

## CHAPTER 155: SUBDIVISION AND LAND DEVELOPMENT

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**GENERAL PROVISIONS**

**§ 155.001 SHORT TITLE.**

This chapter shall be known, and may be cited as, the Summerhill Township, Cambria County, Subdivision and Land Development Regulations of 2007.

(Ord. 65, passed 7-3-2007)

**§ 155.002 PURPOSE.**

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, morals and general welfare of the citizens by:

- (A) Encouraging and promoting flexibility, economy, and ingenuity in the layout and design of subdivisions and land development including the provisions authorizing the municipality to alter site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning and development;
- (B) Assuring sites suitable for building purposes and human habitation;
- (C) Providing for the harmonious development of the municipality as outlined in the municipality's Comprehensive Plan (if applicable);
- (D) Assuring coordination of existing streets and highways with proposed streets, parks, or other features of the official plan or map of the municipality;
- (E) Providing for adequate open spaces for traffic, recreation, light, and air and for proper distribution of population;
- (F) Assuring equitable and just processing of subdivision plans by providing uniform procedures and standards for the observance of both the subdivider and municipal officials;
- (G) Planning and managing storm water runoff in each watershed by regulating subdivisions, land development and mobile home parks in a manner consistent with the Pennsylvania Storm Water Management Act 167;
- (H) Utilizing and preserving the desirable existing natural drainage system;
- (I) Encouraging recharge of ground waters;
- (J) Maintaining the existing flows and quality of streams and water courses in the municipality and the Commonwealth;
- (K) Preserving and restoring the flood carrying capacity of streams; and
- (L) Providing for proper maintenance of all permanent storm water management structures which are constructed in the municipality.

(Ord. 65, passed 7-3-2007)

### § 155.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words "person," "subdivider," and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

**BLOCK.** A tract of land, a lot, or group of lots, bounded by streets, public parks, railroad right-of-way, water courses, boundary lines of the municipality, unsubdivided land, or by any combination of the above.

**BUILDING.** A structure having a roof supported by columns or walls, for the shelter of persons, animals, chattels or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered a separate building. It shall include any overhang, projection, or roof extending beyond a wall or support. Sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps or terraces.

**BUILDING RESERVE LINE (SETBACK).** The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

**CARTWAY (ROADWAY).** The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

**CLEAR SIGHT TRIANGLE.** An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

**COUNTY PLANNING COMMISSION.** The Cambria County Planning Commission.

**DEDICATION.** The deliberate appropriation of land by its owner for any general and public use, reserving to himself or herself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**DETENTION BASIN.** A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. A **DETENTION BASIN** can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water.

**DEVELOPER.** Any landowner, agent or 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.

**DWELLING UNIT.** Any structure, or part thereof, designed to be occupied as living quarters for a single housekeeping unit.

**EASEMENT.** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the grantor shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**ENGINEER.** A licensed professional engineer registered in the Commonwealth of Pennsylvania.

#### **LAND DEVELOPMENT.**

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) 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

(b) 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.

(2) A subdivision of land; and

(3) Excepting:

(a) The conversion of an existing single-family detached or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

(b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; and

(c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**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.

**LOT AREA.** The area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

**MARKER.** A metal pipe or pin of at least one-half inch in diameter and at least 24 inches in length.

**MINOR SUBDIVISION.** Any subdivision containing not more than three lots fronting on an existing street, and not involving the extension of sanitary water and/or sewer lines, or the creation of any public improvements, and does not adversely affect the natural resources of the municipality, and does not adversely affect the remainder of the parcel or adjoining property, and does not adversely affect the present or future development of the municipality.

**MOBILE 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 home.

**MOBILE HOME.** A transportable, single-family dwelling intended for permanent occupancy contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME PARK.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MONUMENT.** At a minimum, each monument shall consist of an iron or steel pin at least one-half inch in diameter and 24" in length. This monument may be encased in concrete with a flat top of at least six inches in diameter (optional).

**MUNICIPAL GOVERNING BODY.** The Council/Supervisors of Summerhill Township, Cambria County.

**MUNICIPAL OFFICIALS.** Summerhill Township Board of Supervisors.

**OFFICIAL PLANS.** The Comprehensive Development Plan and/or official map and/or topographical survey and/or such other plans, or portions thereof, as may have been adopted by the municipality pursuant to statute, for the area of the municipality in which the subdivision is located.

**PAVED or PAVEMENT.** An all-weather permanent surface composed of bituminous or concrete material applied over a base of stone or slag and used to convey motor vehicles.

**PLANNING COMMISSION or PLANNING COMMITTEE.** The Planning Commission or Committee of Summerhill Township, Cambria County.

**PLAT.** The map or plan of a subdivision or land development, whether preliminary or final. The word **PLAT** includes the word "plan."

**PUBLIC GROUNDS:** Includes:

- (1) Parks, playgrounds, trails, paths, and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly-owned or operated facilities; and
- (3) Publicly-owned or operated scenic and historic sites.

**PUBLIC HEARING.** A formal meeting held pursuant to public notice by the governing body or planning agency, 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 65 Pa.C.S. Chapter 7 (relating to open meetings).

**PUBLIC NOTICE.** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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.

**RECORD PLAN.** The copy of the final plan which contains the original endorsements of the Planning Commission, and/or municipality, and which is intended to be recorded with the County Recorder of Deeds.

**RESUBDIVISION.** Any re-platting or re-subdivision of land, limited to changes in lot lines on the approved final plan or recorded plan as specified in § 155.025 of this chapter. Other plattings shall be considered as constituting a new subdivision of land. See also **SUBDIVISION**.

**REVERSE FRONTAGE LOT.** A lot extending between and having frontage on two generally parallel streets, (excluding service streets) with vehicular access solely from one street.

**REVIEW.** Whenever the County Planning Commission possesses such review jurisdiction, the action of review shall not limit the appropriate authorities of the municipality in their ultimate and final decisions.

**RIGHT-OF-WAY (ROW).** The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

**ROADWAY.** See **CARTWAY**.

**RUNOFF.** That part of precipitation which flows over the land.

**SANITARY SEWAGE DISPOSAL, COMMUNITY.** A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and/or disposal facility, generally serving a neighborhood area.

**SANITARY SEWAGE DISPOSAL, ON-LOT.** An individual sewage system which uses a system of piping, tanks, or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field, into the waters of the Commonwealth or by means of conveyance to another site for final disposal.

**SANITARY SEWAGE DISPOSAL, PUBLIC.** A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

**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.

**SEPTIC TANK.** A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

**SEWAGE ENFORCEMENT OFFICER.** An official officer for the municipality who reviews permit applications and sewage facilities planning modules, issues permits as authorized by Act 537 (sewage enforcement) and conducts investigations and inspections that are necessary to implement the Act and the regulations thereunder.

**SIGHT DISTANCE.** The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. **SIGHT DISTANCE** measurements shall be made from a point four and one-half feet above the centerline of the road surface to a point one-half foot above the centerline of road surface.

**SOIL PERCOLATION TEST.** A field test conducted to determine the suitability of the soil for an on-lot sanitary sewage disposal system by measuring the absorptive capacity of the soil at a given location and depth.

**SOIL PROBE.** An excavation into the soil to allow for the evaluation of individual soil horizons to support the establishment of soil suitability for any lot where the installation of an on-lot sewage disposal system is proposed.

**SOLICITOR.** The solicitor appointed by the local municipality.

**STORM WATER MANAGEMENT PLAN.** The plan for managing storm water runoff within the county as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the Storm Water Management Act.

**STREET.** A strip of land, including the entire right-of-way not limited to the cartway, intended for use by the general public as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word **STREET** includes street, avenue, boulevard, road, highway, freeway, thoroughfare, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. All streets, of any nature, shall be constructed according to the design standards, as included in § 155.056 of this chapter, and approved in writing by the municipality and the Municipal Engineer. **STREET** is further defined as follows:

(1) **COLLECTOR STREET.** A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial and commercial subdivisions shall generally be considered collector streets.)

(2) **CUL-DE-SAC STREET.** A minor street intersecting another street at one end and terminating at the other end by a permanent vehicular turn-around.

(3) **HALF (PARTIAL) STREET.** A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

(4) **MARGINAL ACCESS STREET.** A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.

(5) **MAJOR STREET (MINOR ARTERIAL).** A street serving a large volume comparatively high speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

(6) **MINOR STREET.** A street used primarily to provide access to abutting properties.

(7) **SERVICE STREET.** A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

**STRUCTURE.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVIDER.** Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit (or agent authorized thereby) which undertakes the subdivision of land, as defined by these regulations as the owner, equitable owner (or agent authorized thereby) of the land being subdivided. **SUBDIVIDER** can also be defined as a land developer.

**SUBDIVISION.** The division or redivision 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.

**SUBSTANTIALLY COMPLETED.** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) 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.

**WATER DISTRIBUTION SYSTEM, COMMUNITY.** A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

**WATER DISTRIBUTION SYSTEM, ON-SITE.** A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

**ZONING OFFICER.** The agent or official designated by the municipality to administrate and enforce the Municipal Zoning Ordinance.

(Ord. 65, passed 7-3-2007)

## **SUBMISSION AND REVIEW PROCEDURES**

### **§ 155.015 PROCEDURE.**

(A) *General.* Hereafter all plans for the subdivision or development of land within the limits of the municipality shall be reviewed by the Municipal Planning Commission and other municipal, state, or county officials as deemed necessary and shall be approved or disapproved by the municipality in accordance with procedures specified in this chapter. The provisions and requirements of this chapter shall apply to and control all land subdivisions which have not been recorded in the office of the County Recorder of Deeds, prior to the effective date of this chapter provided, however, that any change in a recorded plan, except as noted in § 155.025, shall constitute a resubdivision and shall make said plan subject to any and all of this chapter. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this chapter.

(B) *Phasing development.* If a developer proposes a large-scale development (ten acres or more) he or she may desire to construct said development in steps or phases. As the Pennsylvania Municipal Planning Code (Act 247) allows for such phased developments, the municipality shall grant preliminary approval for the entire project, or for that portion of the project that can be completed within five years of preliminary or final plan approval. The developer shall then submit an application for final plan approval in phases, as delineated on the preliminary plan. As so submitted, site improvements would also be constructed in phases and not all at once. As each phase is completed, the developer shall submit an application for final approval of the next phase of development. This process shall continue until all phases of the project (development) are complete. If, however, no development takes place within five years from date of plan approval, the developer shall comply with any change in local ordinances that have been enacted since his or her preliminary plan was approved. Applicants are urged to consult the County Conservation District for assistance in determining the most effective storm water management measures to be utilized on the development site both during and after construction. The applicant is also urged to submit a sketch plan with a narrative description of these measures.

(Ord. 65, passed 7-3-2007)

### **§ 155.016 SUBMISSION OF SKETCH PLAN (VOLUNTARY).**

(A) *Plan to be filed with municipality.* A sketch plan for the proposed subdivision or land development is encouraged to be submitted to the Municipal Secretary by the subdivider or developer or his or her representative authorized in writing to submit the plan.

(B) *Number of copies.* Four legible black-line or blue-line paper prints of the sketch plan shall be required.

(C) *Distribution of sketch plan.* The Municipal Secretary (or his or her representatives) shall immediately (next business day) refer the sketch plans to the following:

- (1) One copy to the County Planning Commission;
- (2) One copy to the Municipal Planning Commission (if any);
- (3) One copy to the municipal officials; and
- (4) One copy to the Municipal Engineer.

(Ord. 65, passed 7-3-2007)

### **§ 155.017 REVIEW OF SKETCH PLAN (VOLUNTARY).**

(A) A sketch plan shall be considered as a submission for informal discussion between the subdivider/developer and the municipality. Submission of a sketch plan shall not constitute official submission of a plan to the municipality.

(B) Review by the Municipal Planning Commission:

(1) Whenever a sketch plan has been submitted to the Municipal Secretary, the Secretary shall notify and distribute all sketch plan materials to the Municipal Planning Commission as required by § 155.016 of this subchapter. The Chairman of the Municipal Planning Commission shall then schedule a meeting to review the sketch plan within 30 days of its receipt by the Municipal Planning Commission.

(2) (a) Within ten calendar days after the meeting at which the sketch plan is reviewed by the Municipal Planning Commission, the Commission shall send written notice of the Municipal Planning Commission's comments, including changes or modifications, if any, required or recommended that it deems necessary or advisable, to the following:

1. All municipal officials;
2. The County Planning Commission; and
3. The subdivider/developer or his or her agent.

(b) In addition, the Municipal Planning Commission shall forward to the municipal officials all copies of reports received from the County Planning Commission.

(3) If no Municipal Planning Commission or committee exists at the time of sketch plan submission, then the municipal officials shall act in lieu of this Commission, following each of the above cited subsections.

(Ord. 65, passed 7-3-2007)

#### **§ 155.018 SUBMISSION OF PRELIMINARY PLAN.**

(A) *Plan to file with the municipality.* Copies of the preliminary plan and all required supporting data (Department of Environmental Protection, PennDOT, and County Conservation District) shall be officially submitted to the Municipal Secretary by the subdivider/developer or his or her representative authorized in writing to submit the plan.

(B) *Submission of preliminary plan shall comprise.*

- (1) Three completed copies of the application for review of preliminary subdivision plan;
- (2) Eight legible black-line or blue-line paper prints of the preliminary plan which shall fully comply with the requirements of § 155.041 of this chapter. Nine copies required if a state road abuts or traverses subdivision;
- (3) Four completed copies of the DEP Sewage Facilities Planning Module for Land Development or Exemption Card and a DEP letter of approval for same whenever on-lot sewage disposal is proposed; and
- (4) Three copies of all other required information (DEP, County Conservation District, PennDOT).

(C) *Filing fee.* The Municipal Secretary (or his or her representative) shall collect a filing fee as established by the municipality, by resolution, for all subdivisions and land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions/ developments. The subdivider/developer shall pay the fee at the time of application for review of a preliminary plan.

(D) *Distribution of preliminary plan.* The Municipal Secretary (or his or her representative) shall immediately (next business day) refer the preliminary plan, after all required fees have been collected, to the following:

- (1) One copy of the plan to the Municipal Planning Commission, including one copy of the application form and other required reports;
- (2) One copy of the plan to the County Planning Commission and one copy of all required supporting documents;
- (3) One copy of the plan to the municipal officials (plus municipal file copy) including one copy of the application form and other required reports;
- (4) One copy of the plan and sewage facilities planning module to the Municipal Engineer;
- (5) One copy of the plan to the Municipal Zoning Officer, if any;
- (6) One copy of the plan to the District Office of PA DOT (if applicable);
- (7) One copy of the plan to the Municipal Water Authority (if applicable); and
- (8) One copy of the plan to the Municipal Sewer Authority (if applicable).

(Ord. 65, passed 7-3-2007)

#### **§ 155.019 REVIEW OF PRELIMINARY PLAN.**

(A) *Review by the Municipal Engineer.* The Municipal Engineer shall review the preliminary plan to determine its conformance to the municipal subdivision regulations. The Municipal Engineer may recommend changes, alterations or modifications, as he or she may deem necessary. The report of the Municipal Engineer shall be in writing and shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Municipal Planning Commission. The report shall include an estimate of the cost of construction of all improvements as required by this chapter. In the event that no Municipal Planning Commission exists, then all information requested above shall be sent to the municipal officials.

(B) *Review by the Municipal Zoning Officer.* The Municipal Zoning Officer shall review the preliminary plan to determine its conformance to the Municipal Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under § 155.041 of this chapter, to determine if information shown is in accordance with latest amendments to the Zoning Ordinance. The report from the Municipal Zoning Officer as to the accuracy of the information shown shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Planning Commission. In the event no Municipal Planning Commission exists, then all requested information stated above shall be sent to the municipal officials.

(C) *Review by the Pennsylvania Department of Transportation (PA DOT).* If a proposed subdivision abuts or is traversed by a state road, the Municipal Secretary shall require one additional copy of the preliminary plan and shall transmit this copy to the district office of the Pennsylvania Department of Transportation for its review and comments.

(D) *Review by the Municipal Planning Commission.*

(1) Whenever a preliminary plan has been submitted to the Municipal Secretary, the Secretary shall notify and distribute all preliminary plan materials to the Municipal Planning Commission as required by § 155.016 of this subchapter. The Chairman of the Municipal Planning Commission shall then schedule a meeting to review the Preliminary Plan within 30 days of its receipt by the Planning Commission.

(2) No official action shall be taken by the municipal Planning Commission with respect to a preliminary plan until the Commission has received the written report of the County Planning Commission and the Pennsylvania Department of Transportation, provided, however, that if these reports are not received within 30 days after transmittal to these agencies then the Municipal Planning Commission may officially act without having received and considered such report. In any event, the Municipal Planning Commission shall take official action no later than five days after the expiration of the aforesaid 30-day period.

(3) During review of the preliminary plan, the Municipal Planning Commission shall consider the written reports of the Municipal Engineer and the Municipal Zoning Officer, if any, before making its final decision.

(4) (a) If review by the Municipal Planning Commission is favorable, or unfavorable because the requirements of this chapter have not been met, or the Municipal Planning Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore (citing specific provisions of this chapter) shall be given in written form by the Municipal Planning Commission within eight days after the meeting at which the preliminary plan is reviewed to the following:

1. All municipal officials;
2. The County Planning Commission; and
3. The subdivider/developer or his or her agent.

(b) In addition, the Municipal Planning Commission shall forward to the municipal officials copies of all reports received from the County Planning Commission, Department of Transportation, Municipal Zoning Officer and Municipal Engineer.

(E) *Review by the municipal officials.*

(1) When a preliminary plan has been officially referred to the municipal officials by the Municipal Planning Commission together with its recommendation, such plan shall be reviewed at the

next regularly scheduled meeting of the municipal officials, or at the discretion of the Chairman/President at a special meeting, which may be held prior thereto.

(2) In any event, the municipal officials shall render their decision and communicate it to the applicant no later than 90 days following the date of the regular meeting of the municipality or the Municipal Planning Commission (whichever first reviews the application) next following the date the application is filed. Failure of the municipal officials to render a decision and communicate it to the applicant within the time and in the manner required (as outlined in subsection (4) below) shall be deemed an approval unless the applicant has agreed, in writing, to an extension of time.

(3) The municipal officials shall review the preliminary plan and the written reports and recommendations thereon of the Municipal Planning Commission, the County Planning Commission, (if same has been received), the Municipal Engineer, and by any other interested parties of the municipality to determine the preliminary plan conformance to the standards contained in this chapter. Prior to these reports and recommendations, the municipal officials may hold a public hearing thereon after public notice to receive comments from the general public. After all desired input is received, the municipal officials may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

(4) (a) The action of the municipal officials, either approving or disapproving the preliminary plan, shall be noted with the date of such action and the signature of the Chairman/President on two sets of plans. The findings and reasons upon which the action is based and citing provisions of the statute or ordinance relied upon shall be stated in the minutes and in writing. Subject to the requirements of subsection (2) above, within 15 days after the meeting at which the preliminary plan is reviewed, the Secretary of the municipality shall send written notice of the findings, action taken, and reasons thereof to the following:

1. The subdivider/developer or his or her agent;

2. The Municipal Planning Commission; and
3. The County Planning Commission.

(b) One copy of the plan shall be maintained for permanent records of the municipality and one copy shall be sent to the subdivider/developer or his or her agent.

(5) Approval of the preliminary plan shall not constitute acceptance of a subdivision for recording. Approval is only an expression of approval of a general plan to be used in preparing the final subdivision plan for final approval and recording upon fulfillment of all requirements of this chapter.

(6) When a preliminary plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

(F) *Review by water and/or sewer authority.* The local water and/or sewer authority having jurisdiction in the area of the proposed subdivision shall review the preliminary plan to determine its conformance with the authority's water and/or sewer requirements. It is recommended that the subdivider review the authority's water and/or sewer requirements prior to the preparation of the preliminary plan. This review shall be conducted at the expense of the subdivider.

(Ord. 65, passed 7-3-2007)

### **§ 155.020 SUBMISSION OF FINAL PLAN.**

(A) Within four years of the municipal officials' approval of the preliminary plan, a final plan should be officially submitted to the municipality. However, an extension of time may be granted by the municipality upon written request. Final plans submitted after this expiration of time for which no time extension has been granted may be considered as a new preliminary plan.

(B) The final plan shall conform in all respects to the preliminary plan as previously reviewed by the Municipal Planning Commission and the municipal officials and shall incorporate all modifications required by the municipality in its review of the preliminary plan.

(C) The municipality may permit submission of the final plan in sections, or phases, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed preliminary plan.

(1) *Plans to be filed with the municipal officials.* Copies of the final plan and all required supporting data shall be officially submitted to the Municipal Secretary by the subdivider/developer or his or her representative authorized in writing to submit the plan.

(2) *Official submission of final plan shall comprise of:*

- (a) Three completed copies of the application for review of final subdivision plan;
- (b) Eight legible black-line or blue-line paper prints and two prints on Mylar of the final plan which shall fully comply with § 155.042 of this chapter;
- (c) Two copies of all other required information including the following, if applicable:
  1. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Solicitor of the municipality as to their legal sufficiency.
  2. Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of restrictions previously imposed which may affect the title of the land being subdivided.
  3. Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Municipal Planning Commission or municipal officials may require the subdivider to submit, and also to record with the municipality on behalf of his or her heirs, successors and assigns and approved by the Solicitor of the municipality and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:
    - A. The street shall conform to municipal specifications or that the owners of the abutting lots shall include with the offer or dedication sufficient money, as estimated by the Municipal Engineer, to restore the street to conformance with the municipal specifications;
    - B. An offer to dedicate the street shall be made only for the street as a whole;
    - C. The method of assessing repair costs be stipulated; and
    - D. Agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.

4. Whenever approval by the Pennsylvania Department of Environmental Protection, the County Conservation District, or the Pennsylvania Department of Transportation is required for the water supply or sanitary sewage disposal system(s), erosion and sedimentation control, or a highway access permit for a proposed subdivision, the Municipal

Planning Commission or municipal officials shall require that two copies of such certification of approval shall be submitted with the final plan.

(3) *Filing fees.* The subdivider/developer shall pay a filing fee for the review of a final plan. This fee shall be established by the municipality by resolution. There shall be no refund or credit of any portion of the fee should the subdivider/developer fail to receive final approval.

(4) *Distribution of final plan.* The final plan shall be distributed in accordance with the requirements of §155.018 of this subchapter for preliminary plan. In addition, the Municipal Secretary shall retain one Mylar print of the final plan for safe-keeping in the municipal files. The other Mylar print shall be given to the subdivider/developer for filing with the County Recorder of Deeds.

(Ord. 65, passed 7-3-2007)

#### **§ 155.021 REVIEW OF FINAL PLAN.**

(A) *Review by the Municipal Engineer.* The final plan shall be reviewed and a written report submitted as required under § 155.019 of this subchapter for preliminary plans.

(B) *Review by the Municipal Zoning Officer (if applicable).* The final plan shall be reviewed and a written report submitted by the Municipal Zoning Officer as required under § 155.019 of this subchapter for preliminary plans.

(C) *Review by the Municipal Planning Commission.* The final plan shall be reviewed in accordance with the procedure required under § 155.019 of this subchapter for preliminary plans. In addition:

(1) If all the requirements of this chapter are met and the review is favorable, the Planning Commission shall authorize its Chairman, with the Secretary so attesting, to endorse and seal the final plan "Reviewed and Approved by the Municipal Planning Commission,;" together with the date of such action.

(2) The final plan with the Municipal Planning Commission's endorsement, shall be forwarded to the municipal officials.

(D) *Review by the municipal officials.* The final plan shall be reviewed in accordance with the procedures as required under § 155.019 of this subchapter for preliminary plan. In addition:

(1) Before acting on a final plan, the municipal officials may arrange for a public hearing. The public hearing may be held by the municipal officials after the final plan has been submitted to the municipality and before the review required by divisions (A), (B) and (C) of this section. If a public hearing has been held upon a preliminary plan, no public hearing is required unless the final plan departs substantially from the preliminary plan.

(2) If the municipal officials approve the final plan, the final plan shall be signed by the Chairman/President and the Secretary, together with the date of action and municipal seal.

(3) A performance guarantee or a certificate of satisfactory installation, as required under §155.023 of this subchapter, shall be required before the final plan is released for recording.

(4) The final plan with the municipal officials' approval and the municipal seal, shall be forwarded to the subdivider for recording.

(Ord. 65, passed 7-3-2007)

#### **§ 155.022 RECORDING OF FINAL PLAN.**

(A) After approval by the municipal officials and the Municipal Planning Commission, and with all endorsements indicated on the final plan, the subdivider shall record his or her plan. No subdivision plan shall be legally recorded unless it bears the municipal approval and seal. This action shall constitute the changing of the final plan to the record plan.

(B) After the final plan has been approved by the appropriate municipal authorities, the municipal officials shall require that the developer supply one reproducible copy of the final plan, as approved, for their permanent files.

(C) The record plan shall be a clear and legible black-line print on Mylar.

(D) The subdivider shall file the record plan with the County Recorder of Deeds within 90 days of the date of final approval by the municipality. If the subdivider fails to record the record plan within such period, the action of the municipal officials and Municipal Planning Commission shall be null and void unless an extension of time is granted in writing by the municipality after written request to do so by the subdivider.

(E) See Appendix J of Ordinance 65 for the subdivision recording requirements as per the Office of the Recorder of Deeds.

(Ord. 65, passed 7-3-2007)

#### **§ 155.023 PERFORMANCE GUARANTEE.**

Prior to final approval of the final plan, the subdivider shall guarantee the installation of all required improvements by one of the following methods:

(A) By installing the improvements required by §§ 155.075 through 155.077 of this chapter to the satisfaction of the

Municipal Engineer and the municipal officials and obtaining a certificate from the Municipal Engineer that all improvements have been installed in accordance with the standards and requirements contained in this chapter or required by the municipality.

(B) In lieu of the completion of any improvements required as a condition for the final approval of a plan, the applicant or subdivider shall provide for deposit with the municipality of financial security in an amount sufficient to cover the costs of any improvements or common amenities, including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. When requested by the developer, in order to facilitate financing, the municipality shall furnish the developer with a signed copy of a resolution indicating approval of the final plan 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 approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the municipality; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. Without limitation as to other types of financial security which the municipality may approve, which approval shall not be unreasonably withheld, the following shall be deemed acceptable financial security for the purpose of this section:

(1) Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions. 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.

(2) 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.

(3) 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 municipality 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 municipality may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an 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 municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality 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 municipality and the applicant or developer.

(4) If the party posting the financial security requires more than one 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 one-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 re-established on or about the expiration of the preceding one year period by using the above bidding procedure.

(5) In the case where development is projected over a period of years, the municipality may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stage of development as it finds essential for the protection of any finally approved section of the development.

(6) As the work of installing the required improvements proceeds, the party posting the financial security may request the municipality to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Such requests shall be in writing, addressed to the municipality, and the municipality shall have 45 days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the municipality that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the municipality shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed, or if the municipality fails to act within said 45-day period, the municipality shall be deemed to have approved the release of funds, as requested. The municipality may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

(7) Where the municipality accepts dedication of all or some of the required improvements following completion, the municipality 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 plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial securities 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% of the actual cost of installation of said improvements.

(8) 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 municipality, 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.

(9) If financial security has been provided (in lieu of completed improvements), the issuance of building, grading, or occupancy permits for any building or buildings to be erected shall not be withheld provided:

(a) The improvement of streets providing access to and from existing public roads to such building(s) to a mud-free or otherwise permanently passable condition is complete; and

(b) All other improvements, as depicted on the approved plan, 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(s) have been completed.

(Ord. 65, passed 7-3-2007)

#### **§ 155.024 RELEASE OF PERFORMANCE GUARANTEE.**

(A) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipality, in writing, by certified or registered mail, of the completion of the aforesaid improvements and the municipality shall send a copy thereof to the Municipal Engineer. The municipal officials shall, within ten days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid improvements. The Municipal Engineer shall, thereupon, file a report, in writing, with the municipality, and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within 30 days after receipt by the Municipal Engineer of the aforesaid authorization from the municipal officials; 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 Municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

(B) The municipality shall notify the developer within 15 days of receipt of the Engineer's report, in writing, by certified or registered mail of their action.

(C) If the municipality or the Municipal Engineer fail 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 his or her performance guarantee.

(D) If any portion of the said improvements shall not be approved or shall be rejected by the municipal officials, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

(E) 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 municipality or the Municipal Engineer.

(F) Where herein reference is made to the Municipal Engineer, he or she shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

(G) The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Municipal Engineer and/or consultant for work 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 municipality when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the municipality that such expenses are disputed as unreasonable or unnecessary, in which case the municipality 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.

(2) If, within 20 days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality 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.

(3) 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.

(4) In the event that the municipality 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 municipality 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 municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

(5) 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 or more, the municipality shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

(Ord. 65, passed 7-3-2007)

#### **§ 155.025 RESUBDIVISION PROCEDURE.**

Any revision or resubdivision of land which includes changes to a recorded plan shall be considered a subdivision and shall comply with all regulations of this chapter, except that:

(A) Lot lines may be changed from those shown on a recorded plan, provided that in making such changes.

(1) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Municipal Zoning Ordinance.

(2) Easements or rights-of-way reserved for drainage shall not be changed.

(3) Street locations and block sizes shall not be changed.

(4) No lot shall be created which does not abut an existing or proposed street.

(B) In every case wherein lot lines are changed as permitted by the above, the subdivider shall prepare a new record plan and shall submit the record plan to the municipality for the endorsements of the Municipal Planning Commission and Municipal Zoning officer (the new record plan shall specifically identify the previous record plan superseded and shall also contain the record reference if the previous record plan has been recorded). The subdivider shall then record the new plan in accordance with § 155.022 of this subchapter.

(Ord. 65, passed 7-3-2007)

#### **§ 155.026 DEDICATION AND MAINTENANCE GUARANTEE.**

All streets, parks, or other improvements shown on the subdivision plan, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the municipality and accepted by resolution of the municipal officials. Where the municipality accepts dedication of all or some of the required improvements following completion, the municipality 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 plan 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 chapter with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

(Ord. 65, passed 7-3-2007)

### **PLAN REQUIREMENTS**

#### **§ 155.040 SKETCH PLAN (VOLUNTARY).**

(A) The sketch plan of a proposed subdivision shall be clearly and legibly drawn, preferably to scale.

(B) The sketch plan should contain at least the following information, but not necessarily showing precise dimensions.

(1) Tract boundaries;

(2) Name of the municipality in which the subdivision is located and a general location map;

(3) Name of proposed subdivision or other identifying title;

(4) Type of development proposed for the subdivision (residential, commercial, industrial and the like); and

(5) General street and lot layout.

(Ord. 65, passed 7-3-2007)

#### **§ 155.041 PRELIMINARY PLAN.**

(A) The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to an appropriate scale adequate to illustrate all necessary details. Maximum size of plan shall not exceed 18" x 24".

(B) If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

(C) The preliminary plan shall include the following information:

(1) Date, including the month, day, and year that the preliminary plan was completed and the month, day, and year that the preliminary plan was revised, for each revision;

- (2) Name of proposed development;
- (3) Name of recorded owner and subdivider;
- (4) Name, address, license number, and seal of the registered surveyor responsible for the subdivision plan;
- (5) Names of all owners of all abutting unplatted land and the names of all abutting subdivisions, if any, with the book and page number where recorded;
- (6) A key map for the purpose of locating the property being subdivided drawn at a scale not less than one inch equals 2,000 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses, and any areas subject to flooding;
- (7) Total tract boundaries of the property being subdivided showing bearings and distances and a statement of total acreage of the property;
- (8) Include all of the following zoning data:
  - (a) Existing municipal zoning regulations, including district designations, requirements for lot sizes and front yards, and any zoning district boundary lines traversing the proposed subdivision;
  - (b) Any changes in the existing zoning to be requested by the subdivider;
  - (c) Any municipal regulations other than zoning governing lot size and/or front yard requirements.
- (9) Contour lines at vertical intervals not more than five feet for land with average natural slope of 4% or less and at intervals of not more than 20 feet for land with average natural slope exceeding 4%;
- (10) Locations and elevation of the data to which contour elevations refer; where reasonable practicable, datum used shall be a known and established bench mark. It is suggested that USC&G datum be used where possible;
- (11) All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, flood plain areas, and other significant man-made or natural features within the proposed subdivision and 50 feet beyond the boundaries of the proposed subdivision;
- (12) All existing buildings or other structures and the approximate location of all existing tree masses, rock out-crops, water courses within the proposed subdivision or other significant features;
- (13) All existing streets on the official map or plans of the municipality (including unpaved streets), including streets of record (recorded but not constructed), easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within the subdivision or within 400 feet of any part of the tract;
- (14) The full plan of proposed development, including:
  - (a) Location and width of all streets, easements, and rights-of-way, with a statement of any conditions governing their use;
  - (b) Suggested street names and utility easement locations;
  - (c) Building reserve (setback) lines along each street;
  - (d) Lot lines with dimensions in feet and hundredths of a foot;
  - (e) Lot numbers and statement of number of lots and parcels;
  - (f) A statement of the intended use of all non-residential lots and parcels;
  - (g) Sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities;
  - (h) Parks, playgrounds, and other areas proposed to be dedicated or reserved for public use with any conditions governing such use; and
  - (i) The following data shall be shown for the cartway right-of-way and, if required, the ultimate right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii of curved lines. The length of all arcs (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes and seconds).
- (15) Any trees to remain in the street ROW shall be indicated;
- (16) If on-lot sewage disposal is proposed, the following information shall be included:
  - (a) Location of all soil probes and percolation test holes;
  - (b) Soil types;
  - (c) Suitable primary system sites with site slope identified; and
  - (d) Suitable replacement system sites with provisions for their protection and reservation, if required by Department of

Environmental Protection regulations. Identify slope.

(17) The following storm water management information shall be included:

(a) Runoff calculations for the proposed project except where the watershed storm water management plan (if any) has determined no hydrologic effect will occur downstream;

(b) A description of proposed storm water control measures and devices;

(c) Maps showing:

1. The location of the proposed subdivision, land development, or mobile home park within the designated watershed (consult the County Planning Commission or Conservation District for the appropriate Stormwater Management Plan);

2. The 100-year flood plain for pre- and post-development conditions;

3. Streams, swales, and drainage patterns (existing and proposed);

4. Storm water management control measures and devices (temporary and permanent);

5. Areas subject to special deed restrictions affecting storm water management;

6. Contours of existing and proposed development elevations at intervals of five feet. In areas of steep slopes (greater than 15%), 20-foot contour intervals may be used; and

7. Show floodway boundaries if the subdivision is located in a detailed FEMA study area or included on a FEMA insurance rate map.

(D) The preliminary plan shall be accompanied by the following supplementary data as applicable:

(1) (a) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the preliminary plan or on separate profile sheets.

(b) Tentative profiles along the street centerline or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

1. One inch equals ten feet horizontal, one inch equals two feet vertical;

2. One inch equals 20 feet horizontal and one inch equals four feet vertical;

3. One inch equals 40 feet horizontal and one inch equals eight feet vertical; and

4. One inch equals 50 feet horizontal, and one inch equals ten feet vertical.

(2) In lieu of the separate profile sheets required, the tentative finished cartway edge or top of curb grades for both sides of each street may be labeled on the preliminary plan.

(3) Where deemed necessary by the Municipal Planning Commission or the municipal officials, a plan for the surface drainage of the tract to be subdivided shall be shown. Such plan shall include storm water runoff calculations for the entire property being subdivided and shall show the proposed method, subject to municipal approval, of accommodating the anticipated runoff.

(4) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Department of Environmental Protection and/or the Pennsylvania Department of Transportation. Calculations for waterway opening shall be included. All designs shall be subject to approval by the municipality.

(5) Where a preliminary plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Municipal Planning Commission or municipal officials may, based on existing natural or man-made features, delimit the area for which a prospective street system shall be sketched.

(Ord. 65, passed 7-3-2007)

#### **§ 155.042 FINAL PLAN.**

(A) The final plan shall be of a size drawn to scale, and show all information as required for preliminary plans under § 155.041 of this subchapter. In addition, the final plan shall show the following:

(1) Name of recorded owner (and subdivider) of the tract, and the source(s) of title to the land being subdivided, as shown by the County Recorder of Deeds;

(2) The total tract boundary lines of the area being subdivided with accurate distances to hundredths of foot and bearings to one-quarter of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplotted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments

shall be indicated, along with a statement of the total area of the property being subdivided. Also, there shall be at least one elevation bench mark recorded for each subdivision. In addition, the surveyor shall certify, to the accuracy of the survey, the drawn plan, and the placement of the monuments;

(3) The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property;

(4) The following data shall be shown for the cartway and, if required, the right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii of curved lines. The length of all arcs (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes and seconds);

(5) All straight lot lines shall be dimensional (in feet, to the nearest hundredths of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes, and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes and seconds);

(6) A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page number;

(7) The proposed building reserve (setback) line for each lot, or the proposed placement of each building;

(8) The location (and elevation, if established) of all existing and proposed required street monuments;

(9) All easements of rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities;

(10) Locations, size, and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan);

(11) If the subdivision proposes a new street intersection with a state traffic route, the intersection's highway occupancy permit number(s) shall be indicated for all such intersections;

(12) A Certification of ownership, acknowledgment of plan, and offer of dedication shall be lettered on the plan, and shall be duly acknowledged and signed by the owner(s) of the property, and notarized;

(13) A blank space for approval of the plan by the municipal officials and by the Municipal Planning Commission (if any);

(14) A blank space measuring three and one-half inches square shall be left, preferably adjacent to the municipal certification, in which the endorsement stamp of the County Planning Commission may be applied, if required;

(15) A blank space measuring three inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the plan when it is presented; and

(16) The following storm water management information shall be included:

(a) All information pertaining to storm water management from the preliminary plan along with any changes;

(b) All required permits (or letters of intent to issue such permits pending final municipal approval) from the Department of Environmental Protection, Pennsylvania Department of Transportation, Public Utility Commission, or any other agency if appropriate;

(c) All deed restrictions, easements and rights-of-way;

(d) The ownership and maintenance responsibilities for storm water management control devices. The identity of the responsible individual corporation, association, or other specific entity and the specific maintenance responsibility must be detailed;

(e) Where the applicant is proposing the dedication of permanent storm water management control facilities to the municipality, such request must include:

1. Easements to all facilities; and

2. A financial guarantee (acceptable to the municipality) to insure that the control facilities are properly installed and functioning satisfactorily.

(B) The final plan shall be accompanied by such applicable supplementary data as is required in §155.041 of this subchapter in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

(1) Existing (natural) profiles along both cartway edges or along the centerline of each street;

(2) Proposed finished grade of the centerline, and proposed finished grade at the top of both curbs, or proposed finished grade at both cartway pavement edges;

(3) The length of all vertical curves; and

(4) Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.

(Ord. 65, passed 7-3-2007)

#### **§ 155.043 MINOR SUBDIVISIONS AND LAND DEVELOPMENTS AND NON-BUILDING LOTS.**

##### *(A) Definition of minor subdivision.*

(1) In the case of any proposed subdivision, land development, or other division of land, the plan requirements of this chapter may be waived and the proposal deemed to be a minor subdivision/development, or non-building lot, provided that the following criteria are met:

(a) The proposal does not involve the extension of any public facilities including:

1. New streets;
2. Paving or other improvements;
3. New or improved water lines, sewer lines, on-lot sewage disposal system sites, or storm drainage lines; and
4. New or improved public facilities or services.

(b) The proposal does not adversely affect the natural resources of the municipality, or have the potential to adversely affect the health or safety of the residents of the municipality;

(c) The proposal does not adversely affect adjoining property;

(d) The proposal does not adversely affect the present or future development of the Municipality; and

(e) The proposal is compatible with the existing Zoning Ordinance (if any).

(2) If the subdivision or land development contains not more than three lots, sites, or other divisions of land, and such subdivision or land development meets with all of the five criteria as stated above, then the municipal officials shall have the authority, at their discretion, to classify such subdivision or land development as "minor" provided that the municipality has received documents, guarantee, or proof of improvements installation as they may require.

##### *(B) Plan requirements for minor subdivisions, land developments and non-building lots.*

(1) Plans shall be clearly and legibly drawn to an appropriate scale, showing all properties and names of property owners of abutting properties. Maximum size of plan shall not exceed 18" x 24".

(2) Plans shall be accompanied by that portion of the most current USGS (7-1/2 minute) quadrangle which covers the subject property.

(3) All information or accompanying documentation required by §§155.041 and 155.042 of this subchapter shall be submitted as part of the application, only if applicable, except that the filing fee shall be established by the municipality, by resolution.

(4) A survey prepared by a surveyor registered to practice in the Commonwealth of Pennsylvania.

(5) An approved/executed "non-building waiver" from the Pennsylvania Department of Environmental Protection is required for all proposed non-building lots in an on-lot sewage disposal service area. A non-building declaration must be included on the plan.

(C) *Submission and review procedures for minor subdivision or land developments.* The submission and review procedures for all minor subdivision and land developments shall comply with the applicable requirements of §§ 155.020 through 155.022 of this chapter (submission of final plan, review of final plan, and recording of final plan) except that § 155.021(D)(1) may be excluded (public hearing) at the discretion of the municipality.

##### *(D) Non-building waiver.*

(1) A non-building declaration shall waive the requirements of §§155.040 through 155.042 of this subchapter for the non-building lot, provided that the municipality has received all documentation as they may require for such determination.

(2) All non-building lots shall be subject to the requirements listed in division (B) of this section excluding subsection (3).

##### *(E) Submission and review procedures for non-building lots.*

(1) All documents for non-building lots shall be submitted to the Municipal Planning Commission for review.

(2) The Municipal Planning Commission shall review the above submission within 30 days of the receipt of all necessary documents.

(3) The Municipal Planning Commission shall then submit their recommendation to the municipal officials for their review.

(4) If the municipal officials approve the non-building lot, the survey shall be signed and dated by the appropriate municipal officials and forwarded to the subdivider for recording.

(5) If the municipal officials do not approve the non- building lot, then the officials shall state the reasons for refusal and submit them to the subdivider in writing.

(6) One signed copy of the survey shall remain with the municipality for their records.

(Ord. 65, passed 7-3-2007)

## DESIGN STANDARDS

### § 155.055 GENERAL STANDARDS.

(A) The standards and requirements contained in §§155.055 through 155.077 of this chapter are intended as the minimum for the promotion of the public health, safety, and general welfare, and shall be applied as such by the Municipal Planning Commission and municipal officials in reviewing all subdivision plans.

(B) Whenever other municipal ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed; otherwise, the standards and requirements of these regulations shall apply.

(C) The subdivision shall be so designed that streets in and bordering the subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.

(D) Land subject to hazards to life, health, (D) or property, such as may arise from underground fires, floods, diseases, subsidence, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

(E) Subdivision plans shall conform to the Comprehensive Plan of the municipality and of the county or to such parts thereof as may have been adopted pursuant to statute.

(Ord. 65, passed 7-3-2007)

### § 155.056 STREETS.

(A) *General standards.*

(1) The locations and width of all streets shall conform to the "official plan" or to such parts thereof as may have been adopted by the municipality.

(2) The proposed street system shall extend existing or other streets on the "official plans" at the same width or larger but in no case at less than the required minimum width.

(3) Where, in the opinion of the Municipal Planning Commission or Municipal Officials, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.

(4) New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate continuation of major and collector streets into and from adjoining properties.

(5) Where a subdivision abuts or contains an existing street of improper width or alignment, the Municipal Planning Commission or municipal officials may require the dedication of land sufficient to widen the street or correct the alignment.

(6) Private streets (streets not to be offered for dedication) are prohibited unless they meet the design standards of these regulations.

(B) *Partial and half streets.* New half or partial streets shall be prohibited except where essential for reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

(C) *Street widths.* Minimum street right-of-way and pavement widths shall be as shown on the "official plans" or if not shown on such plans, shall be as follows. Refer to PennDOT publication on the construction of local streets if adequate information is not indicated on the following chart.

(D) *Restriction of access.*

(1) Whenever a subdivision abuts or contains an existing or proposed street with a right-of-way of 80 feet or more, the Municipal Planning Commission or municipal officials may require reconstruction of access to said street by:

(a) Provision of reverse frontage lots;

(b) Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets; and

(c) Provision of marginal access streets, provided that the reserve strips establishing such

marginal access streets shall be definitely placed within the jurisdiction of the municipality under an agreement meeting the approval of the municipality's Solicitor.

(2) Except as specified under subsection (c) above, reserve strips shall be prohibited.

(E) *Street grades.*

(1) There shall be a minimum centerline grade of 3/4%.

(2) Centerline grades shall not exceed the following:

- (a) Minor street: 10%;
- (b) Collector street: 6%;
- (c) Major street: 6%; and
- (d) Street intersection: 5%.

(3) Grades up to 12% may be permitted on a through minor street where access to the street is possible over streets with grades of 10% or less.

(F) *Horizontal curves.*

(1) Whenever street lines are deflected in excess of five degrees, connection shall be made by horizontal curves.

(2) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

- (a) Minor streets: 150 feet;
- (b) Collector streets: 300 feet; and
- (c) Major streets: 500 feet.

(3) A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and major streets.

(4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

(G) *Vertical curves (dip).* At all changes of street grades where the algebraic difference exceeds 1%, vertical curves shall be provided to allow an easy or smooth transition.

(H) *Intersections.*

(1) Streets shall intersect as nearly as possible at right angles and no street shall intersect another at an angle of less than 60 degrees or more than 120 degrees.

(2) No more than two streets shall intersect at the same point.

(3) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least 150 feet between centerlines measured along the centerline of the street being intersected.

(4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 5% within 50 feet of the intersection of the nearest right-of-way lines.

(5) Intersections with major streets shall be located not less than 1,000 feet apart measured from centerline to centerline along the center line of the major street.

(6) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

- (a) Thirty-five feet for intersections involving only minor streets;
- (b) Fifty feet for all intersections involving a collector street; and
- (c) Fifty feet for all intersections involving a major street.

(7) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

(I) *Sight distance at intersections.*

(1) Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles shall be permitted which obscures vision above the height of 30 inches and below ten feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

- (a) Seventy-five feet from the point of intersection of the centerline, except that;
- (b) Clear sight triangles of 150 feet shall be provided for all intersections with major streets.

(2) Wherever a portion of the line of such triangles occurs behind (such as, from the street) the building reserve (setback) line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback (reserve) line.

(J) *Cul-de-sac streets.*

(1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

(2) Any dead-end street for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turn-around within the subdivision, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.

(3) Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length and shall not furnish access to more than 20 dwelling units.

(4) Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street in full width.

(5) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turn-around. The minimum radius to the pavement edge or curb line shall be 40 feet and the minimum radius of the right-of-way shall be 50 feet.

(6) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.

(7) The centerline grade on a cul-de-sac shall not exceed 10%, and the grade of the diameter of the turn-around shall not exceed 5%.

(8) All cul-de-sac street widths shall follow the same minimum street widths as prescribed for minor streets.

(K) *Street names.*

(1) Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.

(2) In no case shall the name of a proposed street be the same as or similar to an existing street name in the municipality and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane and the like.

(3) All street names shall be subject to the approval of the municipal officials.

(L) *Service streets (alleys).*

(1) Service streets may be permitted, provided that the subdivider produces evidence satisfactory to the Municipal Planning Commission or the municipal officials of the need for such service streets.

(2) No part of any structure shall be located within 20 feet of the centerline of a service street.

(3) Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turn-around or equal with a minimum radius of the outer pavement edge of 40 feet.

(4) Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

(M) *Driveway.*

(1) Private driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines.

(2) In order to provide safe and convenient means of access, grades on private driveways shall not exceed 7%. Entrances should be rounded at a minimum radius of five feet, or should have a flare construction that is equivalent to the radius at the point of intersection with the cartway edge.

(Ord. 65, passed 7-3-2007) Penalty, see §155.999

**§ 155.057 BLOCKS.**

(A) *Layout.* The length, width and shape of blocks shall be determined with due regard to:

(1) Provision of adequate sites for buildings of the type proposed;

(2) Zoning requirements;

(3) Topography; and

(4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

(B) *Length.*

(1) Blocks shall have a maximum length of 1,600 feet and a minimum length of 500 feet, provided however that the

Municipal Planning Commission or municipal officials may decrease the maximum and/or minimum lengths of blocks if in the opinion of either body, topography of the land in question and/or surface water drainage condition warrant such a decrease.

(2) In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.

(3) Where practicable, blocks along major and collector streets shall not be less than 1,000 feet long.

(C) *Crosswalks.*

(1) Crosswalks shall be required in blocks of over 1,000 feet or wherever necessary to facilitate pedestrian circulation and to give access to community facilities.

(2) Such crosswalks shall have a right-of-way width of not less than ten feet and a paved walk of not less than five feet.

(D) *Depth.* Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where prevented by the size, topographical conditions, or other inherent conditions of property, in which case the Municipal Planning Commission or municipal officials may approve a single tier of lots.

(E) *Commercial and industrial blocks.* Blocks in commercial and industrial areas may vary from the element of design detailed above as required by the nature of the use.

(Ord. 65, passed 7-3-2007)

**§ 155.058 LOTS AND PARCELS.**

(A) *General standards.*

(1) Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.

(2) Where feasible, lot lines should follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.

(3) Generally, the depth of residential lots should be not less than one times their width.

(4) Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping and the like.

(5) If, after subdividing, there exists remnants of land, they shall be either:

(a) Incorporated in existing or proposed lots; or

(b) Legally dedicated to public use, if acceptable to the municipality.

(B) *Lot frontage.*

(1) All lots shall have direct access to a public street, existing or proposed or to a private street if it meets the requirements of this chapter.

(2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.

(3) All residential reverse frontage lots shall have, within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least ten feet in width, across which there shall be no right of access.

(C) *Lot size and setback.* Lot dimensions, areas, and setbacks shall not be less than specified by the Municipal Zoning Ordinance, or if no municipal zoning exists then the following dimensions and areas shall prevail:

(1) The minimum lot area for residential buildings with access to public water or on-lot water and public sewage collection and treatment shall be 11,000 square feet, and a width at the building line of not less than 50 feet.

(2) The minimum lot area for residential buildings without access to public water and public sewage collection and treatment shall be one acre, and a width at the building line of not less than 100 feet.

(3) The minimum lot area for residential buildings with public water and without public sewage collection and treatment shall be one-half acre, and a width at the building line of not less than 50 feet.

(4) The minimum building setback from any right-of-way shall be 25 feet.

(5) The minimum building setback from any property line shall be 15 feet.

(Ord. 65, passed 7-3-2007)

**§ 155.059 SANITARY SEWAGE DISPOSAL.**

(A) Sanitary sewers shall be designed and constructed in strict accordance with Department of Environmental Protection Standards of the Commonwealth of Pennsylvania and municipal construction standards.

(B) Sanitary sewers shall not be used to carry storm water.

(C) Where it is necessary and feasible to rely upon on-lot sewage disposal systems, said systems must meet all minimum requirements and standards of the Pennsylvania Sewage Facilities Act 537, 25 Pa. Code Chapters 71 through 73; the Municipal Zoning Ordinance, if exists; and any amendments or supplements thereto or any regulations adopted pursuant thereto. Within the municipality, the provisions of the Act/Code are administered by the Municipal Sewage Enforcement Officer(s).

(D) If sanitary on-lot sewage disposal facilities are to be utilized, the municipality may require that the subdivider submit an economic feasibility report. Such report shall compare the cost of providing on-site facilities and the cost of connecting to a public sanitary sewer system with a temporary sewage treatment plant. The temporary treatment plant will have to be abandoned when public trunk sewers are installed in the area.

(Ord. 65, passed 7-3-2007) Penalty, see §155.999

#### **§ 155.060 SOIL TEST REQUIREMENTS .**

(A) Soil tests shall be performed for all subdivisions wherein residential buildings and/or other buildings requiring sewage disposal, at the time of construction, will not be connected to a public or community sanitary sewage disposal system.

(B) Soil tests shall be performed in accordance with the procedures required by the Pennsylvania Department of Environmental Protection by the Municipal Sewage Enforcement Officer.

(C) The results of the soil tests shall be analyzed by the Municipal Planning Commission and municipal officials in conjunction with the Pennsylvania Department of Environmental Protection in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided, and the final plan lot layout shall be based on this analysis.

(D) If the analysis of the soil test results reveals that the site is unsuitable for the intended use at the lot size proposed, the Municipal Planning Commission or the municipal officials may require that the lot size(s) be increased in accordance with the test results or that additional tests be made on each proposed lot at the location of the contemplated disposal facilities, and the data submitted for review.

(Ord. 65, passed 7-3-2007)

#### **§ 155.061 WATER SUPPLY.**

(A) Water supply shall be installed in accordance with the requirements of the water authority serving that area. 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 municipality that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or other utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(B) Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall be placed uphill from sewage disposal systems and shall not be within 100 feet of any part of the absorption field of any on-site sanitary sewage disposal system, nor within 50 feet from lakes, streams, ponds, quarries and the like.

(C) Where individual on-site water supply system(s) are to be utilized, it is recommended that the subdivider provide at least one test well for each ten proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bedrock at least 50 feet deep, having a production capacity of at least five gallons per minute of safe potable drinking water as certified by state or municipal health officer.

(Ord. 65, passed 7-3-2007)

#### **§ 155.062 STORM WATER DRAINAGE.**

Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures consistent with the provisions of the applicable watershed storm water management plan as are reasonably necessary to prevent injury to health, and of person's safety and/or damage to adjacent property. Such measures shall include such actions as are required to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or to manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.

(A) *General criteria.*

(1) The storm water management plan must consider all the storm water runoff flowing over the project site.

(2) All storm water runoff easements and detention controls shall be located and designed by a person qualified and/or experienced in the location and design of such structures.

(3) The method used in calculating storm water runoff shall be the method designated in the Chapter 154 or as

computed in division (B) of this section.

(4) Storm water roof drains and pipes shall discharge water into cisterns, French drains (where soils are suitable), sheet drains or other storm water runoff dispersion and absorption control device and not into storm sewers unless recommended in the watershed storm water plan.

(5) No discharge of toxic materials into any storm water management system is permitted.

(6) Flow velocities from any storm drain may not result in a deflection of the receiving channel.

(7) Developers are encouraged to consult the following storm water management and erosion sedimentation control publications in preparing their plans:

(a) Chapter 102, Erosion Control, Title 25, Rules and Regulations of the Department of Environmental Protection;

(b) Chapter 105, Water Obstructions and Encroachments, Title 25, Rules and Regulations of the Department of Environmental Protection;

(c) Engineering Field Manual for Conservation Practices, 1975, U.S. Department of Agriculture, Soil Conservation Service;

(d) Erosion and Sediment Control Handbook, Cambria County Conservation District;

(e) Guidelines for Storm Water Management, Department of Environmental Protection, Bureau of Dams and Waterway Management;

(f) Soil Erosion and Sedimentation Control Manual, Department of Environmental Protection, Bureau of Soil and Water Conservation and Bureau of Water Quality Management;

(g) Urban Hydrology for Small Watersheds, Technical Release No. 55, Soil Conservation Service, U.S. Department of Agriculture, January, 1975;

(h) Chest Creek Watershed Act 167, Storm Water Management Plan, Cambria County Conservation District, Ebensburg, Pennsylvania;

(i) PennDOT Design Manual II (Publication 13), Section 10.

(B) *Specific criteria.*

(1) Storm water runoff rates shall be computed as outlined in the appropriate Municipal Stormwater Management Plan or as follows:

(a) Sites up to five acres shall use the rational method of calculating run-off as detailed in PA DOT Publication 13, Section 10. Pipes, ditches and swales shall be designed accordingly.

(b) Sites over five acres shall use the rational method to design pipes, swales and ditches. Storm water detention shall be designed using the SCS method detailed in Urban Hydrology for Small Watersheds, Technical Release 55. Detention shall be designed using five- and 25-year storm events.

(2) Water quality for the specific watershed must comply with the appropriate Municipal Stormwater Management Plan.

(3) Erosion and sedimentation: all activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the standards of the County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

(Ord. 65, passed 7-3-2007) Penalty, see §155.999

**§ 155.063 PUBLIC USE AND SERVICE AREA.**

(A) *Public open spaces.*

(1) In reviewing subdivision plans, the Municipal Planning Commission and municipal officials should consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision.

(2) Subdividers and the municipality shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields, shopping and local business centers. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use of the proposed facility. Prior to the preparation of plans, subdividers of large tracts should review with the Municipal Planning Commission or municipal officials the minimum standards for various community facilities applicable to the tract being subdivided.

(3) In subdivisions which are intended to provide housing, the Municipal Planning Commission or municipal officials shall consider the need for suitable open areas for recreation and shall make a recommendation thereon. However, if the municipality has a formally-adopted recreation plan, then the land area to be dedicated, or the fees to be paid in lieu thereof,

shall conform to said recreation plan and shall be a condition precedent to final plan approval.

(B) *Community assets.* Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.

(C) *Utility easements.*

(1) A temporary construction easement of 30 feet and a permanent maintenance easement of 15 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

(2) To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

(3) There shall be a minimum distance of 50 feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products, or natural gas transmission line which traverses the subdivision.

(4) Subdividers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.

(5) Utility service for residential development is recommended to be provided through the use of underground facilities in accordance with the standards and approval of the utility company having appropriate jurisdiction.

(Ord. 65, passed 7-3-2007) Penalty, see § 155.999

## IMPROVEMENT REQUIREMENTS

### § 155.075 GENERAL REQUIREMENTS.

Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the record plan, in accordance with the requirements of these regulations, or other municipal ordinances or regulations.

(A) As a condition to approval of a final plan by the Municipal Planning Commission or municipal officials, the subdivider shall agree with the municipality as to the installation of all improvements shown on the plan and required by these or other municipal ordinances or regulations.

(B) (1) All improvements installed by the subdivider shall be constructed in accordance with the design specifications of the municipality.

(2) Where there are no applicable municipal design specifications, improvements shall be constructed in accordance with specifications furnished by the Municipal Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, or such other state agency as applicable. If there are no applicable municipal or state regulations, the municipality may authorize that specifications be prepared by the Municipal Engineer or an Engineering Consultant.

(C) Supervision of the installation of the required improvements shall in all cases be the responsibility of the Municipal Engineer, water and/or sewer authority, or of the appropriate state regulatory agency.

(Ord. 65, passed 7-3-2007)

### § 155.076 REQUIRED IMPROVEMENTS.

The following improvements shall be installed by the subdivider or a guarantee suitable to the municipality shall be provided by the subdivider which shall ensure the provision of the improvements at the standards set forth in these regulations.

(A) *Street grading.* All streets shall be graded at full right-of-way width.

(B) *Cartway paving.* All streets intended to be dedicated to public use shall be paved to full cartway width (as shown on the final plan) in accordance with municipal specifications.

(C) *Curbs.* Curbs are to be installed when deemed necessary by the Municipal Engineer based on the need to control storm water runoff and/or on-street parking and approved by the municipality.

(D) *Sewers.*

(1) *Storm sewers.* Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in §§ 155.055 through 155.063 of this chapter.

(2) *Sanitary sewage disposal system(s).*

(a) Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in §§ 155.055 through 155.063 of this chapter.

(b) Whenever a subdivider proposes that individual on-lot sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or

parcel at the time that a principal building is constructed and in accordance with this chapter.

(c) In all other cases, the subdivider shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Pennsylvania Department of Environmental Protection and such system shall be further subject to satisfactory provision for the maintenance thereof.

(E) *Water supply.*

(1) Water supply system(s) shall be installed consistent with design principles and requirements contained in §§ 155.055 through 155.063 of this chapter.

(2) Where the subdivider proposes that individual on-site water supply system shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with this chapter.

(3) Wherever economically feasible, the subdivision shall be provided with a complete public or community water distribution system.

(F) *Fire hydrants.* Wherever a public or community water supply system is provided, fire hydrants shall be installed as required by the local water supplier of all existing and proposed structures, measured by way of accessible streets.

(G) *Monuments and markers.* Permanent reference monuments of pre-cast concrete or poured on-site concrete shall be installed by a professional land surveyor, as that term is defined by Act 367 of 1945, as amended. Pre-cast monuments shall be at least six inches square at the top and bottom and at least 30 inches in depth, with a steel dowel. Poured on-site monuments shall be at least six inches in diameter and at least 30 inches in depth with a steel dowel. Monuments shall be set at all corners and angle points of the boundaries of the original tract to be subdivided prior to approval of the plan. Markers shall be installed at all lot corners and shall consist of iron or steel bars at least 24 inches long, and not less than one-half inch in diameter.

(H) *Street signs.* Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the municipality.

(I) *Street lights.* In accordance with the conditions to be agreed upon by the subdivider, the municipality, and the appropriate public utility, street lights are required to be installed in all subdivisions. However, whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation upon consultation with the public service utility company involved.

(J) *Recreational facilities.* As a condition precedent to final plan approval, the subdivider, upon agreement with the municipality, shall construct recreational facilities, pay fees in lieu thereof, or reserve private land, or a combination thereof, for park or recreational purposes only if the municipality has a formally-adopted recreation plan. The standards for determining the proportion of a development to be dedicated and/or the amount of any fee to be paid in lieu thereof shall be indicated in § 155.063 of this subchapter, if applicable.

(Ord. 65, passed 7-3-2007)

#### **§ 155.077 RECOMMENDED IMPROVEMENTS.**

The following improvements, intended to enhance the sales value and public safety of the subdivision, as well as to benefit the municipality are recommended:

(A) *Shade trees.* Every effort must be made by the subdivider to preserve existing shade trees and, in addition, deciduous hardwood trees with a minimum caliber of one and one-half inches should be provided in accordance with conditions to be agreed upon by the municipality. Where provided, such trees should be planted between the sidewalk and the building reserve (setback) line at least five feet from the sidewalk or between the curb and the sidewalk provided the planting strip is a minimum of six feet wide. If no curb or sidewalk is provided, trees shall set back a minimum of ten feet from the street ROW.

(B) *Sidewalks.*

(1) When required by the municipality, sidewalks with a minimum width of four feet shall be installed on both sides of all streets except that no sidewalks shall be required along service streets.

(2) All sidewalks, curbs, and gutters shall be installed in accordance with this chapter and with curb, gutter or sidewalk ordinances of the municipality.

(Ord. 65, passed 7-3-2007)

### **LAND DEVELOPMENT STANDARDS**

#### **§ 155.090 DEFINITION AND EXCLUSIONS.**

Developments defined as land developments under the Pennsylvania Municipalities Planning Code (Act 247, as amended) are regulated under this chapter. The definition of land development includes any improvement to the land involving two or more residential buildings or any non-residential building. Therefore, the construction of a single-family

residential building is excluded from this definition and from this chapter. Also, excluded is the leasing (or selling) of land for agricultural purposes in parcels of ten or more acres (not involving any new streets or easements or residential dwelling units). Typical land developments include, but are not limited to, multi-family residential buildings, commercial centers and industrial developments. It shall be unlawful for an applicant to construct land developments as defined in this chapter without complying with these additional requirements.

(Ord. 65, passed 7-3-2007)

#### **§ 155.091 PROCEDURES AND EXCEPTIONS.**

(A) In processing a land development, the three-stage procedure established in this chapter for land subdivisions shall be used: sketch plan (not mandatory), preliminary plan and final plan stages. Land developments shall be processed and submission requirements shall be the same as that required for subdivisions. The final plan shall be recorded in the County Recorder of Deeds Office.

(B) The municipality may exempt a land development from preparing a preliminary plan if the following provisions are met:

- (1) It meets the criteria for a minor subdivision and land development;
- (2) It does not involve earth disturbance of more than five acres; and
- (3) It does not involve a building of greater than 20,000 square feet gross leasable area, or in excess of two stories in height.

(Ord. 65, passed 7-3-2007)

#### **§ 155.092 FINAL PLAN REVIEW.**

In addition to other final plan requirements (see §§155.040 through 155.043 of this chapter for final plan subdivision review), the following items shall be included for final plan review for all land developments, as applicable:

(A) The applicant shall prepare and submit a site plan. Site plans, as required in this subchapter, detail the construction of all required improvements and contain information establishing compliance with the design standards of this chapter.

(B) In cases of multi-owner or multi-tenant developments, proof of organization and means for management and maintenance of common open space, parking, and other improvements must be shown. Legal documents demonstrating creation of an association or other means of assuring continuing maintenance shall be required.

(Ord. 65, passed 7-3-2007)

#### **§ 155.093 SITE PLAN.**

(A) In lieu of a subdivision plan (plot plan), the developer shall submit a site plan. For land developments having a total developed area of less than 15,000 square feet, the site plan shall be prepared at a scale of one inch equals 50 feet. Where the total developed area is over 15,000 square feet but less than five acres, the site plan shall be prepared at a scale of one inch equals 100 feet. Where the total developed area is over five acres, the site plan shall be prepared at a scale of one inch equals 200 feet.

(B) Where building and parking lot development will cover an area in excess of one acre (43,560 square feet), topographic data at two-foot contour intervals shall be required. For developments of less than one acre, topographic data at ten-foot contour intervals shall be required.

(C) All land developments must comply with preliminary and final plan requirements (as applicable) as set forth within this chapter.

(D) Building elevations, while not required, are strongly encouraged as part of a site plan submission.

(Ord. 65, passed 7-3-2007)

#### **§ 155.094 GENERAL DEVELOPMENT STANDARDS.**

(A) All land developments must comply with all applicable standards as contained in §§155.055 through 155.063 of this chapter.

(B) All land developments must comply with all applicable requirements as contained in §§155.075 through 155.077 of this chapter.

(Ord. 65, passed 7-3-2007)

#### **§ 155.095 MULTI-FAMILY DWELLING DEVELOPMENT STANDARDS.**

(A) A multi-family dwelling development involving not more than three dwelling units shall be considered a minor land development. As such, this minor land development will be exempt from submission and review of preliminary plans. Such minor land development may proceed directly with final plan requirements as contained in this chapter. All multi-family dwelling developments containing four or more dwelling units shall follow both preliminary and final plan submission and

review procedures.

(B) All multi-family dwelling land developments shall comply with the lot dimensions, areas and setbacks specified by the municipal zoning ordinance. If no municipal zoning exists, then the following areas, dimensions and setbacks shall prevail:

- (1) The maximum density of multi-family land developments without public water and without public sewage collection and treatment shall be three units per acre, and a width at the building line of not less than 100 feet plus three feet per unit.
- (2) The maximum density of multi-family land developments with public water and without public sewage collection and treatment shall be six units per acre, and a width at the building line of not less than 50 feet plus three feet per unit.
- (3) The maximum density of multi-family land developments with public water and with public sewage collection and treatment shall be 12 units per acre, and a width at the building line of not less than 50 feet plus three feet per unit.
- (4) Multi-family dwelling land developments shall have a minimum building setback from any right-of-way (road or street) of 25 feet plus three feet per unit.
- (5) Multi-family dwelling land developments shall have a minimum building setback from any property line of 15 feet plus three feet per unit.

(Ord. 65, passed 7-3-2007)

#### **§ 155.096 COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS.**

(A) All commercial and industrial land developments shall comply with the provisions contained within the Municipal Zoning Ordinance. If no municipal zoning exists, then the following design standards shall prevail:

- (1) The total land area for such developments shall be sufficient to provide adequate space for off-street parking and loading, water and sewage facilities, landscaping, and property line setbacks. At a minimum, there shall be not less than four square feet of off-street parking for each one square foot of building use.
- (2) Front property line setback shall be not less than 50 feet.
- (3) Side property line setback shall be not less than 25 feet.
- (4) Rear property line setback shall be not less than 50 feet.
- (5) Any side or rear property line abutting a residential property shall have a landscape area of ten feet in width containing evergreen and deciduous plantings.

(Ord. 65, passed 7-3-2007)

#### **§ 155.097 ACCEPTANCE, MAINTENANCE AND COMPLETION OF IMPROVEMENTS.**

(A) If the land development involves the lease or rental of buildings or space on the site and site improvements (streets, parking areas and stormwater drainage devices) which are to be privately maintained or maintained by an entity created by the developer, then there is no need for municipal acceptance of the site improvements. However, in these instances, streets and stormwater drainage shall be designed and built to the standards contained in this chapter, and the municipality shall affirm that these improvements are, in fact, built to such standards.

(B) Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for the maintenance of such facilities. This document will be legally enforceable and clearly establish the maintenance responsibility. Any proposed improvement to be offered for public dedication will follow the requirements as specified by this chapter.

(C) Prior to final approval of the final site plan, the land developer shall guarantee the installation of all applicable required improvements by one of the methods contained in § 155.023 of this chapter.

(Ord. 65, passed 7-3-2007)

### **MOBILE HOME PARKS**

#### **§ 155.110 MOBILE HOME PARK REGULATIONS.**

No person, firm, or corporation shall construct, maintain, or operate a mobile home park within the municipality without obtaining a mobile home park plan approval from the municipal officials. The procedures for reviewing mobile home park plans shall be the same as for subdivision and land development plans in accordance with the provisions of this chapter. Unless specified in this subchapter, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the provisions of this chapter.

(A) *Plan requirements.* Prior to plan approval of a mobile home park, plans shall be submitted to and approved by the municipal officials in accordance with the requirements and procedures of this chapter. In addition to the plan information required elsewhere in this chapter, the following information shall be provided on the plans:

- (1) The location and use of proposed buildings or structural improvements; and
- (2) The location and design of all uses not requiring structures such as recreation areas and landscaping.

(B) *Register.* It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of person or head of family occupying each said mobile home, showing date of entry on said land, make and size of the mobile home, and the names of all persons living in said mobile home.

(C) *Density.*

- (1) The minimum tract area for mobile home parks shall be five acres.
- (2) The gross density per park shall not exceed eight mobile home units per acre.

(D) *Lot requirements.*

- (1) Individual mobile home lots located in a mobile home park shall contain at least 5,000 square feet of lot area and shall not be less than 50 feet wide at the building set-back line exclusive of easements or rights-of-way.
- (2) All mobile home lots shall be given street numbers and all park streets shall be given names.

(E) *Setback requirements.*

- (1) All mobile homes shall be located at least 35 feet from any street right-of-way which abuts a mobile home park boundary and at least 25 feet from any other boundary of the park.
- (2) There shall be a minimum distance of 25 feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.
- (3) All mobile homes and patios on a mobile home lot shall not be located closer than ten feet to a lot line.
- (4) Minimum park frontage shall be 100 feet.

(F) *Park street system.*

- (1) *Streets.* All streets within any mobile home park shall be designed in accordance with the design standards of this chapter.
- (2) *Intersections.* Not more than two streets shall intersect at any point and a distance of at least 150 feet shall be maintained between center lines of offset intersecting streets.

(G) *Required off-street parking.*

- (1) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two vehicular parking spaces for each mobile home lot.
- (2) Each off-street parking space shall contain at least 200 square feet and shall not exceed a distance of 300 feet from the mobile home lot that it is intended to serve.

(Ord. 65, passed 7-3-2007) Penalty, see § 155.999

## **ADMINISTRATION AND AMENDMENTS**

### **§ 155.120 REVISION AND AMENDMENT.**

- (A) The municipal governing body may, from time to time on their own motion revise, modify, or amend this chapter in order to increase its effectiveness or to expedite the approval of subdivision plans.
- (B) Any revisions, modification, or amendments to these regulations shall be made in accordance with the procedures as provided in Act 247, Section 505, after a public hearing on the proposed revisions, modifications or amendments.

(Ord. 65, passed 7-3-2007)

### **§ 155.121 MODIFICATIONS.**

- (A) The municipal governing body may grant a modification or waiver from the requirements of one or more of the provisions within this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or waiver will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
- (B) All requests for a modification or waiver shall be in writing and shall accompany and be part of the application for subdivision or land development review. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the ordinance involved, and the minimum modification necessary.
- (C) The municipal governing body shall keep a written record of the action on all requests for modifications and/or waivers.
- (D) In reviewing the subdivider's request for a modification/waiver from this chapter, the following criteria should be used:
  - (1) An unnecessary hardship should be established upon a finding of fact.
  - (2) The particular hardship must stem from this chapter.

- (3) The situation must be unique, not one shared similarly by other properties in the neighborhood.
  - (4) The hardship cannot be self-created by the property owner.
  - (5) Hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a modification/waiver.
  - (6) The hardship must be suffered by the parcel of land under question and not by other parcels owned by the subdivider or by the community as a whole.
  - (7) If this chapter were in existence at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of the purchase. The changed condition must have a unique bearing on the parcel under question.
- (E) In granting modifications/waivers, the municipal governing body may impose such condition as will, in its judgment, secure substantially the original objectives of the now modified requirements.
- (F) In order to encourage flexibility, economy, and ingenuity in the layout and design of subdivision and land developments, and to encourage the provision of amenities not otherwise required by this chapter or other applicable regulations, the municipal governing body may waive, modify, reduce, or otherwise alter the standards and requirements of this chapter, provided, that such actions do not conflict with the purposes of this chapter.

(Ord. 65, passed 7-3-2007)

**§ 155.122 MEDIATION AND APPEALS.**

- (A) The municipality may offer a mediation option as an aid in completing proceedings authorized by Article V, Section 508 of Act 247. In exercising this option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 247, as re-enacted and amended.
- (B) Any subdivider aggrieved by a finding, decision, or recommendation of the municipality may appeal such finding, decision or recommendation to the Court of Common Pleas.
- (C) All subdivision and land development appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the municipality. All appeals shall be in accordance with the provisions of Article V of Act 247.

(Ord. 65, passed 7-3-2007)

**§ 155.123 FEES.**

- (A) The municipal officials shall establish by resolution a collection procedure and schedule of fees to be paid by the subdivider at the time of filing a preliminary plan.
- (B) The schedule of fees shall be posted in the Municipal Secretary's office or in such other place as the municipal officials may designate.
- (C) In the event the subdivider is required to pay additional fees at the filing of the final plan, such fees shall be collected by the Municipal Secretary prior to distributing the final plan. There shall be no refund or credit of any portion of the fee should the subdivider fail to apply for final approval within the required period of time or if the final plan covered only a section of the subdivision for which preliminary approval has been obtained.
- (D) No final plan shall be approved unless all fees and charges have been paid in full to the municipality.

<b>Fee Schedule</b>	
Final review - township	
Major subdivision	\$50 plus \$10 per lot
Minor subdivision	\$50 plus \$10 per lot
Final review - Planning Commission	
Major subdivision	\$50 plus \$10 per lot
Minor subdivision	\$50 plus \$10 per lot
Inspection fee	\$85 per hour (subdivider will be billed by the municipality after improvements are installed)
Preliminary plans - township review	
Major subdivision	\$100 plus \$10 per lot
Minor subdivision	\$50 plus \$10 per lot
Preliminary plans - Planning Commission review	
Major subdivision	\$50 plus \$10 per lot
Minor subdivision	\$50 plus \$10 per lot
Sketch plans - filing fee	No charge

Any and all additional services required by the Subdivision and Land Development Ordinance shall be performed by the Township Engineer at an hourly charge based upon the Township Engineer's usual and customary hourly charge

(Res. 2007-2008, passed 7-21-1994; Res. 190, passed 7-3-2007; Ord. 65, passed 7-3-2007)

#### **§ 155.124 REMEDIES, ENFORCEMENT AND JURISDICTION.**

(A) 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 plan, the municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies to effect completion of said improvements. If 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 municipality 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 monies 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 municipal purpose.

(B) In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violation, 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 document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

(C) The municipality 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 or land development 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:

(1) The owner of record at the time of such violation;

(2) 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;

(3) 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; or

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the municipality 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.

(D) District justices shall have initial jurisdiction in proceedings brought under enforcement remedies.

(Ord. 65, passed 7-3-2007)

#### **§ 155.125 KEEPING OF RECORDS.**

The Municipal Planning Commission and the municipal officials shall keep a record of their findings, decisions and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review.

(Ord. 65, passed 7-3-2007)

#### **§ 155.126 RESPONSIBILITY.**

The subdivider shall be responsible for observing the procedures established in this chapter and for submitting all plans and documents as may be required.

(Ord. 65, passed 7-3-2007)

#### **§ 155.127 CONFLICTS.**

(A) Whenever there is a difference between the minimum standards specified in this chapter and those included in other municipal ordinances or regulations, the more stringent requirements shall apply.

(B) All existing ordinances or regulations or parts thereof which are contrary to the provisions of this chapter are hereby repealed to the extent necessary to give this chapter full force and effect.

(Ord. 65, passed 7-3-2007)

#### **§ 155.999 PENALTY.**

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 municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality 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 timely appeals the judgment, the municipality 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 the ordinance 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 continued shall constitute a separate violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(Ord. 65, passed 7-3-2007)