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**SUBDIVISION**

**REGULATIONS**

**NEW BETHLEHEM BOROUGH**

**CLARION COUNTY, PENNSYLVANIA**

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September, 1970

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SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
BOROUGH OF NEW BETHLEHEM, CLARION COUNTY, PENNSYLVANIA

ORDINANCE NO. 687

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT: DEFINING TERMS, PROVIDING REGULATIONS, REQUIREMENTS AND DESIGN STANDARDS: PRESCRIBING PROCEDURES FOR THE PRESENTATION: APPROVAL AND RECORDING OF SUBDIVISION PLANS: AND PRESCRIBING PENALTIES AND VIOLATIONS.

Ordained and enacted by the Council of the Borough of New Bethlehem, Clarion County, Pennsylvania under the provisions of Article V of the Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1968) hereinafter referred to as the "Pennsylvania Planning Code."

ARTICLE 1 - GENERAL PROVISIONS

101    SHORT TITLE

This Ordinance shall be known and may be cited as "NEW BETHLEHEM BOROUGH SUBDIVISION REGULATIONS."

102    PURPOSE

This Ordinance is adopted for the following purposes:

- a.    To assist the orderly and efficient development of New Bethlehem Borough.
- b.    To promote the health, safety, morals and general welfare of the residents of New Bethlehem.
- c.    To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

103    COMPLIANCE

No subdivision or land development or any lot, tract, or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public

use and travel, or the common use of occupants of building abutting thereon, except in accordance with the provisions of these Regulations. No lot in a subdivision may be sold, no permit to erect, alter or repair any building in a subdivision may be issued, unless and until a plan of such subdivision shall have been approved and properly recorded, and until the improvements required by Borough Council in connection therewith shall have either been constructed or guaranteed as herein provided.

104    HARDSHIP

Where, owing to special conditions, a literal enforcement of these Regulations would result in unnecessary hardship Borough Council may make such reasonable exceptions thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building subject to conditions necessary to assure adequate streets and other public improvements.

105    AMENDMENT

These Regulations as set forth herein may be amended, altered or revised by Borough Council from time to time after a public hearing is held pursuant to public notice. In case of an amendment other than that prepared by the Planning Commission, Borough Council shall submit each such amendment to the Planning Commission for recommendation at least thirty (30) days prior to date of the public hearing.

106    CONFLICT

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of New Bethlehem Borough, the highest standards shall govern.

107    VALIDITY

Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect its validity as a whole or of any other provision thereof.

108    CLARION COUNTY PLANNING COMMISSION JURISDICTION

Plans of subdivisions shall be reviewed by the County Planning Commission. Before the approval of a plan by the Borough, the Borough shall transmit a copy of the proposed plan to the County Planning Commission for review, comments and recommendations. Pending the receipt and consideration of such comments and recommendations, the Borough shall defer action thereon, but if such

report is not received by the Borough within thirty (30) days from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon by the Borough, the Borough may proceed to final action thereon.

109 EFFECTIVE DATE

These Regulations shall become effective December 14, 1970, and shall remain in effect until modified or rescinded by Borough Council.

## ARTICLE 2 - DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of these Regulations, have the meaning indicated.

Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated, associated, and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway," and "land;" and "watercourse" includes "drain," "ditch," "stream" and "river." The words "shall" or "will" are mandatory, and the word "may" is permissive.

Land Development: The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features; the division of land into lots for the purpose of conveying such lots singly or in groups to any person for the purpose of the erection of buildings by such person.

Subdivision: The division of a lot, tract or parcel of land or part thereof, by the owner or agent, either by lots or by metes or bounds, into two or more lots, tracts or parcels of land including changes in street lines for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale; provided, however, that the division of land into parcels of ten (10) or more acres for agricultural purposes, not involving any new street or easement of access, shall be exempted.

The term "subdivision" includes any development of a parcel of land, (for example, as a shopping center, an industrial park, or a multiple dwelling project), which involves installation of streets and/or alleys, even though the streets and alleys may not be dedicated immediately to public use and the parcel may not be divided immediately for purposes of conveyance, transfer or sale.

Subdivision, Minor: A subdivision containing five (5) lots or less served by an existing public street wherein Borough Council may waive the requirements of submitting a Preliminary Subdivision Plan provided the Final Subdivision Plan meets all the requirements of these Regulations.

Subdivision, Major: A subdivision containing more than five (5) lots requiring the submission by the subdivider and approval by Borough Council (either conditional or final) of Preliminary and Final Subdivision Plans.

Subdivider: A person who is the registered owner, or authorized agent of the registered owner, of land to be subdivided.

Block: An area bounded by streets.

Building Line: The line within the property defining the required minimum distance between any structure and the adjacent street right-of-way.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines and the sight lines.

Commission: The word Commission or the words Planning Commission or Borough Planning Commission shall mean the New Bethlehem Borough Planning Commission.

Crosswalk: A right-of-way, municipally or privately owned, at least twelve (12') feet in width, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Easement: A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

Engineer: A licenced engineer registered in the Commonwealth of Pennsylvania.

Grading Plan: A plan showing all present and proposed grades for storm water drainage.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots. (Grading, water mains, sanitary sewers, storm sewers and drains, street shade trees, street signs and monuments.)

Lot: A parcel of land intended for transfer or ownership or building development, that is presently occupied or capable of being occupied by one principal building or use and by those buildings or uses accessory to the principal building or uses.

Lot, Double Frontage: A lot, having at least two sides fronting on separate streets which do not intersect while adjoining the lot.

Lot Area: The area contained within the property lines of the individual parcels of land as shown on the subdivision plan, excluding space within any street, but including the area of any easement.

Master Plan: The comprehensive general plan, or any of its parts, for the future growth, protection and development of the Borough of New Bethlehem.

Pennsylvania Planning Code: Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1968) and amendments thereto which are from time to time adopted.

Plan, Sketch: A free hand sketch showing the contemplated development of the subdivision and its relationship to adjacent land.

Plan, Preliminary Subdivision: A tentative subdivision plan showing existing features of land and proposed street and lot layout within and adjacent to a subdivision as required in Article 6.

Plan, Final Subdivision: A complete and exact subdivision plan prepared for official recording as required by Article 6.

Right-of-way: Land dedicated for use as a street, alley, crosswalk.

Street: A general term used to describe a right-of-way, municipally or privately owned, serving as a means of vehicular and pedestrian movement and access to adjacent properties, furnishing space for sewers, public utilities, and shade trees. The streets are classified by function as follows:

1. Local Street: A street used as the principal means of access to adjacent properties serving only a comparatively small number of dwellings.
2. Collector Street: A street or road connecting local streets to each other, to community facilities, and to primary or major thoroughfares, serving only the neighborhood traffic.
3. Primary or Major Thoroughfares: A street connecting district centers, servicing large volumes of through, fast traffic, preferably located outside or bounding the residential neighborhoods.
4. Others:
  - a. Alley: (or Service Drive) A strip of land over which there is a right-of-way, municipally or privately owned, serving as a secondary means of access to two or more properties.
  - b. Cul-de-sac: A residential street with one end open for public vehicles and pedestrian access and the other end terminating in a vehicular turnaround.
  - c. Half Street: One half of a street right-of-way and paving, usually with its center line located on a property line.
  - d. Marginal Access Street: A street parallel and adjacent to primary or major thoroughfares providing access to abutting properties and control of intersections with major thoroughfares.

## ARTICLE 3 - PLAN PROCESSING PROCEDURES

### 301 PRE-APPLICATION

Prior to making formal application, the subdivider is urged to appear before the Planning Commission at any regular or special meeting to discuss the general nature of his proposed development. If desired, a Sketch Plan may be prepared and presented for review and discussion at this time. The Sketch Plan should generally include those items listed in Article 6, Section 601.

The Planning Commission shall advise the subdivider whether the plans and data as submitted do or do not meet the objectives of these Regulations. When the Planning Commission finds the plans and data do not meet the objectives of these Regulations, it shall express its reasons therefor.

The subdivider should also discuss his proposed development with the Clarion County Planning Commission and, when septic tanks are contemplated, the subdivider shall confer with the Pennsylvania Department of Health, or its authorized local representative.

Such discussions and/or Sketch Plan review will be considered confidential. Submission of a Sketch Plan shall not constitute formal filing of a Subdivision Plan.

If a subdivision is deemed a minor subdivision, the subdivider shall then submit a Final Plan and does not have to have conditional approval of a Preliminary Plan. A subdivision shall be considered a minor subdivision if:

- a. no new streets are involved, and
- b. the extension of sewers, water lines or storm drains is not involved and it is not necessary to provide any drainage easements, and
- c. the number of lots involved does not exceed five (5).

### 302 CONDITIONAL APPROVAL OF PRELIMINARY PLAN

On reaching conclusions informally, as recommended in Section 301, regarding his general program and objectives, the subdivider shall cause to be prepared a Preliminary Plan, together with improvement plans and other supplementary material as specified in Article 6, Section 602.

Four (4) copies of the Preliminary Plan and supplementary material specified shall be submitted to the Planning Commission with written application for conditional approval at least ten (10) days prior to the meeting at which it is to be considered.

Following (a) review of the Preliminary Plan and other material submitted for conformity thereof to these Regulations, and (b) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall submit a report of its recommendations to the Borough Council within twenty (20) days.

Borough Council shall take action within forty (40) days after the subdivision application is filed. Borough Council may grant conditional approval subject to such conditions as it may require to carry out these Regulations. If conditional approval is refused, the Borough Council shall state its reasons to the subdivider. The decision of Borough Council shall be in writing and shall be communicated to the applicant personally or mailed at his last known address not later than five (5) days following the decision.

Before acting on the Preliminary Plan, Borough Council shall arrange for a public hearing thereon. Adequate public notice in accordance with Section 107 of the Pennsylvania Planning Code shall be given.

Any modification of the Preliminary Plan required by Borough Council as prerequisite to approval shall be noted on four (4) copies of the Preliminary Plan. One copy will be returned to the subdivider, one copy filed with the Planning Commission, one copy will be forwarded to the Clarion County Planning Commission, and the fourth will be retained by Borough Council.

Conditional approval of a Preliminary Plan shall not constitute approval of the Final Plan. Rather it shall be deemed an expression of approval of the layout submitted on the Preliminary Plan as a guide to the preparation of the Final Plan.

### 303 APPROVAL OF FINAL PLAN

The Final Plan shall conform substantially to the Preliminary Plan as approved, and, if desired by the subdivider, it may constitute only that portion of the approved Preliminary Plan which he proposes to record and develop at that time.

Application for approval of the Final Plan shall be submitted in writing to the Planning Commission at least ten (10) days prior to the meeting at which it is to be considered.

Four (4) copies of the Final Plan and other exhibits required for approval shall be prepared as specified in Article 6, and shall be submitted to the Planning Commission within twelve (12) months after approval of the Preliminary Plan by the Borough Council; otherwise such approval shall become null and void unless an extension of time is applied for and granted by Borough Council.

If the Planning Commission finds that this Final Plan accords with these Regulations, it shall sign the Plan and submit it to the Borough Council. If it disapproves, the Planning Commission should advise the Borough Council of its reasons within twenty (20) days.

No Plan shall receive Final Plan approval unless the subdivider shall have filed with Borough Council a performance bond in favor of the Borough or other assurance acceptable to Borough Council, or shall have completed all required improvements listed in Article 5, and as Borough Council may require in the public interest.

Borough Council may approve the Final Plan for recording following receipt of a report from the Planning Commission and the Clarion County Planning Commission and authorize a proper official to sign the Plan to be returned to the subdivider. If the Borough Council disapproves the Plan, it must do so within forty (40) days after the application is filed and must state the reasons for disapproval.

If the report of the Clarion County Planning Commission is not received by Borough Council within thirty (30) days from the date the Plan was submitted to the County Planning Commission or within such further time as may be agreed upon, Borough Council may proceed to final action thereon. The decision of Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than five (5) days following the decision.

Before acting on any subdivision plan, Borough Council may arrange for a public hearing thereon. Adequate public notice in accordance with Section 107 of the Pennsylvania Planning Code shall be given. If a public hearing has been held upon a preliminary plat or plan, a public hearing shall not be required upon the final plat unless the final plat departs substantially from the preliminary plat or plan.

Upon completion of the improvements in accordance with the specifications of the Borough, the subdivider shall take steps to dedicate the improvements and have the same accepted by the Borough.

304 RECORDING

The Final Plan must be filed with the County Recorder of Deeds before proceeding with the sale of lots or construction of buildings.

In accordance with Section 512 of the Pennsylvania Planning Code, the approved Final Plan must be presented by the subdivider for recording to the office of the Recorder of Deeds for Clarion County within ninety (90) days after the final approval, or such approval shall be considered null and void. Reapproval thereafter may be granted by the Borough Council provided no significant changes have been made in either the Plan or the surrounding community.

Recording the Final Plan after approval by Borough Council shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided.

The subdivider may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated public areas, (or in unusual circumstances) streets or alleys, in which event the title to such areas shall remain with the owner, and the Borough shall assume no responsibility for improvement or maintenance thereof which fact shall also be noted on the Final Plan.

305 PERFORMANCE BOND

Any performance bond furnished in lieu of the installation of the required improvements shall be in the amount fixed by Borough Council, shall be secured by such cash deposit of the subdivider or issued by such bonding or security company as shall be approved by Borough Council. The bond shall assure the complete installation of the required improvements within such period, not longer than two (2) years from the date of final approval of the Final Plan or as shall be fixed by Borough Council, and the proceeds of such bond shall be made payable directly to the Borough for installation of the required improvements. Borough Council, with the consent of all parties to the bond, may extend such period upon written application of the subdivider prior to the expiration of such period or upon its own motion at any time prior to a declaration of a default in the bond.

Borough Council upon findings either that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such bond, or that the

required improvements have been installed in sufficient amount to warrant reduction in the face amount of such bond, may modify its requirements.

Except as provided in the preceeding paragraph, the bond shall be released only upon complete installation of the required improvements and the submission of the certified, "As Built" drawings. Strict compliance with procedures established by Section 510 of the Pennsylvania Planning Code shall be followed with respect to release of performance bond or other security. If Borough Council or engineer fails to comply with the time limitations of Section 510 of the Pennsylvania Planning Code, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to the performance guarantee bond.

If the required improvements are not completely installed within the period fixed or extended by Borough Council, it may declare the performance bond in default and collect the amount payable thereunder. Upon receipt of such amount, the Borough shall install or have installed such improvements as were covered by the bond and are commensurate with the extent of building development which has taken place in the subdivision, not exceeding in cost, however, the amount collected upon the bond.

## ARTICLE 4 - DESIGN STANDARDS

### 401 GENERAL REQUIREMENTS

In the layout, development and improvement of a subdivision, the subdivider shall comply with all standards, specifications, codes, and ordinances of the Borough, and in addition, he shall meet, as minimums, the standards of design and principles of land subdivision, set forth in this Article.

The standards and details of design herein contained are intended only as minimum requirements so that the general arrangements and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision plan, the subdivider should use standards consistent with the site conditions so as to insure an economical, pleasant and durable subdivision.

### 402 NATURAL FEATURES AND FLOOD PLAINS

Existing natural features such as trees, steep slopes, water courses, and historic places shall be preserved as a conservation measure except to the extent that their removal or modification is functionally related to the harmonious design of the subdivision.

Land subject to flooding and land deemed by the Planning Commission, Borough Council, County Soil and Water Conservation District or other official authority, to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life, or property or aggravate the flood hazard, but such land within the area of the plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

### 403 STREETS

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

- a. provide for the continuation or appropriate projection of existing streets in surrounding areas;  
and

- b. conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Local streets shall be so laid out that their use by through traffic will be discouraged.

Where a subdivision borders on or contains a railroad right-of-way, Borough Council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

Street jogs with centerline offsets of less than one hundred and twenty-five (125') feet shall be avoided.

A tangent at least one hundred (100') feet long shall be introduced between reverse curves on major thoroughfares and collector streets.

Multiple intersections involving the junction of more than two streets shall be avoided, and where such avoidance is impossible, such intersections shall be designated with extreme care for both vehicular and pedestrian safety.

Right angle intersections shall be used whenever practicable, especially when local residential streets and rural streets and roads empty into major or collector thoroughfares and there shall be no intersection angle, measured at the center line, of less than seventy (70°) degrees.

Street curb intersections shall be rounded by a tangential arc with a minimum radius of fifteen (15') feet for local residential streets and rural streets and roads and cul-de-sacs and thirty (30') feet for intersections involving collector streets or roads and primary roads or major thoroughfares.

If the lots resulting from the original development are large enough for re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such eventuality shall be provided.

The dedication of half streets at the edge of new subdivisions is prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. The existence of a half street in an adjoining subdivision will require the provision of the remaining half of the proposed subdivision.

Reserve strips controlling access or egress are prohibited. New streets shall be provided through to the boundary lines of the development especially if it adjoins acreage.

Streets that are extensions of, or obviously in alignment with, existing named streets shall bear the names of the existing streets subject to the approval of the Planning Commission. No street names shall be used which will duplicate or be confused with the names of existing streets.

Street dimensions, grades and alignment shall meet the following standards:

Street Type	Design Standards	Min. ROW (note 1)	Min. Cartway Width	Max. Grade	Min. Grade	Min. Radii of Centerline	Min. Sight Dist. (note 2)	Max. Length (note 3)
Major Thoroughfares		80'	36'	7.5%	0.5%	500'	400'	---
Collector Streets		60'	30'	10 %	0.5%	400'	300'	---
Local Streets		50'	24'	12 %	0.5%	200'	200'	---
Marginal Access Streets		40'	20'	12 %	0.5%	100'	100'	---
Cul-de-sacs		40'	20'	12 %	0.5%	100'	100'	600'
Alleys		20'	20'	12 %	0.5%	50'	50'	---
Pedestrian		12'	8'	---	---	---	---	---

NOTES:

- (1) Additional widths may be required upon findings that the same are required for: (1) Public safety and convenience; (2) Parking in commercial or public use areas; (3) Old roads which do not provide the proper widths, and where, as a consequence, additional dedication is necessary.
- (2) Vertical Sight Distance shall be measured along the center-line at eye level. Proper sight lines should be maintained at all intersections or streets, measured along the center line, there should be a clear sight triangle of seventy-five (75') feet from the point of intersection. No future building or obstruction shall be permitted in this area.
- (3) Cul-de-sacs shall be designated with a turn-around having an outside cartway diameter of at least eighty (80') feet and a property line diameter of at least one hundred (100') feet.

#### 404 ALLEYS

Wherever possible alleys shall be avoided, particularly in residential areas. In no event are alleys to be utilized as the primary means of access to properties.

Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.

#### 405 BLOCKS

All blocks in a subdivision shall have a maximum length of fourteen hundred (1400') feet. Such blocks containing individual lots shall be at least two (2) lot depths in width, except lots along a major thoroughfare which front on an interior street. Modification of the above requirements are possible in commercial and industrial developments, or planned unit developments.

A minimum of eight hundred (800') feet shall be maintained between intersecting local and collector streets with a primary street or major thoroughfare which intersect on the same side of such major thoroughfare.

In large blocks with interior parks, in exceptionally long blocks, or where access to a school or shopping center is necessary, a crosswalk shall be provided.

#### 406 LOTS

The lot size, width, depth, shape, orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Lot dimensions shall conform to the requirements of the Borough Zoning Ordinance.

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Side lot lines shall be substantially at right angles or radial to street lines.

#### 407 EASEMENTS

To the fullest extent possible, easements should be centered on or be adjacent to rear or side lot lines. Such easements shall have a minimum width of at least fifteen (15') feet.

If sewer, water, gas, electrical, street lighting, or other public utility facilities are to be located within street rights-of-way, their location and installation shall be coordinated so that they may be added to, repaired, or enlarged at minimum cost.

Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement conforming substantially with the lines of such water course and be of such width to be adequate for the purpose.

#### 408 BUILDING LINES

The minimum building set-back shall conform with the provisions of the Borough Zoning Ordinance.

#### 409 PLANNED UNIT DEVELOPMENT

The design standards provided herein may be modified by Borough Council in the case of a Plan utilizing an unusual concept of development which meets the requirements of this Article. The Planned Unit Development provision is intended to encourage original and imaginative subdivision design which preserved the natural amenities of the site and provides for the general welfare of the Borough.

The unit plan shall be consistent with the spirit and intent of these Regulations.

The unit plan shall conform to the "Planned Residential Project" requirements of the Borough Zoning Ordinance.

The area of land to be developed shall not be less than five (5) acres. The unit plan shall be compatible with adjacent properties.

The unit plan shall permanently reserve land suitable for the common use of the public or the residents of a particular subdivision. This land may be for future public facilities or for recreational or scenic open space as determined by Borough Council and the Planning Commission.

## ARTICLE 5 - IMPROVEMENTS

### 501 GENERAL

All of the required improvements specified in this Article shall be constructed in accordance with other articles of these Regulations and all other applicable Borough, County and State regulations.

### 502 MONUMENTS

Permanent monuments shall be accurately set and established at the intersection of all outside boundary lines of the plat at intersections of these boundary lines with all street lines, at least at diagonally opposite corners of each street intersection, and the beginning and end of all curves, at points on curves where the radius or direction changes, and at such points as are necessary to definitely establish all lines of the plat (except those outlining individual lots).

Monuments shall be concrete, not less than three feet (3') long and four inches (4") square or round at the top with appropriate cross mark, or other type as approved by the Engineer.

Permanent iron pins, at least 30 inches long and three-quarters of an inch in diameter, or some other suitable permanent marker shall be placed at all corners of each lot.

### 503 STREETS

The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by Borough Council or its authorized representative and shall include the following improvements:

- a. Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.
- b. Curbs shall be required on all streets. They may be either the vertical type or rolled curb and gutter type.
- c. The base course shall consist of a minimum compacted depth of 10 inches of selected materials such as stone, slag, or gravel or a minimum compacted depth of 8 inches of crushed aggregate meeting Pennsylvania Department of Highways specifications. Greater thickness as determined by Borough Council or its authorized representative may be required as determined for the specific type of street proposed.

- d. Pavement meeting Pennsylvania Department of Highways specifications shall be required on all streets, cul-de-sacs, alleys and crosswalks.
- e. Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs. Street shoulders shall have a minimum width of at least 2 feet.

#### 504 STORM DRAINAGE

The construction of a storm drainage system shall conform to the following requirements:

- a. Drainage ditches or channels shall have a minimum gradient of one (1) percent, and a minimum depth of two (2') feet.
- b. Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.
- c. When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces.

#### 505 WATER SUPPLY

The subdivider shall connect to the community water supply except where the Planning Commission determines that such connection would be infeasible.

When a community water system is to be used, a letter of intent from the service company must be filed with the Subdivision Plan. The letter must state:

- a. That the subdivision can be served with an adequate water supply.
- b. That sufficient static and flow pressures for fire protection are available at peak demand periods.
- c. The proposed pipe size must be stated.

Where community water system is not available, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be subdivided if such evidence is deemed not acceptable. Copies of well logs from said test wells which are obtained shall include the name and address of the well driller and shall be submitted with the Plan.

If a private water supply is permitted, individual private wells shall be located at least twenty-five (25') feet from property lines; fifty (50') feet from all septic tanks; one hundred (100') feet from all tile disposal fields and other sewage disposal facilities; ten (10') feet from all cast iron sewer lines; thirty (30') feet from any vitrified tile sewer lines; and shall not be located within any floor plan.

#### 506 SANITARY SEWERS

Where the Borough sewer system is not reasonably accessible to the subdivision, and in the judgment of Borough Council, extension of the public sewage system to the subdivision will not take place in the foreseeable future, a sewage disposal system utilizing an interim treatment plant may be permitted, if approved by the Health Department.

If an interim treatment plant is permitted, equitable agreements, approved by the Borough Council, shall be established concerning the operation of the treatment plant. If a sewage disposal system utilizing an interim treatment plant is not feasible, a private sewage disposal system consisting of septic tanks and tile absorption fields may be permitted.

If individual septic tanks are utilized, the subdivider, by covenant, will require that all private facilities be installed under direct supervision of a representative of the Pennsylvania Department of Health or the representative of the municipality designated to administer the Pennsylvania Sewage Facilities Act on behalf of the Borough. Such representative will require percolation tests, soil samples, and other data to determine the size and extent of facilities needed.

#### 507 UTILITIES

Every lot in a subdivision shall be capable of being served by utilities and the necessary easements shall be provided. Electric, gas and other utility distribution lines shall be installed within public rights-of-way or within properly designated easements. To the fullest extent possible, underground utility lines should be located in easements along the rear property lines but when local conditions require installation in street rights-of-way, lines shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any paving.

508 STREET LIGHTS

When street lights are to be provided, the developer shall be responsible for making the necessary arrangements with the municipality and the appropriate public utility company involved; provided, however, that whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installations upon consultation with the public utility company involved.

509 STREET SIGNS

Street name signs of a type adopted or approved by the Borough Council shall be installed at each street intersection by the subdivider, on a location specified by Borough Council.

510 STREET TREES

Street trees of a deciduous hardwood type with a minimum caliper of one and one-half inches may be planted between the sidewalk and building line at least five feet from the sidewalk, or between the curb and sidewalk, provided the planting strip is a minimum of six (6) feet wide.

## ARTICLE 6 - PLAN SPECIFICATIONS

### 601 SKETCH PLAN

A subdivision Sketch Plan may be submitted by the subdivider or property owner as a basis for informal and confidential discussion with the Planning Commission.

Data furnished in a Sketch Plan shall be at the discretion of the subdivider. It is suggested that the following items be included in the Sketch Plan presentation. The presentation need not be to scale and the precise dimensions are not required.

- a. Tract boundary.
- b. North Point.
- c. Streets on and adjacent to the tract.
- d. Topographical and physical features. (Use of U.S.G.S. 7½, 1" = 2000' scale quadrangle maps suggested.)
- e. Proposed general street layout.
- f. Proposed general lot layout.
- g. Existing Zone District in which subdivision is located.

### 602 PRELIMINARY PLAN

The subdivider shall supply four (4) copies of the Preliminary Plan and two (2) copies of other required material along with a written application to the Commission. The copies of the Preliminary Plan can be either black and white or blue and white prints. The sheet size shall be 16" X 22". Major subdivisions may require more than one sheet in which case a small scale key map appropriately indicating part of subdivision shown on each page shall be provided.

The Preliminary Plan shall be at a scale of 50 or 100 feet to the inch or at the largest practical scale and shall show the following information:

- a. Proposed subdivision name or identifying title.
- b. Name and address of the owner of the tract or of his authorized agent, if any, and of the subdivider.

- c. Date, north point, and graphic scale.
- d. Total acreage of the tract and number of lots.
- e. Zoning requirements - district and lot size.  
Any changes that may be proposed in the provisions of the zoning applicable to the area to be subdivided; and suggested locations of buildings in connection therewith.
- f. Tract boundaries showing distances and bearings.
- g. Contours at vertical intervals of five (5') feet unless otherwise specified.
- h. The names of all owners of all immediately adjacent unplotted land; the names of all proposed or existing subdivisions immediately adjacent, and the locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, water courses, and other significant features within 400 feet of any part of the property proposed to be subdivided; and the location of all buildings and approximate location of all tree masses within the property.
- i. The location and widths of any streets or other public ways or places shown upon an adopted Borough plan, if such exists for the area to be subdivided.
- j. The full plan of the development, showing the location of all proposed streets, roads, alleys, utility easements, parks, playgrounds, and other public areas; sewer and water facilities; proposed building setback lines for each street; proposed lot lines and approximate dimensions of lots; lot number and/or block number in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or proposed to be dedicated or reserved for future public use, together with the condition of such dedications or reservations.
- k. Provision for surface drainage of the tract to be subdivided.
- 1. A key map for the purpose of locating the site to be subdivided at a minimum scale of 2,000 feet to the inch, showing the relation of the tract to adjoining property and to all streets, roads, schools, parks and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided.

- m. Tentative cross-sections and center-line profiles for each proposed street shown on the Preliminary Plan. These plans may be submitted as separate sheets.
- n. Results and locations of percolation tests, made in accordance with the specifications of the Pennsylvania State Department of Health, (including the Pennsylvania Sewage Facilities Act) shall be submitted if on-lot sewage systems are to be filed. The test locations must be shown on at least two (2) copies of the Preliminary Plan.
- o. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.
- p. Where the Preliminary Plan submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the un-submitted part shall be furnished; the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.
- q. Proposed Street names.
- r. A draft of any proposed covenants to run with the land.
- s. A tentative timetable for the proposed sequence of development for the subdivision.
- t. Statement of intentions regarding installation of required improvements or furnishing performance bond or other suitable security in lieu of such installations.

#### 603 FINAL PLAN

The Final Plan which is to be submitted to the Commission for approval and subsequent recording shall either be drawn with India Ink on tracing cloth or be a transparent reproduction of the Final Plan with black line on cloth or stable plastic base film. The Final Plans shall be at a scale of either 50 feet or 100 feet to the inch or at the largest practical scale. If the Final Plans are drawn in two or more sections it shall be accompanied by a key map showing the location of the several sections.

The Final Plan shall show the following:

- a. Name of the subdivision.
- b. Name and address of the owner and subdivider.
- c. North point, graphic scale, and date
- d. Block and lot numbers (in consecutive order), dimensions, minimum area and total number of lots; acreage of whole development density and use of land.
- e. Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the County Recorder of Deeds, names of the owners of all adjoining unsubdivided land.
- f. Lot lines with accurate bearings and distances. Distances to be to the nearest hundredth of a foot.
- g. Pedestrian way.
- h. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public, or community use; all areas to which title is reserved by owner.
- i. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
- j. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- k. Complete curve data for all curves included in the plan, including radius, delta angle, tangent, arc, and chord.
- m. Street names.
- n. Location and material of all permanent monuments and lot markers.
- o. Easements for utilities and any limitations on such easements.

- p. Setback lines not less than the minimum as fixed by the Borough Zoning Ordinance.
- q. A location map of the subdivision at a minimum scale of 2,000 feet to the inch, showing the relation of the property to adjoining property and to all streets, roads, and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided.
- r. The following certificates, where applicable, shall be shown on the Final Plan:
  - 1. Certification, with seal, by a registered professional engineer or registered land surveyor to the effect that the survey and plan are correct.
  - 2. Certificate for approval by the Planning Commission.
  - 3. A statement duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner or owners of the property, to the effect that the subdivision shown on the Final Plan is the act and deed of the owner, that he (subdivider) is the owner of the property shown on the survey and plan, and that he desires the same to be recorded as such.
  - 4. Certificate for approval by the Borough Council.
  - 5. A certificate to provide for the recording information.
- s. The Final Plan shall be accompanied by the following material:
  - 1. Final profiles, cross-sections, and specifications for street improvements, and sanitary and storm sewerage, and water distribution systems shall be shown on one (1) or more separate sheets.

2. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space, which shall bear the certificate of approval of the Borough solicitor as to their legal sufficiency.
3. Certificate of dedication of streets and other public property. (This is the offer of dedication.)
4. Where lot sizes are based on public water and/or public sewer facilities, assurance acceptable to Borough Council that such facilities will be installed.
5. Such certificates of approval by proper authorities of the State and the municipality as may have been required by Borough Council, including certificates approving the water supply system and sanitary sewer system of the subdivision.
6. One of the following for guaranteeing improvements:

A certificate from the subdivider and signed by the authorized representative of Borough Council in which the subdivision is located, that all improvements and installations in the subdivision required by these Regulations have been made or installed in accordance with specifications; and

A certificate from the subdivider and signed by the authorized representative of Borough Council that a bond, certified check, or other security satisfactory to the municipality has been filed with the municipality.

## ARTICLE 7 - ADMINISTRATION

### 701 FILING FEE

The filing fee shall be ten dollars (\$10.00), plus one dollar (\$1.00) per lot.

### 702 INSPECTION

When the plans of streets and other improvements have been approved as provided in these Regulations, the subdivider shall first notify Borough Council or its authorized representative of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least forty-eight (48) hours before any such construction or installation shall commence so as to give Borough Council or its representative an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed.

### 703 MAINTENANCE

Prior to any street, or other improvement being accepted by the Borough as herein provided, the subdivider shall post a Maintenance Bond and/or other security naming the Borough as Obligee in an amount deemed adequate by Borough Council to remedy any defects which are caused by defective or inferior materials or workmanship which may develop during a period of two years from date of acceptance by the municipality.

### 704 APPEALS

In any case where Borough Council disapproves a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Clarion County, Pennsylvania in accordance with Section 512 of the Pennsylvania Planning Code.

705 PENALTIES

Any person, co-partnership, corporation who or which shall subdivide any lot, tract or parcel of land in a subdivision, layout, construct, open or dedicate any street, sanitary sewer, storm sewer, or water main or other improvement for public use or travel or for the common use of occupants of buildings abutting thereon, sell any lot or erect any building in a subdivision or land development without first having complied with the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such co-partnership, or the officers of such corporation or the agent of any of them, responsible for such violation, shall pay a fine not exceeding one hundred dollars (\$100) per lot or parcel or per dwelling within each lot or parcel.

report is not received by the Borough within thirty (30) days from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon by the Borough, the Borough may proceed to final action thereon.

109 EFFECTIVE DATE

These Regulations shall become effective December 14, 1970, and shall remain in effect until modified or rescinded by Borough Council.