

ARTICLE II - SHORT TITLE

This ordinance shall be known and may be cited as the "Middle Taylor Township Subdivision Ordinance."

ARTICLE III - Definitions

Unless other wise expressly stated, the following terms shall for the purposes of this ordinance have the meaning indicated. Words in the singular include the plural and words in the plural include the singular.

1. "Supervisors" - The duly constituted Board of 5 Supervisors of Middle Taylor Township.
2. "Building Set-Back Line" - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.
3. "Cul De Sac" - [court or Dead End Street] - A short street having one end open to traffic and being permanently terminated by vehicle turn-around.
4. "Easement" - A grant by the property owner to the use of a strip of land by the public, a corporation, or person for specified purposes.
5. "Lot" - A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a right-of-way, street, crosswalk or easement may be included.
6. "Right-of-way" - Land dedicated and publically owned for use as a street, alley or crosswalk.

7. "Street" - Any road, highway, lane or other way designed for vehicular traffic, whether or not the same is a private street or a dedicated street, classified as follows:

[a] "Major streets or highways" are those designed for heavy or fast inter-community traffic, including all four-lane highways within the Township.

[b] "Collector Streets" are those which serve to collect and distribute volumes of traffic from local residential streets to major streets. They are designed to carry the intermediate volumes of community traffic.

[c] "Minor streets" are those which are used for access to the abutting properties and which will carry limited volumes of traffic. These streets are designed to discourage through traffic.

9. "Subdivision" - Is hereby defined as the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development. Provided, however, that division of land for agricultural purposes into parcels of more than ten [10] acres, not involving any new streets or easements of access, shall not be included within the meaning of this term, except that the sale of a single lot or piece of ground and the construction of a home thereon not more than once every three [3] years shall not be subject to the provisions of this Ordinance.

ARTICLE IV - Subdivision Control

Section 1. No subdivision of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer 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 thereon except in strict accordance with the provisions of this ordinance.

Section 2. No lot in a 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 final plan of such subdivision shall have been approved and properly recorded, and until the requirements required by the Supervisors in connection therewith shall have been constructed or guaranteed as hereinafter provided in this ordinance.

Section 3. It shall be unlawful to record any plan of any proposed subdivision in the Township unless the said plan shall bear thereon the approval of the Supervisors.

ARTICLE V - Procedure for Approval and Acceptance of a Subdivision

Section 1. Any owner of land within the Township desiring approval of a subdivision of land shall submit five [5] copies of a preliminary plat, drawn in accordance with the regulations herein prescribed, together with an application, to the Supervisors.

Section 2. Ater the filing of said application is recorded in the minutes of the Supervisors, the Supervisors may

refer the application, preliminary plat and accompanying documents to the Zoning Officer for his recommendations.

Section 3. In the event the Supervisors, after receiving the review and comments of the Zoning Officer, disapproves such preliminary plat, the reasons therefor shall be set forth in writing and given to the applicant. In the event the applicant modifies his preliminary plat in accordance with the reasons set forth by the Supervisors and resubmits the plat to the Supervisor within one [1] year, the modified preliminary plat shall thereafter be approved by the Supervisors.

Section 4. In the event the Supervisors approves such preliminary plat, the applicant shall within three [3] months after such approval, submit a final plat which conforms to the preliminary plat as approved by the Supervisors; otherwise the preliminary plat approved shall be considered void. The applicant shall submit three [3] copies of the completed final plat, together with other supporting data. The Supervisors shall submit such final plat to the Zoning Officer for his recommendation; but in any case the Supervisors shall act to approve or disapprove the submitted final plat within forty [40] days from the receipt thereof. In the event of its disapproval of the final plat, the Supervisors shall set forth its reason for disapproval in writing and give a copy thereof to the applicant.

Section 5. Within thirty [30] days after approval of the final plat by the Supervisors, the applicant shall duly record

the plan with the Recorder of Deeds of Cambria County, or the approval of the Supervisors shall cease to be valid, unless the Supervisors agree to grant an extension for good cause shown.

ARTICLE VI - Effect of Approval and Recording of a Subdivision Plan

The recording of the final plat shall have the effect of an offer of dedication of all streets and other public areas shown on said plat to the Township of Middle Taylor, unless the owner notes on said plat or plan that such streets, parks, and other public improvements have not been offered for dedication to the Township by formal notation thereof on the plat; provided, however, that neither the approval of the final plat by the Supervisors nor the act of recording the plat shall impose any duty upon the Township to maintain or improve any such dedicated street or area until the Supervisors shall have made actual acceptance of said dedication by ordinance or resolution.

ARTICLE VII - Design Standards

The arrangements, character, extent, width, grade and location of all streets, lots and blocks shall conform to the following design standards:

Section 1. Land Requirements:

Land shall be suited to the purpose for which it is to be subdivided.

Section 2. Streets:

[a] Minor streets shall be so laid out as to discourage through traffic; but provisions for street connections into and from adjacent areas will generally be required.

[b] Half streets shall be prohibited except to complete an existing half street in an adjacent tract.

[c] Dead-end streets are permitted as temporary stubs for future street extensions into adjoining tracts, or when designed as cul-de-sacs, where the length does not exceed 600 feet and where a turnaround or cul-de-sac with a minimum inside radius of 40 feet as turning space of vehicles is provided.

Section 3. Street Specifications

[a] Width:

Type	Right-of-Way	Paving Width
Major Streets and County Roads	40 feet	Specifications of State Highway Department
Collector	40 feet	20 feet
Minor	40 feet	18 feet

[b] Maximum Allowable Grades:

Type	Per Cent
Major	12 per cent
Collector	12 per cent
Minor	12 per cent

[c] Minimum grades on all streets shall be not less than 1.00 per cent in order to facilitate adequate surface drainage.

[d] Vertical curves - All changes in grade for collector and minor streets should be corrected by a vertical curve of sufficient length to afford an easy transition.

[e] Horizontal curves: Minimum center line radius for horizontal curves:

Major & Collector	300 feet
Minor	100 feet

[f] Streets shall be laid out to intersect as nearly as possible at right angles, and no street should intersect any other street at less than 60 degrees.

[g] Centerline offsets of less than 125 feet shall be avoided.

[h] Reverse curves shall have a minimum transitional distance between them of at least:

Major & Collector	125 feet
Minor	100 feet

[i] When streets are not in alignment, street names should not be used which will duplicate existing street names.

[j] All the shoulders shall have a minimum width of four feet and shall be constructed to the requirements of Penn Dot Form 408 Specifications.

Section 4 Lots and Lot dimensions:

Lot dimensions and areas shall conform to the following requirements which are designed to prevent unsanitary conditions and hazards to public health.

[where any other Middle Taylor Township Ordinance imposes a more restrictive requirement, that ordinance shall govern]

[a] Where both water supply and sanitary sewage disposal are provided by individual on-lot facilities, residential lots shall have a minimum area of 25,000 square feet per single family dwelling unit and a minimum width, measured at the shortest distance at the building line, of one hundred seventy-five [175] feet.

[b] Where either water supply or sanitary sewage disposal but not both, are provided by individual on-lot facilities, residential lots shall have a minimum area of 20,000 square feet per single family dwelling unit and a minimum width, measured at the shortest distance at the building setback line of one hundred [100] feet.

[c] Where either or both water supply and sanitary sewage disposal are provided by individual on-lot facilities, and experience indicated the necessity therefor, after consultation with the Department of Environmental Resources of the Commonwealth of Pennsylvania, the Township may require percolation tests, undertaken at the expense of the developer, as may be prescribed by the said Department of Environmental Resources in accordance with their standard practices to determine the adequacy of the proposed water and sewerage facilities in relation to the proposed lot size and existing grade and soil conditions. In all such cases where the tests indicate a larger lot size than allowed in [a] and [b] above to be necessary, the Township Supervisors may

accept the opinion of a registered and qualified independent sanitary engineer as to the minimum lot size and/or facilities necessary to prevent unsanitary conditions and hazards to the public health and therefore may require such larger lot sizes and/or type of facilities in that locality as prerequisite to final approval of the plan.

[d] In areas where public water and sewerage disposal facilities are available, the lot width may be 80 feet and the lot area may be reduced to 12,000 square feet.

[e] Building Lines:

The following setbacks from the street right-of-way line shall be considered as minimum:

Front Yard Setback - 60 feet on lots with septic tanks sloping to front and 40 feet on lots sloping to rear or lots without septic tanks sloping to front.

Front and Street Side Yard [corner lots] 40 feet or 60 feet as described above.

Side yard setbacks - 15 feet

[f] In all cases the width of corner lots shall not be less than 120 feet.

Section 5. Blocks:

[a] Block lengths shall not exceed 1600 feet in length or be less than 600 feet.

[b] Blocks should have sufficient width to provide for two tiers of lots of appropriate depth.

[c] Public crosswalk right-of-way of at least 10 feet in width shall be provided on blocks of 800 feet or larger to facilitate pedestrian access to shopping, schools, playgrounds and other community facilities.

Section 6. Easements [Utilities]:

Utility easements shall be a minimum of 20 feet in width and shall be located along side of rear lot lines wherever possible and shall include 10 feet of lots abutting in the rear.

ARTICLE VIII - Improvement Requirements

The subdivider shall complete or assure the completion of the following improvements as a prerequisite to the approval of the final plat.

Section 1. Street Grading and Paving:

[a] All streets shall be graded to the grades shown on the street profile and cross-section plan submitted with the approved final plat. The roadway shall be built with a crown of 1/8 inch per foot sloping from the centerline of the roadway to the edge of pavement. Construction and grades shall be approved by the Township Engineer.

[b] A slope of no greater than one and one-half, horizontal, to one, vertical, beyond the right-of-way line where cut or fill is necessary.

[c] Base course shall be constructed in accordance with PenDot Publication No. 70 and installed in strict accordance with Pennsylvania Department of Transportation Spec. Form 408 amended to date.

[d] The base course and entire finish surface shall be well rolled in accordance with PenDot Specifications.

Section 2. Storm and surface Drainage:

All storm drains and drainage facilities such as gutters, inlets, bridges and culverts shall be installed and the land graded for adequate drainage as shown on the surface drainage plan submitted and approved with the preliminary plan. A detailed plan of storm drainage culverts, drains and inlets shall be submitted.

Section 3. Monuments and Markers:

All corners and angle points on the boundary of the original tract to be subdivided shall have iron or steel bars at least fifteen [15] inches long, and not less than 5/8" in diameter. Oak hubs 1 - 1/2" square and not less than 12" in length shall be installed at all lot corners.

Section 4. Street Signs:

Street signs shall be installed at all street intersections by the Subdivider in accordance with Township and Pennsylvania Department of Transportation Standards.

Section 5. Installation of Water Lines:

All installation of water lines and fire hydrants shall be installed in accordance with the reasonable requirements of the Township and the Regulations of the Greater Johnstown Water Authority.

ARTICLE IX - Preliminary Plat

Section 1. The preliminary plat shall conform to the provisions of Article VII and VIII as set forth in these regulations and shall have the following information insofar as possible:

[a] Map Data:

1. Map scale not less than 1" to 100'.
2. Name of subdivision, names and addresses of the owner, the signatures of the engineer or surveyor, and the owners of adjacent land and stamp of engineer or registered surveyor.
3. Date, north point and graphic scale.
4. Acreage of the land to be subdivided.
5. Boundary lines of the area to be subdivided and bearings and distances.
6. Existing structures located on the site with a notation of the existing use and proposed future disposition.
7. Existing and proposed easements, their locations, width and purpose.
8. Controlled topographic mapping with contours at an interval of not greater than five [5] feet.
9. Existing streets on and adjacent to the tract their names, width, approximate grade and other dimensions as may be required.
10. Existing public utilities on and adjacent to the tract including line sizes or capacity and location.

11. Proposed lot lines, lot numbers, streets, street grades, easements, crosswalks, building set-back lines, etc.

12. Sites, and their acreage, if any, to be dedicated for parks, playgrounds, or other public uses and areas for semi-public, commercial or other use.

13. A permanent benchmark shall be established.

14. Survey closure information indicated with known error of not more than 1 foot in 5000 feet.

15. All distances, directions and legal descriptions.

[b] Supporting data:

1. An Engineer's report on the feasibility of connecting to the existing public water and sewage facilities if they are available; or an Engineer's report on the feasibility of installing a community project-type sewerage disposal system; or an Engineer's report on the feasibility of on-lot water supply and sewerage disposal to include the results of soil absorption tests and ground water availability and quality.

2. An Engineer's plan or report for handling storm drainage if new streets are to be involved in the proposed subdivision.

Section 2. The preliminary plat shall be accompanied by a certified or treasurers or cashiers check, or postal or bank money order, payable to Middle Taylor Township in the amount of Fifteen [\$15.00] Dollars plus One [\$1.00] Dollar for each lot in the proposed subdivision with a minimum total charge of Twenty-

five [\$25.00] Dollars to cover the cost of checking the verifying the proposed plat, and such amount shall be deposited in the general fund of the Middle Taylor Township.

ARTICLE X - Final Plat

Section 1. The final plat shall conform substantially to the preliminary plat as approved. It may constitute only a portion of the preliminary plat which the Developer proposes to record and develop.

Section 2. The following list of specific items shall be adhered to in preparing the final plat for submission:

[a] Map Data:

1. The plat should be at a minimum scale of 1" to 100'.
2. Sheet sizes should conform to the dimensions of the standard County Plat Book. It may be necessary to break a larger plat into two or more smaller sheets with match lines in order to conform to the map scale and Plat Book Dimensions. Tracings shall be of acceptable cloth.
3. All dimensions, angles, bearings and similar data on the plat should be tied to primary control points as approved by the Township Engineer.
4. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-ways, and property lines of residential lots and other sites with accurate dimensions to the nearest one hundredths of a foot; bearings or deflection

5. Name and purpose of each street, easement or reservation.

6. Lot numbers and minimum building setback lines.

7. Names and locations of adjoining subdivision and streets, and the location and names of owners of adjoining unplatted property.

[b] Information to be Transcribed on Plat:

1. Certification on plat of title showing that applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use.

2. Certification on the plat by a surveyor or engineer as to the accuracy of the survey and plat.

3. Certification on the plat that it has been approved by the Board of Supervisors.

[c] Supporting Data:

1. In cases where community project-type water and package-type sewerage facilities are being planned for the subdivision or in cases where individual on-lot sewerage disposal and water systems are being planned, there shall be attached to the final plat a certification by the Sewerage Office that such installations as have been planned are acceptable.

2. Certification by the Township that the Subdivider has complied with Article XI as to Assurance of Improvements.

3. Approved cross-sections and profiles of public streets showing grades, and drawn to scales and elevations acceptable to the Board of Supervisors shall accompany the final plat.

4. In the event that protective covenants are to be applied by the owner to the plan of lots, they shall be placed directly on the final plat or attached thereto in the form of recording.

5. A sanitary sewer plan of the facilities to be accepted by the lawful authority having jurisdiction shall be required in cases where a connection is made to an existing sewerage system or in a case where a package-type sewerage treatment installation is involved.

6. A public water plan of the facilities to be accepted by the lawful authorities having jurisdiction shall be required in cases where a connection is made to an existing public water system or in a case where a community-type water distribution system is involved.

7. A surface drainage plan of the facilities to be accepted by the lawful authorities having jurisdiction shall be required when the installation of such facilities proves to be necessary.

ARTICLE XI - Assurance of Improvements

Section 1. No final plat shall be approved by the Supervisors until the completion of all the required improvements

have been certified to the Supervisors by the Township Engineer, unless the Subdivider provides assurance of the completion of all the required improvements by one of the following:

[a] A deposit of funds or securities in escrow sufficient to cover the cost of the required improvements as estimated by the Supervisors.

[b] A performance bond sufficient in amount to cover the cost of all such required improvements as estimated by the Supervisors assuring the installation of such improvements on or before an agreed date. Such bond shall be issued by a bonding or surety company, approved by the Supervisors, and shall run to the benefit of the Township of Middle Taylor for a period to be fixed by the Supervisors but in no case for a term of more than three years. If the required improvements have not been installed in accordance with the performance bond, the obligor and surety shall be liable to the Township for the reasonable cost of the improvements not installed and upon receipt of the proceeds thereof the Township shall install such improvements.

[c] A first mortgage or judgment lien upon the real estate approved by the Township as to sufficiency.

Section 2. If any required improvements have not been installed within the period fixed by the Supervisors, but in no case exceeding three years, the Supervisors may use the security above set forth to defray the reasonable cost of installing such improvements.

Section 3. The Supervisors shall provide for the gradual release of security to the Subdivider during the progress of the construction, with all excess security being released or returned to the Subdivider.

Section 4. The Subdivider shall pay to the Township the inspection fees of the Township Engineer, which shall not exceed Five [5%] percent of the estimated cost of the required public improvements, one-half of which is to be paid before the approval of the final plat for recording purposes and the balance prior to acceptance of the improvements by the Township by ordinance.

Section 5. The Subdivider shall pay to the Township all costs and expenses incident to the preparation of the agreement and the acquisition and disposition of the security.

ARTICLE XII - Exceptions to Standard Procedures

Whereas owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, the Supervisors shall make reasonable exceptions to the regulations as will not be contrary to the public interest. The following shall serve as a general guide in determining the issuance of an exception.

Section 1. Exceptional Conditions:

The Supervisors may grant an exception to the regulations where, by reason of exceptional shape of a specific piece of property, or where, by reason of exceptional topographic

conditions, the strict application of these regulations would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of these regulations. In granting such exceptions or modifications, the Supervisors may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owners is not in itself adequate proof of hardship within the intent of these regulations.

Section 2. Subdivisions having an Area of Three Acres or Less:

The following procedures and requirements shall apply to subdivisions of properties with an area not exceeding three acres when no new streets or roads are involved and the tract being subdivided is not adjoined by other unplatted land in the same ownership.

[a] Only one plat submission shall be required and the plat thus submitted shall be considered in all respects as the final plat, subject to the same endorsement of approval as any other final plat. However, to expedite plat approval, the subdivider may submit his intentions to the Planning Commission for review prior to preparation and submission of his final plat.

[b] The plat shall show the same engineering information otherwise required and the submission shall include all other information hereinbefore outlined.

ARTICLE XIII - Penalties and Enforcements

Section 1. Any person, copartnership or corporation who or which shall subdivide any lot, tract or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main, for public use or travel, or for the common use of occupants of buildings abutting thereon, or shall sell any lot or erect any building, without first having complied with all the provisions of this ordinance shall be guilty of an offense and upon conviction thereof, such person or member of a partnership, or the officers of a corporation responsible for such violation, shall be sentenced to pay a fine not less than Twenty-five [\$25.00] Dollars nor more than Three Hundred [\$300.00] Dollars plus costs of prosecution and in default thereof shall be sentenced to serve not more than thirty [30] days in the County Jail. Each day that a violation exists may be considered a separate offense.

Section 2. In addition, in case any person shall violate any provision of this ordinance, the Supervisors shall have the power in the name of the Township to institute proceedings against such person for injunctive or other equitable relief or relief at law.

ARTICLE XIV - Validity and Repealer

Section 1. The provisions of this ordinance shall be severable and if any of its provisions or any part of any provision shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

Section 2. All ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

ENACTED AND ORDAINED this 12th day of *November*, 1982.

TOWNSHIP OF MIDDLE TAYLOR

BY: *James L. Cameron*

Chairman

ATTEST:

Shirley J. Cameron
Secretary