

**SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

BOROUGH OF HYDETOWN

2006

**Hydetown Borough
Subdivision and Land Development Ordinance**

2006

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This project was financed, in part, by a Land Use Planning and Technical Assistance Program (LUPTAP) grant from the Commonwealth of Pennsylvania, Department of Community and Economic Development.

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ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF HYDETOWN, COUNTY OF CRAWFORD, DEFINING AND REGULATING THE SUBDIVISION OF LAND AND THE DEVELOPMENT THEREOF; ESTABLISHING PROCEDURES FOR THE CONSIDERATION OF MINOR AND MAJOR SUBDIVISIONS, MOBILE HOME PARKS AND LAND DEVELOPMENTS; REQUIRING THE PREPARATION OF, PRELIMINARY, FINAL AND AS-BUILT PLANS; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER OR DEVELOPER AND ESTABLISHING DESIGN STANDARDS FOR IMPROVEMENTS; REGULATING THE SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, WATER LINES, SEWERS, OTHER FACILITIES AND PUBLIC IMPROVEMENTS; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; AND PRESCRIBING PENALTIES FOR VIOLATION.

ARTICLE I
GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known as the "Borough of Hydetown Subdivision and Land Development Ordinance."

Section 102 Purpose

This Ordinance is adopted to help protect and promote the health, safety and general welfare of the residents of the Borough of Hydetown and for the following additional purposes:

- 102.1 To assure sites suitable for building purposes and human habitation.
- 102.2 To provide for the harmonious, orderly, efficient and integrated development of the Borough.
- 102.3 To assure new development will be coordinated with existing Borough development.
- 102.4 To provide for adequate easements and rights-of-way for drainage and utilities.
- 102.5 To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.
- 102.6 To make provisions for appropriate standards for streets, storm, sanitary sewers, water facilities, curbs, gutters and such other improvements as shall be considered needed by the Borough.

- 102.7 To promote the sound layout and design for subdivisions and land developments.
- 102.8 To retain the essential rural residential character of the Borough.
- 102.9 To implement the Oil Creek Regional Multi-Municipal Comprehensive Plan.

Section 103 Authority

The Borough of Hydetown is vested by law with the jurisdiction and control of the subdivision of land, mobile home parks and land development located within the Borough limits in accordance with Article V of the Pennsylvania Municipalities Planning Code.

Section 104 Jurisdiction

Plans for subdivisions, mobile home parks and land development within the Borough shall be submitted to, and approved by, the Borough before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions, or regulations of the Borough. Developers should also refer to the Borough of Hydetown Zoning Ordinance, Floodplain Regulations, as well as other local development regulations. Please note, that the description by metes and bounds in the instrument of property transfer does not exempt the seller or transferor from these regulations. [See 515.1(a) of the Planning Code.]

Section 105 Municipal Responsibility and Liability

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 102. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and land owners in the Borough is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with the minimum requirements for subdivisions, mobile home parks or land developments will render such subdivision, mobile home parks or land development free from inconveniences, conflicts, danger or damages. Therefore, this Ordinance shall not create liability on the part of the individual members of the Borough Council, the Borough of Hydetown Planning Commission or any officer, appointee or employee of the Borough for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 106 Effective Date and Repealer

This Ordinance shall become effective _____ and shall remain in effect until modified or rescinded by the Borough Council. This Ordinance shall supersede and replace all other conflicting regulations issued by the Borough previous to the approval date of this Ordinance.

Section 107 Copies

Copies of the Borough of Hydetown Subdivision and Land Development Ordinance shall be made available to the general public at a fee adequate to compensate the Borough for the cost of reproduction.

ARTICLE II DEFINITIONS

Section 201 General Interpretations

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated: words in the singular include the plural, and the words in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words "shall" and "will" are mandatory; the word "may" is permissive. An "agency" shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have the common meaning given to them.

Section 202 Meaning of Words

Alley: A minor right-of-way, publicly or privately owned, primarily for vehicular service access to the back and sides of properties. Alleys are not intended for through vehicular traffic.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

Block: An area divided into lots and usually bounded by streets.

Borough or Hydetown Borough: The Borough of Hydetown, Crawford County, Pennsylvania.

Borough Engineer: A professional engineer licensed as such in Pennsylvania, duly appointed as the Engineer of the Borough of Hydetown or his/her representative.

Building: A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Cartway or Roadway: The improved surface of a street or alley designed for vehicular traffic. Does not include shoulders or surface outside the gutter line.

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

Commission: The Planning Commission of the Borough of Hydetown.

Corner Lot: A lot, located at the intersection of two (2) or more existing or proposed street rights-of-way.

County: The County of Crawford, Pennsylvania.

County Planning Commission: The Planning Commission of the County of Crawford.

Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may, in the future, succeed it.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

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

Double Frontage Lot: A lot having its front and rear lot lines abutting the right-of-way of a street. Sometimes this lot is also called a reverse frontage lot.

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

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Drainage Easement: The lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage. There shall be no structures on any easements granted to the Borough of Hydetown and to any officially created municipal authority.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Erosion: The removal of surface materials by the action of natural elements.

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for stormwater, drainage, erosion and sediment controls, and which is in accordance with Section 1008 of this Ordinance.

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

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

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Land Development: Any of the following activities:

- A. The improvements of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

3. See also Article I and Article V of the Pennsylvania Municipalities Planning Code.
- B. A subdivision of land.
- C. "Land development" does not include development that involves:
1. The conversion of an existing single-family, detached dwelling or single-family, semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 3. The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

Landowner or Owner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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.

Maintenance Guarantee: Any financial security, acceptable under Article V of the Planning Code, which may be accepted by the Borough of Hydetown for the maintenance of any improvements required by this Ordinance.

Major Subdivision: Any subdivision not classified as a minor subdivision.

Marker: A metal stake or pin placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots. (See Section 1002.)

Minor Subdivision: The subdivision of land into not more than five (5) parcels, excluding the residual property, located on an existing improved street that does not involve the construction, installation or dedication of new streets, utilities or other public improvements.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) 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. The term does not include recreational vehicles or travel trailers. The unit may contain parts that collapse, fold, telescope or otherwise permit continued mobility; however, these characteristics shall not characterize it as a sectional or modular home.

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 Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modification: When a subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where because of topographic or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend and the Borough Council may authorize a modification. Any modification thus authorized and the reasoning on which departure was justified shall be entered on the minutes of the Borough Council. A modification applies only to the particular subdivision for which it is granted.

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

Person: An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: A complete and exact subdivision plan, mobile home park or site plan prepared for official recording as required by statute and this Ordinance (see Article VII).

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision, mobile home park or site plan to be submitted to the Borough of Hydetown for consideration, as required by this Ordinance (see Article VII).

Plan, Sketch: An informal plan indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision.

Planning Code or Pennsylvania Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and such other amendments to same as may be adopted from time to time.

Planning Commission: The Planning Commission of the Borough of Hydetown, Pennsylvania.

Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Public: Public includes any municipality owned and/or operated use.

Public Grounds: Parks, playgrounds and other public areas, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public Hearing: A formal meeting held pursuant to public notice by the Borough of Hydetown or the Borough of Hydetown Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Planning Code.

Public Notice: Notice as required under the provisions of the Pennsylvania Municipalities Planning Code.

Replat: See Subdivision - Replat.

Reserve Strip: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Sewage Disposal System, Community: A system of piping, tanks or other facilities serving two (2) or more lots and collecting, treating and disposing of domestic sewage into a subsurface soil absorption area or retaining tank located on one or more of the lots or at another site.

Sewage Disposal System, On-Lot: A system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into a subsurface absorption area or a retaining tank located on that lot.

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Section 802 of this Ordinance.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private, and including the entire right-of-way. Particular types of streets are further defined as follows:

- A. Collector: This class of road serves the internal traffic movement within the municipality and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a minor street and accommodate local internal traffic movements.

- B. Local and Minor: The minor street's sole function is to provide access to immediately adjacent land.
- C. Industrial: Industrial roads are primarily designed to serve industrial and manufacturing development. These roads will be designed to accommodate extensive truck traffic of all types.

Street Center Line: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two (2) 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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision - Replat: The change of a lot line between two (2) abutting existing parcels which does not create a new parcel and where such lot line change is in full compliance with this Ordinance, the Borough of Hydetown Zoning Ordinance and related ordinances, rules and regulations of the Borough.

Substantially Completed: Where, in the judgment of the Borough Engineer, at least ninety percent (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 professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

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

Temporary Turnaround: A temporary circular turnaround at the end of a road, which terminates at or near the subdivision boundary bordering undeveloped land.

Undeveloped Land: Any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, cable television facilities, and street lighting.

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain, or ditch for water, whether natural or man-made.

ARTICLE III
PROCEDURES - MAJOR SUBDIVISIONS AND LAND DEVELOPMENT

Section 301 Pre-Application Investigation

- 301.1 Developers are urged to discuss possible development sites with the Borough Planning Commission prior to submission of the Preliminary Plan. Based upon past experience, developers may incur unneeded cost and often incorrectly prepare plats. The purpose of the pre-application meeting is to afford the developer the advice and assistance of the Borough. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is encouraged to further discuss the proposal with PennDOT or utility companies as may be appropriate. Meetings with the Crawford County Planning Commission are also advisable.
- 301.2 A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should generally include those items listed under Plan Requirements, Article VII, Section 701, of this Ordinance. The submission of a sketch plan is both optional and voluntary. In no circumstance shall the submission of a sketch plan be regarded as the submission of a preliminary or final plan as required by this Ordinance.

Section 302 Preliminary Plan Application

- 302.1 The Preliminary Plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance when submitted to the Borough. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies. For the purposes of this Ordinance, the point of contact for submission to the Borough shall be the Borough Secretary.
- 302.2 An original plus five (5) copies of the Preliminary Plan and all required exhibits shall be received during regular office hours of the Borough and must be received at least one (1) week prior to the Planning Commission meeting.
- 302.3 Information to be filed with Preliminary Plans shall generally include those items listed under Plan Requirements, Article VII, Section 702 of this Ordinance, and shall be prepared in accordance with, and submitted with the number of copies, as specified herein.
- 302.4 In cases where the subdivision fronts on an existing or proposed state highway or has proposed streets entering on such highways, the developer shall submit the plans to the Pennsylvania Department of Transportation (PennDOT) for review and permits(s) as required. All plots shall note the requirements of Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428).

Section 303 Approval of Preliminary Plan

Synopsis of Actions, both Preliminary and Final Plans

1. Plan filed with Borough Secretary
2. Checked for completeness. If complete, forwarded (see below). If incomplete, returned.
3. County Planning Commission review and comments.
4. Borough Planning Commission review and comments.
5. Borough Council approves, disapproves, or conditionally approves.

- 303.1 The Borough Secretary of Hydetown shall receive all Preliminary Plans. After receipt, the Secretary shall review said Plans for completeness. Subdivisions that are not in substantial compliance with Article VII of this Ordinance will be returned to the developer as an incomplete submission. After such review, a copy of the Plan will be referred to the Borough of Hydetown Planning Commission and a copy referred to the Crawford County Planning Commission for review and recommendations. Per the Planning Code, the County shall have thirty (30) days to complete its review. The Borough may forward plans to the Borough Engineer as part of the review process. The entire fee for such a review shall be assessed to the developer in accordance with Section 503 of the Planning Code.
- 303.2 Before acting on the Preliminary Plan, the Borough Council may arrange for a public hearing thereon. If a hearing is to be held, the required public notice shall be given.
- 303.3 The Borough Council shall take final action on the Preliminary Plan no later than ninety (90) days following the date of the next regular meeting of the Borough Planning Commission following the date that the application is filed with the Borough; provided, however, that should the next regular meeting of the Planning Commission occur more than thirty (30) days following the filing of the application, the ninety (90) day period shall then be measured from the thirtieth (30th) day following the day the application was filed. The Borough Council shall render its decision during a public meeting. The Borough Council may approve the Plan, disapprove the Plan or approve the Plan with certain conditions. If the Borough Council either disapproves the Plan or approves it conditionally, it shall cite the provisions of this Ordinance upon which it has based such action. Within fifteen (15) days after its action, the Borough Council shall notify the developer, in writing, of the action taken, and specifying what revisions or additions, if any, will be required prior to the approval of the Final Plan. If the developer fails to accept the Council's revisions or conditions, if any, set forth in its Preliminary Plan approval within twenty (20) days from notification, the approval shall be automatically rescinded.
- 303.4 Any revisions of the Preliminary Plan required, as a condition prerequisite to approval, will be noted on two (2) copies of the Preliminary Plan. One (1) copy of the

conditionally approved Preliminary Plan will be returned to the developer and one (1) copy will be retained by the Borough.

- 303.5 The purpose of the Preliminary Plan is to define, in detail, the design, construction standards, lot layout, and related items for a subdivision. It is necessary that such matters be resolved prior to the submission of the Final Plan [see also Section 508(4)(v) of the Planning Code].
- 303.6 One (1) reproducible original or permanent copy of the Preliminary Plan on stable plastic tracing film will be required. Said copy is to show the Preliminary Plan as approved with all required changes.

Section 304 Final Plan Application

- 304.1 After the developer has received official notification that the Preliminary Plan has been approved or conditionally approved and what changes, if any, must be made if the Plan is to proceed to consideration as a Final Plan and has accepted these conditions, the developer has one (1) year in which to submit a Final Plan. If the developer does not do so within the one (1) year period, the approval of the Preliminary Plan shall become null and void unless an extension of time is requested by the developer in writing and is granted, in writing, by the Borough before the expiration date [see also Section 508(4)(V) of the Planning Code].
- 304.2 The information, certificates, and plans to be filed with the Final Plan application shall include those items listed under Plan Requirements, Article VII, Section 703, of this Ordinance.
- 304.3 Assurance of the completion of improvements, where required, shall be submitted in accordance with Article V.
- 304.4 At least one (1) copy of the Final Plan on stable plastic drafting film (permanent copies), along with five (5) prints thereof and all other exhibits required for approval shall be filed with the Borough Secretary. The Final Plan shall be filed one (1) week prior to the Planning Commission meeting. A copy of typical exhibits is found in the Appendix.
- 304.5 When an extension of time is granted for the submission of a Final Plan, the Borough shall do one of two things when the Final Plan is submitted: (1) make a finding that the conditions on which its approval of the Preliminary Plan were based have not changed substantially, or (2) require changes in the Plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surrounding, that have taken place since the grant of preliminary approval.
- 304.6 It is not necessary for the whole Plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the

case where development is projected over a period of years, the Borough may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development [see also Section 508.(4)(v) and 508.(4)(vi) of the Planning Code].

Section 305 Approval of Final Plan

- 305.1 The Borough Secretary of the Borough of Hydetown shall receive all Final Plans. Plans must be received at least one (1) week prior to the Planning Commission meeting. After receipt, the Borough Secretary shall review said plans for completeness and conformance to the Preliminary Plan and any conditions relevant thereto. Submissions that are not in substantial compliance with Article VII of this Ordinance will be returned to the developer as incomplete submissions. After such review, a copy of the Plan will be sent to the Borough of Hydetown Planning Commission and a copy referred to the Crawford County Planning Commission for review/recommendations by these bodies respectively. The Crawford County Department of Planning shall have thirty (30) days in which to complete its review. This time period shall commence on the date that a complete Final Plan (including any other exhibits required for approval) is submitted to the County. The Borough may forward plans to the Borough Engineer as part of the review process. Any fee for such a review shall be assessed in accordance with Section 503 of the Planning Code.
- 305.2 Before acting on the Final Plan, the Borough Council may arrange for a public hearing thereon. If a hearing is scheduled, adequate public notice shall be given.
- 305.3 If after the reviews required by 305.1, the Borough Council finds that the Final Plan is in conformance with this Ordinance, it shall sign the Final Plan. One (1) copy of the Final Plan will be retained for the Borough's records.
- 305.4 If, after the reviews required by 305.1, the Borough Council finds the Final Plan in general conformance with this Ordinance, but not in full conformance, the Council may grant a conditional approval setting forth those conditions the developer must comply with. These conditions will be communicated to the developer in writing specifying the conditions and the portions of this Ordinance, which form the basis for same. If the developer fails to accept the Council's conditions set forth in its conditional approval of the Final Plan within twenty (20) days from notification, the approval shall be automatically rescinded.
- 305.5 If the Borough Council finds that the Final Plan is not in conformance with this Ordinance, the Plan shall be disapproved. Council shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Ordinance that is not being complied with.
- 305.6 The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship to the developer. All requests for modification shall then be

reviewed and considered by the Borough Council in accordance with Section 1407 of this Ordinance.

305.7 The Borough Council shall take final action on the Final Plan no later than ninety (90) days following the date of the next regular meeting of the Planning Commission following the date that the application is filed with the Borough Secretary; provided, however, that should the next regular Planning Commission's meeting occur more than thirty (30) days following the filing of the application, the ninety (90) day period shall then be measured from the thirtieth (30th) day following the day the application was filed.

The Borough Council shall render its decision during a public meeting. The decision shall be communicated to the developer in writing no later than fifteen (15) days following the date the decision was made.

The formal date of approval shall be deemed to be that date following approval by the Borough Council whereby the developer provides satisfactory evidence that any conditions set forth by the Borough Council's approval have been met. If there are no conditions, the approval date shall be the date of the meeting. In no event shall that time extend beyond one hundred twenty (120) days from the date of the Borough Council's action.

305.8 No Final Plan shall receive approval by the Borough Council unless the developer shall have filed with the Borough such financial guarantees in accordance with Section 509 of the Planning Code in favor of the Borough or designated agency, or shall have completed all required improvements listed in Article IX or as the Borough may require in the public interest.

305.9 Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the Borough or designated agency, the developer shall take steps to dedicate the improvements and have the same accepted by the Borough or designated agency.

Section 306 Recording of Plan

306.1 After completion of all procedures and upon approval of the Final Plan, the Plan shall then be immediately recorded with the County Recorder of Deeds. In no case shall the Final Plan be recorded after ninety (90) days from the date of the Final Plan approval (see 305.7). Should the developer fail to record the Final Plan within such a period, the approval shall be considered null and void. Re-approval thereafter may be granted by the Borough Council, provided no changes have been made to the Final Plan.

306.2 The Final Plan shall be recorded with the Crawford County Recorder of Deeds before proceeding with the sale of lots, issuance of building or other permits by the Borough or the construction of buildings. Proof of such recordation shall be required by the Borough.

306.3 Recording the Final Plan after approval shall have the effect of an irrevocable offer to dedicate all public streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the Borough concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the Borough shall have made actual appropriation of the same by Ordinance.

ARTICLE IV
PROCEDURES - MINOR SUBDIVISIONS AND REPLATS

Section 401 Pre-Application Investigation

401.1 The applicable provisions of the pre-application procedure for major subdivisions should be followed.

Section 402 Preliminary Plan Application and Approval

402.1 A Preliminary Plan is not required, but may be submitted at the developer's option.

Section 403 Final Plan Application and Approval

403.1 All applicable provisions of the Final Plan application and approval procedures (Article III) shall be followed, as shall the provisions of Article VII, Plan Requirements. All applications shall be complete.

Section 404 Replats

404.1 Replats involve the transfer of land between adjacent lots where no new building lot is created. No replat may create a lot in violation of this Ordinance or of the Borough of Hydetown Zoning Ordinance. Replats will be considered as minor subdivisions.

Section 405 Recording of Plan

405.1 Minor subdivisions shall be recorded in the same manner and with the same responsibilities as other subdivisions.

ARTICLE V
ASSURANCES OF COMPLETION

Section 500.1 General

The purpose of these regulations is to provide sound subdivision and land development standards for the Borough of Hydetown.

Section 501 Improvements

- 501.1 The developer shall, for all major subdivisions, agree to complete all improvements in accordance with these regulations or such other improvements as the Borough may require in the public interest as a prerequisite to approval of the Final Plan. Such improvements include those that will be dedicated to the Borough, an appropriate municipal authority or similar designated agency.
- 501.2 No plan shall receive Final Plan approval by the Borough Council unless the developer shall have completed all improvements as required by these regulations or shall have filed with the Borough, or appropriate agency or entity, a surety or other financial security guaranteeing the completion of such improvements (see Section 502).
- 501.3 The Borough Council shall require the Borough Engineer to check final construction plans for their correctness and to inspect the construction of improvements. The Borough Engineer will be used for all improvements where the Borough is to assume ownership or be responsible for maintenance. The entire cost of plan review and inspection will be borne by the developer in accordance with the Pennsylvania Municipalities Planning Code [see generally Section 503(1) and 510(g)]. The review and inspection of improvements to be dedicated to authorities or agencies where the Borough will not maintain same will be in accordance with such organization's practices.
- 501.4 Upon completion of the improvements in accordance with the specifications of this Ordinance and upon final inspection of the improvements by the Borough Engineer, the developer shall take the final steps to dedicate the improvements and have the same accepted by the Borough (see Article XII). Improvements to be dedicated to authorities or agencies where the Borough will not maintain same will be in accordance with such organization's practices.
- 501.5 Improvements may include, but are not necessarily be limited to, the following:
- A. Monuments or markers.
 - B. Grading, streets, curbs and walks, as required.
 - C. Sanitary sewers (if available and required).

- D. Water service, including fire hydrants (if available and required).
- E. Storm drainage improvements, as required.
- F. Erosion and sedimentation control measures, as required.
- G. Street lighting.
- H. Street signs.

Section 502 Financial Security

The purpose of this Section is to provide for the filing of financial security as allowed by Section 509 of the Planning Code. Where the improvement is to be dedicated to an authority or agency other than the Borough, the developer will follow that organization's practices. It is the clear intent of this Ordinance that all improvements required by this Ordinance be either installed and approved, or the developer will post adequate financial security as required by Section 509 of the Planning Code, before Final Plan approval is granted.

- 502.1 An assurance of proper completion of the improvements by financial security in the subdivision shall be made by one of the following methods, or such other method as shall be satisfactory to the Borough of Hydetown:
- A. A bond, irrevocable letter of credit, restrictive or escrow account, certified check, or other security satisfactory to the Borough and in accordance with Section 509 of the Planning Code, which shall run or be made payable to the Borough.
 - B. In the case of a bond, it shall also:
 - 1. Be with surety satisfactory to the Borough.
 - 2. Be in form, sufficiency, and execution acceptable to the Borough.
- 502.2 The amount of the financial security shall be in an amount determined to equal one hundred ten percent (110%) of the cost of the required improvements in accordance with Section 509 of the Planning Code, and shall be approved by the Borough Engineer.
- 502.3 The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Borough Council, but not exceed one (1) year. When the improvements have been completed and approved by the Borough, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the Borough, a portion of the bond, monies or security commensurate with the cost of the

improvement may be released and returned in accordance with Section 509 of the Planning Code.

In no event shall the entire performance assurance be returned to the developer. At least fifteen percent (15%) shall be retained until:

- A. All improvements have been completed, approved by the Borough Engineer and accepted by the Borough.
- B. The required maintenance bond (see Article XII) has been filed and accepted by the Borough.
- C. All the requirements of Article XII, specifically including the filing of as-built drawings, have been met.

502.4 In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund, which may bear interest to the credit of the developer, but the developer shall pay all costs for the maintaining of such escrow fund.

502.5 As the work of installing the required improvements proceeds, the developer posting the financial security may request the Borough Council to release of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing, addressed to the Borough Council, and the Borough Council shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, that such portion of the work on the improvements has been completed in accordance with the approved Plan and specifications. On such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough fairly representing the value of the improvements completed or, if the Borough Council fails to act within said forty-five (45) day period, the Borough Council shall be deemed to have approved the release of funds as requested.

502.6 For circumstances relating to financial security not specifically delineated in the Ordinance, including the amount of same and the resolution of disagreements relative to such security, it is the intention of the Borough of Hydetown to follow the guidelines and procedures as set forth by Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.

502.7 In the event that any improvement which may be required have not been installed as provided in the Ordinance or in accordance with the approved Final Plan, the Borough of Hydetown may enforce any corporate bond, or other security by appropriate legal and equitable remedies. 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 Borough of Hydetown 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 or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

ARTICLE VI
DEVELOPMENT STANDARDS

Section 601 General Standards

- 601.1 It is the policy of the Borough that these regulations shall state minimum standards for development.
- 601.2 The following requirements and guiding principles for land subdivision shall be observed by all developers, and the Borough shall consider the suitability as to location of any proposed subdivision with respect to the following:
- A. Any development in areas considered by the Borough as habitable yet subject to periodic or occasional inundation shall comply with the regulations and standards as established under Section 811 of this Ordinance and any other Federal, State or local municipal law, rule and regulation, including, but not limited to, the Flood Plain Management Act.
 - B. No subdivision showing reserve strips controlling the access of public ways will be approved.
 - C. The following regulations and/or legislation must also be complied with:
 - 1. Pennsylvania Sewage Facilities Act
 - 2. Borough of Hydetown Zoning Ordinance.
 - 3. Borough of Hydetown Floodplain Regulations.
 - 4. Regulations of the Pennsylvania Department of Transportation relating, but not limited, to driveway permits and street openings.
 - 5. Any other applicable Borough Ordinance or regulations.

ARTICLE VII
PLAN REQUIREMENTS

Section 701 Sketch Plan

- 701.1 A subdivision sketch plan should be submitted by the developer or property owner as a basis for informal discussions with the Planning Commission.
- 701.2 Data furnished in a sketch plan shall be at the discretion of the developer. The sketch plan need not be to scale and the precise dimensions are not required. It is suggested that the following items, as appropriate, be included in the sketch plan presentation:
- Subdivision boundary
 - North arrow
 - Streets on and adjacent to the tract
 - General topographical and physical features (as required)
 - Proposed general street layout
 - Proposed general lot layout
 - Proposed easements
 - Surrounding property and the names of owners
 - Name, address and telephone number of the surveyor, and, if needed, Engineer
 - Existing zoning district, zoning district boundary lines or nearby zoning district boundary lines in the subdivision

Section 702 Preliminary Plan

- 702.1 A Preliminary Plan is required for major subdivisions. Copies of the Preliminary Plan drawing shall consist of an original drawn on stable plastic film and shall be in permanent ink. Accurate, permanent photographic reproducible reproductions or computer-generated drawings in black will be accepted in lieu of inked drawings. Copies may be either black on white or blue on white prints. Five (5) copies and an original shall be submitted to the Borough Secretary.
- 702.2 The Preliminary Plan shall be drawn at a scale of one inch equals fifty feet (1" = 50'), or one inch equals one hundred feet (1" = 100'), depending on lot size. In unusual circumstances, other scales may be acceptable, if approved by the Borough. If the Preliminary Plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the various sections. The size of the Preliminary Plans shall be consistent with the requirements for Final Plans.
- 702.3 The following information shall be shown on, or included with, all Preliminary Plans when they are submitted to the Borough:
- A. Proposed subdivision name, identifying title and the words "Preliminary Plan."

- B. Name and address of the owner of the tract or of his agent, if any, and of the developer.
- C. Date, north arrow, and graphic scale.
- D. Total acreage of the tract, number of lots, proposed land use, remaining acreage of any un-subdivided land.
- E. Zoning district(s).
- F. Tract boundaries that shall show distances and bearings.
- G. A key map, for the purpose of locating the site in the Borough, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries.
- H. Contours at vertical intervals of two (2) feet for land with average natural slope of four percent (4%) or less, and at vertical intervals of five (5) feet for more steeply sloping land. Locations of bench marks will be shown. Contour data for minor subdivisions will not be required.
- I. The names of all owners of all immediately adjacent un-platted land and the names of all platted subdivisions immediately adjacent to the development.
- J. The locations and dimensions of all existing streets, easements, roads, railroads, public sewers, water mains, and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales, and other significant features within the property proposed to be subdivided, or within one hundred (100) feet of said property.
- K. The location of all buildings within the property.
- L. A full plan of the development, showing the location of all proposed streets, sidewalks, roads, utility easements, parks, playgrounds, storm drains, pedestrian ways, and other public areas, sewer and water facilities; proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications or reservations.
- M. Components for Act 537 on-lot sewage disposal system, if applicable. Status of any required DEP sewer system or water system permits (as applicable), including permits or approvals for sanitary sewage system line extension, as well as any needed approval of the Sewage Enforcement Officer.

- N. Preliminary designs of any proposed utilities. These designs may be submitted on separate sheets.
- O. Typical cross-sections and center line profiles for each proposed street shall be shown on the Preliminary Plan (see Article VIII). These profiles may be submitted as separate sheets.
- P. A complete drainage plan.
- Q. Preliminary designs of any bridges or culverts, which may be required. These designs may be submitted as separate sheets.
- R. Name, address and telephone number of engineer/surveyor.
- S. An erosion and sedimentation plan, if required.

702.4 The following certificate, where applicable, shall appear on the Preliminary Plan:

- A. Certificate for the approval of the Hydetown Borough Council.
- B. Certificate for review of the Hydetown Borough Planning Commission and the Crawford County Planning Commission.
- C. Certificate of the surveyor and/or engineer (if required) as to the accuracy of the survey and/or design.
- D. Certification of owner.

702.5 Where the Preliminary Plan submitted covers only a part of the subdivider's entire holding. See Section 304.6 for requirements.

Section 703 Final Plan

- 703.1 A Final Plan is required for all subdivisions. One (1) permanent copy on stable plastic film, or an original and five (5) prints shall be submitted.
- 703.2 The Final Plan original for all subdivisions shall be drawn on stable plastic film, and shall be in permanent ink. Accurate, permanent photographic reproductions or computer-generated drawings in black will be accepted in lieu of inked drawings.
- 703.3 Sheet size for Final Plans shall be eighteen by twenty-four (18 x 24) inches or twenty-four by thirty-six (24 x 36) inches in size for all subdivisions.
- 703.4 If the Final Plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the several sections.

703.5 The Final Plan shall be drawn at the scale as required of Preliminary Plans unless otherwise allowed as provided by this Ordinance.

703.6 The following information shall be included on Final Plans where applicable:

- A. Block and lot numbers (in consecutive order).
- B. Lot lines and tract boundaries with accurate bearings and distances. Distances to be to the nearest hundredth of a foot; bearings to the nearest second. Survey closure shall be 1:10,000 or less.
- C. Exact acreage of entire subdivision and each individual lot. Acreage to be to the nearest hundredth acre exclusive of rights-of-ways, or other public areas.
- D. Accurate bearings and distances to the nearest established street corners or official monuments. Reference corners shall be accurately described on the Plan. Ties to known control points for the survey is to be furnished.
- E. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- F. Complete curve data for all curves included in the plan, including radius, delta angle, tangent and arc length.
- G. Street center lines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines.
- H. Street names.
- I. Location and material of all permanent existing and proposed monuments and lot markers.
- J. Easements for utilities and any limitations on such easements.
- K. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public or community use; and all areas to which title is reserved by owner.
- L. 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 and names of the owners of all adjoining un-subdivided land. The tax identification number of all affected parcels must be shown.
- M. Any other information required by these regulations.

703.7 The following certificates, where applicable, shall be shown on the Final Plan:

- A. Certification, with seal, by a registered land surveyor and/or engineer, as appropriate, to the effect that the survey and plan are correct.
- B. Certificate for approval by the Hydetown Borough Council.
- C. Certificate of review of the Borough of Hydetown Planning Commission and the Crawford County Planning Commission.
- D. A statement, duly acknowledged before a notary public, with seal, and signed by the owner or owners of the property, to the effect that the subdivision or development shown on the Final Plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided or developed and recorded as shown. Said statement to include an offer of dedication of public roads, easements or other improvements as needed.
- E. A certificate to provide for the recording of the Subdivision or other Plan.
- F. A highway occupancy permit notice when so required by Section 508(6) of the Pennsylvania Municipalities Planning Code.

703.8 The following information, in addition to that shown on the Final Plan, shall be submitted to the Borough for Final Plan review, when applicable. Five (5) copies shall be submitted unless noted otherwise.

- A. Application for review or approval.
- B. Approval of the Sewage Enforcement Officer.
- C. Draft of any proposed covenants to run with land.
- D. Tentative timetable for the proposed sequence of development for the subdivision, if required.
- E. Required assurances of completion or a letter of approval of required improvements by the Borough Engineer, per Section 502 of this Ordinance, or by a designated agency per Section 501 of this Ordinance. [One (1) copy]
- F. Certificate of dedication of streets and other public property. This is the offer of dedication.
- G. 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. (Number of copies the same as Section 703.1.) Street design cross sections shall be provided at intervals of not less

than fifty (50) feet for most roads. If a road's grade is in excess of six percent (6%), the Borough may require cross sections at closer intervals.

- H. Requirements of Article XII of this Ordinance, as applicable (see 1201.3 in particular). [One (1) copy]

ARTICLE VIII
DESIGN STANDARDS

Section 801 General

The design standards set forth by these regulations are intended to insure proper development in the Borough of Hydetown.

- 801.1 The following land subdivision principles, standards, and requirements shall be applied by the Borough of Hydetown in evaluating the plans for proposed subdivisions and shall be considered minimum requirements, except as provided for above.
- 801.2 In reviewing subdivision plans, the Borough will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision.
- 801.3 The subdividing of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the allotment. The Borough may require dedicated, improved, or undedicated parcels to be provided for future access to adjacent land.
- 801.4 Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land included as having unsuitable characteristics would be the following:
- A. Land subject to flooding or which has a high ground water table. (Must comply with Floodplain Ordinance.)
 - B. Land subject to subsidence.
 - C. Land subject to underground fires.
 - D. Land containing significant areas of slopes greater than sixteen percent (16%).
 - E. Land which, because of topography or means of access, is considered hazardous by the Borough of Hydetown.
 - F. Land which is subject to ground pollution or contamination, as identified by the Department of Environmental Protection.
- 801.5 Proposed subdivisions and land developments shall be coordinated with existing nearby neighborhoods so that the community, as a whole, may develop harmoniously.

801.6 Proposed land uses shall conform to the Borough Zoning Ordinance.

Section 802 Streets

802.1.A. Minimum street right-of-way widths and cartway widths shall be as follows:

<u>Type of Street</u>	<u>Cartway With Curbs</u>	<u>Cartway No Curbs</u>	<u>Right-of-Way</u>	<u>Shoulders*</u>
Cul-de-sac ¹	28 feet	20 feet	50 feet	8 feet
Minor/Local	28 feet	20 feet	50 feet	8 feet
Collector/Commercial	28 feet	20 feet	60 feet	9 feet
Industrial	28 feet	28 feet	60 feet	9 feet
Arterial	As prescribed by the Pennsylvania Department of Transportation.			

*Where there is no curbing

¹ Residential, other cul-de-sacs follow commercial/industrial standards.

In order to determine the classification of a street, the following two tables shall be used as a guide:

TABLE - STREET CLASSIFICATION

	<u>Project Daily Volume Traffic (ADT)</u>
Cul-de-Sac	0-250
Minor/Local	0-1,000
Collector	1,000-3,000

Source: Table 2-1 RESIDENTIAL STREETS, 2nd Ed., American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute

TABLE - RESIDENTIAL TRIP GENERATION RATES

Daily Vehicle Trips Per Dwelling Unit

	<u>Weekday</u>
Single-Family	
Detached	10.0
Apartments	
All	6.0
Low-Rise	6.0
High-Rise	4.0
Townhouses and Single	
Family Condominiums	6.0

Source: Table 2-2 RESIDENTIAL STREETS, 2nd Ed., American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute

- 802.2 In cases where a new subdivision is planned to join the street system on an existing subdivision, the above minimum requirements shall apply except where the existing streets and right-of-ways are larger than required. In this event, the Borough may require that the new streets and right-of-ways be as large as those in the existing subdivision. Any street or way that is planned, though not already established shall be continued at not less than its width as planned.
- 802.3 Provisions for additional street width (right-of-way) may be required by the Borough in specific cases for:
- A. Public safety and convenience.
 - B. Parking in commercial and industrial areas and in areas of high-density residential development.
 - C. The Borough may request the widening of existing streets (rights-of-way) where the width does not meet with the requirements of these regulations.
- 802.4 General design criteria for streets not otherwise covered in this Ordinance shall be in accordance with specifications as set forth by the Borough and the typical cross-section provided by the Borough. All details of the cross-section including crown, curb (if any) pavement, shoulders (if any) subgrade, storm sewers and roadside swales shall be followed.

802.5 Cul-De-Sacs

- A. In no event shall a street be allowed to dead end without a permanent or temporary cul-de-sac. Cul-de-sacs shall not service more than twenty-five (25) dwelling units and shall not exceed one thousand two hundred (1,200) feet in length.
- B. Residential dead-end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A dead-end street must have adequate turning space for vehicles, which shall include a minimum right-of-way radius of fifty (50) feet, and a minimum road edge (excluding shoulders) or curb radius of forty (40) feet. The entire turnaround area is to be paved. Full pavement shall extend to the outer edge of the forty (40) foot radius. In no event shall the shoulder area be considered as part of the required minimum road width. Cul-de-sacs shall be signed with a "No Outlet" sign for ingress traffic and a "Stop" sign for egress traffic. *(Note, see 802.16.)*
- C. Where a temporary residential cul-de-sac is proposed in a residential development, the developer will be allowed to install a paved temporary facility with a minimum radius of forty (40) feet provided that such a temporary cul-de-sac will not be permitted for more than a two (2) year period and further provided that the developer shall post a bond, in accordance with the provisions of Section 502 of this Ordinance, in an amount sufficient to construct a permanent cul-de-sac according to the requirements of this Ordinance in the event the street is not continued in said two (2) year period. The temporary facility must be constructed of subbase material with a wearing surface of BCBC or a bituminous surface treatment per PennDOT Publication 408, Section 480.

If the street is not constructed in said two (2) year period, the developer shall construct a cul-de-sac in full accordance with the standards of this Ordinance. In such event, the bond shall be returned. In the event the developer neither continues the street nor constructs the cul-de-sac in a two (2) year period, the Borough shall use the bond funds to construct same (see also Section 502.7).

Where a temporary cul-de-sac is proposed, the needed street right-of-way to the tract boundary shall be clearly shown on the preliminary and final plat. The right-of-way of any future street shall meet the requirements of this Ordinance. Area needed to provide the temporary turn-around may be provided by an easement. Said easements shall be so designed as to meet the requirements of this Ordinance. If the cul-de-sac shall become permanent, the easement and improvements will be considered as a permanent dedication to the Borough of Hydetown. If the road is extended and the temporary cul-de-sac is no longer needed, then the easement will be terminated.

802.6 Street intersections shall comply with the following requirements:

A. All curbs or pavement outer edge at intersections shall be rounded by a minimum radius of:

Collector, Commercial and Arterial Streets.....	40 feet
Minor, Local Streets.....	25 feet
Industrial Streets.....	50 feet

Thirty (30) foot radii shall be used where minor streets intersect collector and/or arterial streets.

B. When fences, hedges or other plantings, structures, or walls on any lot corner would create a traffic hazard by limiting clear vision across a corner lot from a height of three (3) feet above the finished paved area, at the center line of the right-of-way, such structure and/or vegetation shall be removed in conjunction with grading the right-of-way to provide a minimum sight line of one hundred twenty (120) feet along the centerline of:

1. Seventy-five (75) feet from the point of intersection of the centerlines of two (2) streets where both are minor streets.
2. One hundred (100) feet from the point of intersection of the centerlines of two (2) streets where one is a collector street.
3. One hundred fifty (150) feet from the point of intersection of the centerlines of two (2) streets where one is an arterial street.

When an arterial, commercial, industrial or collector and a minor street intersect, each shall retain its respective footage requirements along the center line to form the sight triangle. No building or structure shall be permitted in this sight triangle. Sight triangles shall be shown on the plan.

C. Where the grade of any street at the approach to an intersection exceeds four percent (4%), a leveling area shall be provided, if possible, with a transitional grade not to exceed three percent (3%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.

D. Intersections of more than two (2) streets shall not be allowed.

E. Minimum street intersection angles shall be seventy-five (75) degrees. Right angle inter-sections shall be used whenever possible.

- F. Intersecting minor/local streets shall be separated by three hundred fifty (350) feet or more, measured between centerlines along the centerline of the intersected street.
- 802.7 Horizontal curves shall be laid on all deflecting angles along the center line of streets, and the degree of curvature shall be set to assure the proper sight distance as required by Table A.
- 802.8 Vertical curves shall be used in changes of grade exceeding one percent (1%), and shall be designed for maximum visibility as set forth by Table A.
- 802.9 In general, minor and collector streets shall not join into the same side of arterial streets at intervals of less than eight hundred (800) feet.
- 802.10 Half streets shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips is prohibited.
- 802.11 The provisions for the extension and continuation of major streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed major street, the Borough may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.
- 802.12 When the subdivision adjoins un-subdivided acreage, new streets or reserved right-of-ways shall be provided through to the boundary lines of the development.
- 802.13 If the lots in a development are large enough for re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such re-subdivision shall be provided. Such access and/or street openings shall not be less than fifty (50) feet in width.

TABLE A
Design Criteria for Streets¹
 (Not to Include Intersections)

<u>Item</u>	<u>Type of Street</u>			
	<u>Com./Ind.</u>	<u>Local/ Collector</u>	<u>Res. Minor</u>	<u>Cul-de-sac</u> ⁴
Maximum Grade ²	6.0%	6.0%	7.0%	7.0%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Centerline Radius	500 feet	500 feet	250 feet	250 feet
Minimum Sight Distance ³	300 feet	300 feet	250 feet	250 feet
Tangent between Curves	150 feet	150 feet	100 feet	100 feet

¹ For arterial roads, PennDOT standards will apply.

² Grades in excess of the allowable percentage may be approved by the Borough where it is clear that it is necessary and that no traffic hazard is or will be created thereby.

³ Sight distance shall be measured along the center line of the street between points where a driver's eyes at 3' 6" in height can see an object 6" high. Values shown are minimums. Greater values may be required depending on site specific criteria.

⁴ Please see cul-de-sac definition, a cul-de-sac is the entire street not merely the vehicular turn-around.

802.15 All required traffic control devices shall comply with, and be installed in accordance with, Commonwealth of Pennsylvania Department of Transportation standards. Additionally, it shall be the developer's responsibility to perform all required traffic and engineering studies.

Section 803 Curbs and Sidewalks

803.1 Curbs: If curbs are installed, the following criteria are to be followed. Curbs may be required for all major subdivisions or in any instance where curbs exist on abutting parcels.

A. Where sidewalks are installed, curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with

sidewalks where provided. (*Not: Appropriate Federal ADA standards will be used.*)

B. Curbs shall be vertical.

C. All curbs shall be constructed in accordance with Borough of Hydetown Street Construction Specifications (generally will follow PennDOT "408" criteria).

803.2 Sidewalks: Sidewalks shall be provided for all major subdivisions and for any minor subdivisions where sidewalks exist on abutting parcel(s). They shall be at least four (4) feet wide, the design and specifications for sidewalks shall comply with the current sidewalk standards of the Borough of Hydetown and PennDOT Publication "408" standards of PennDOT.

Section 804 Blocks

804.1 Blocks shall be designed to insure proper fire safety.

804.2 In general, all blocks in a subdivision shall have a maximum length of one thousand six hundred (1,600) feet. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major thoroughfare, which front on an interior street. Block lengths shall not be less than six hundred (600) feet.

804.3 In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial areas.

804.4 The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access parking. Of special interest will be an accommodation of truck traffic.

Section 805 Lots and Building Lines

805.1 The depth-to-width ratio of usable lot length shall be a maximum of four (4) to one (1).

805.2 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required by the Borough along the line of lots abutting such a traffic artery or other disadvantageous use.

805.3 Side lines of lots, so far as practical, shall be at right angles or radial to street lines.

805.4 Lots abutting local streets shall front upon the streets.

805.5 All lots shall abut by their frontage on a publicly dedicated street.

Section 806 Lot Grading for Subdivision and Land Developments

806.1 Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools.

806.2 Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required. A grading and drainage plan shall be required for all subdivisions and land developments, except minor subdivisions.

806.3 No final grading, fill, or cut shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

- A. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Borough Engineer and approved by same. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
- B. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Borough Engineer for review and written approval is provided.

806.4 The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, or right-of-way lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the Borough Engineer.

Section 807 Easements

807.1 Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a drainage easement may be required that conforms substantially with the water line of such watercourse, drainage way, channel, or stream and of such width as will be

adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.

807.2 Where desirable or necessary, adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage and similar services; and no structure or obstruction of any kind shall be placed or allowed to be placed where it will interfere in any way with such easements.

807.3 Utility and drainage easements, where required, shall have a minimum width of ten (10) feet from center line and be placed at the side or rear of lots whenever possible from the centerline.

Section 808 Street Names

The developer may choose his street names subject to approval of the Borough. The developer shall also consult with postal authorities prior to naming new street. The names of existing Borough streets shall not be used unless the new street is clearly an extension of an existing street. In such instances, the existing street name shall be used. The U.S. Post Office and the County's Emergency Management Office will also be consulted.

Section 809 Stormwater Drainage

Governed by the Borough. All new roads that use rolled paved drainage swales or concrete curbs will provide storm drainage facilities in accordance with specifications as set forth by the Borough Engineer and the Borough of Hydetown.

Section 810 Utility Regulations for Subdivision and Land Development

Gas, electric, water, telephone, and cable utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by, the Borough.

Section 811 Floodplain Area Regulations

All developers are required to follow the Borough of Hydetown's Floodplain Regulations. In addition, when any floodplains are located within a proposed development, they should be clearly identified on the preliminary and final plat. The developer will use the most recent floodplain information for the Borough of Hydetown as available from the Federal Emergency Management Agency.

Any public facilities or utilities that are constructed in a floodplain area shall be designed in accordance with approved regulations. These regulations are set forth in the Borough's Floodplain Regulations.

Section 812 Sanitary Sewer Systems*

Generally, sanitary sewer systems shall follow the design and construction criteria as set forth by the Pennsylvania Department of Environmental Protection and Hydetown Borough. All designs must demonstrate compliance with DEP permit requirements and secure DEP approval.

Section 813 Water Systems*

Generally, water systems shall follow the design and construction criteria as set forth by the Pennsylvania Department of Environmental Protection and Hydetown Borough. All designs must demonstrate compliance with DEP permit requirements and secure DEP approval.

**The Borough has no current water or sewer systems and does not anticipate same in the foreseeable future.*

Section 814 Markers and Monuments

Markers are required at the corners of all lots. Monuments will be required for major subdivisions and shall be placed as directed by the Borough Engineer.

ARTICLE IX
REQUIRED IMPROVEMENTS

Section 901 General

- 901.1 The construction of subdivision improvements is the responsibility of the developer inasmuch as it is his property, which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas, and must be completed by the developer.
- 901.2 All of the following improvements, as required by the Borough pursuant to the authority granted in the Pennsylvania Planning Code, Act 247, as amended, shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the Plan, except as otherwise provided herein.
- 901.3 Final Plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements, except where assurance of completion is furnished as herein provided (Article V).
- 901.4 All the requirements in this Ordinance concerning street paving, curbing, utilities, street signs, street lighting, and sidewalks shall be followed.

Section 902 Improvements

- 902.1 Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjacent to, the subdivision.
- A. Survey monumentation (deposit required).
 - B. Water supply, if not on lot.*
 - C. Public or community sanitary sewage facilities, if not on lot.*
 - D. Storm drainage facilities.
 - E. Streets, including required grading, subgrade preparation, sub-drainage, subbase and pavement, per Borough regulations and specifications.
 - F. Curbing on streets required. (*Note: All major subdivisions shall provide curbs and sidewalks.*)

**The Borough does not anticipate either public water or sewer systems for the foreseeable future.*

- G. Sidewalks, if required. All major subdivisions shall install sidewalks.
- H. Seeding between the sidewalk and curb.
- I. Required utilities, street lighting, street name signs and required grading, as required.
- J. Erosion and sedimentation control, as needed.

ARTICLE X
CONSTRUCTION REQUIREMENTS

Section 1001 General

1001.1 The construction of improvements shall be in accordance with the requirements of this section. It is the intent of these regulations that these construction requirements shall be for the purpose of establishing a standard of quality and durability.

Section 1002 Monuments and Markers

1002.1 Survey monuments and markers shall be placed at all points as determined by the following criteria. Monuments and Markers will be regarded as part of the needed improvements for all subdivisions and must be installed prior to final plan approval.

- A. Monuments shall be concrete with a ½" metal dowel in the center at the top. Monument size shall be no less than 4" x 4" x 30".
- B. Markers shall be ferrous metal rods, one-half (½) inch minimum diameter by thirty (30) inches minimum length or may be standard manufactured steel survey markers of a similar length.
- C. Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.
- D. Monuments shall be placed so that they are flush with the final grade.
- E. Markers shall be driven into the ground so as to be approximately flush with the final grade.
- F. Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions. They shall also be set at the intersection of all street right-of-way lines. The developer may request an adjustment to the number and placement of monuments and their replacement with markers prior to the approval of the Final Plan. Such request must be reviewed by the Borough Engineer and the Borough Engineer's comments secured prior to action by the Borough.
- G. Markers shall be set at all lot angles and corners, and at the beginning and end of all curves in lot and street lines and at the angle points of all streets right-of-way(s).

Section 1003 Water Supply

Note: The Borough does not anticipate a public water system for the foreseeable future.

- 1003.1 Prior to the approval of the Preliminary Plan, the developer shall provide documentation that arrangements for the provision of the water system are proceeding satisfactorily.
- 1003.2 Fire hydrants shall be provided concurrently with the water supply.
- 1003.3 All public water systems shall be laid wherever possible in the planting strip of the street and constructed in accordance with the standards of the Borough and the Department of Environmental Protection.
- 1003.4 All phases of construction, including minimum size six- (6) inch line, excavation, trench, pipe type, backfill, hydrants, tees and valves shall be in accordance with appropriate standards and the Department of Environmental Protection.
- 1003.5 Upon completion of the water supply system, and before any person uses said water supply the subdivider shall submit two (2) copies of as-built plans to the Borough. Said as-built plans shall show by stationing all valves, house taps, length and size of house connections and location of fire hydrants, position of mains in the right-of-way.
- 1003.6 All inspection costs, including but not limited to the compensation to be paid to the Borough Engineer, shall be borne and paid by the subdivider (see Sections 503 and 510 of the Planning Code).

Section 1004 Sanitary Sewage Conveyance

Note: The Borough does not anticipate a public sanitary sewer for the foreseeable future.

- 1004.1 The developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications approved by the Borough. Construction shall comply with the appropriate standards of the Department of Environmental Protection.
- 1004.2 The developer shall secure from the Borough Engineer a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system. Prior to the approval of the Final Plan, the developer shall supply documentation attesting to the installation of the sanitary sewer collection system and its approval. The developer may also offer an acceptable financial surety in lieu of this arrangement.
- 1004.3 In addition to the above-cited specifications, sanitary sewers shall:
- A. Be located in easements and, as possible, avoid being under street cartways.
 - B. Manholes - Manholes shall be set at all changes to line or grade and shall have a maximum spacing of four hundred (400) feet.

C. Storm sewers, where provided, shall not be connected with sanitary sewers.

D. Footer drains or down spouts shall not be connected to the sanitary sewers.

1004.4 All phases of construction, including excavation, trenching, installation of the appropriate size of pipe, grading, backfilling and installation of manholes shall be in accordance with construction drawings approved by the Borough and the Department of Environmental Protection (if required) and shall be inspected by a representative of the Borough or the Borough Engineer during the entire construction period. All inspection costs, including but not limited to compensation to be paid to the Borough Engineer, and all other Borough inspection costs shall be borne by the subdivider in accordance with the provisions of the Planning Code.

1004.5 Upon completion of sanitary sewer installation, two (2) copies of each of the plans for such systems as built shall be filed with the Borough or Sewer Authority (as appropriate), said as-built plans shall show by stationing all manholes, laterals, length of laterals and size and location of mains within the right-of-way.

Section 1005 Storm Sewers

The storm frequency cited below are regarded as minimum standards and may be adjusted by the Borough, or the Borough Engineer, if circumstances warrant same.

1005.1 A drainage system adequate to serve the needs of the proposed development in accordance with the Borough standards in new subdivisions. The developer shall construct a storm sewer system and connect the drainage system with the existing Borough storm sewer system if one exists. All storm sewer construction shall comply with the Borough's requirements.

1005.2 A minimum of a ten (10) year storm frequency shall be utilized to design facilities serving local, commercial/industrial and marginal access streets and marginal access ways and access roads to multiple business properties. All longitudinal and side drains and slope pipes for street, road and highway systems will also be designed considering at a minimum, a ten (10) year storm frequency.

Culvert cross drains and any other type of drainage facility in an underpass or depressed roadway section shall be designed utilizing the following minimum storm frequencies:

a. Other design frequencies may be required by the Borough, where justified, on individual projects.

1005.3 Bridges or culverts shall be designed to support and carry all legal loads, but not less than AASHTO Loading HS-20 and shall be constructed the full width of the cartway plus additional length as necessary to provide a proper installation.

- 1005.4 Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to insure proper, safe, healthful disposal of stormwater. All open watercourses must be approved by the Borough Engineer.
- 1005.5 The direct discharge of surface or subsurface water such as down spouts or basement sump pumps onto the street cartway will not be permitted.

Section 1006 Streets, Cul-De-Sacs, Curbs, and Sidewalks

- 1006.1 Streets, cul-de-sacs, curbs, and sidewalks shall be designed, paved and constructed in accordance with Hydetown Borough requirements.
- 1006.2 The developer shall submit plans, profiles, cross-sections, and construction details for streets, cul-de-sacs, curbs, and sidewalks to the Borough. In general, PennDOT "408" standards will be followed. The developer shall not initiate construction until such plans have been approved by the Borough and the Borough Engineer, including any revisions required by the Borough and the Borough Engineer. Construction of streets, cul-de-sacs, curbs, and sidewalks shall be in accordance with plans that have been approved by the Borough.
- 1006.3 All streets and cul-de-sacs shall have subdrainage systems consisting of subgrade (blind) drains and pavement base drains, designed and constructed in accordance with the Hydetown Borough requirements.
- 1006.4 Specifications for industrial, commercial and other special use streets will be determined by the Borough Engineer on a case-by-case basis.

Section 1007 Utilities

Gas, electric, telephone and cable utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by the Borough. All buried utilities must be installed prior to the road subbase construction. All buried utilities located within the roadway must be backfilled with the same material and compaction requirements as specified for storm or sanitary sewer backfill within roadways. Utilities shall coordinate their activities with street construction activities and shall be responsible for any damage or subsidence of their work

Section 1008 Erosion Control

It shall be a requirement of all major subdivisions that the developer shall have a Soil Erosion and Sedimentation Control Plan and/or permit, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), which shall be reviewed and approved by the Crawford County Soil Conservation District or its successor organization. The Borough may also require a like plan for any minor subdivision. The Plan shall be fully implemented during the construction of the development. A copy of the approved Soil Erosion and Sedimentation Control Plan, along with the approval letter, shall be submitted with the subdivision plans.

ARTICLE XI
MOBILE HOME PARK REGULATIONS

Section 1101 Applicability

No person, firm or corporation proposing to open, re-arrange or expand a mobile home park in Hydetown Borough, shall proceed with any construction work on the proposed park until they have obtained from the Borough written approval of the Preliminary Plan of the proposed park, according to procedures herein outlined.

Section 1102 Plan Requirements

- A. Preliminary and Final Plans as required, shall comply in form and content to Articles III and VII of these regulations in-so-far as applicable and shall be in accordance with the standards set forth herein.
- B. Stormwater Management Plan (see also Section 1005)

Section 1103 Preliminary Plan

- A. Pre-Application Procedure - The mobile home park developer should meet with the Borough, prior to formal application, to discuss his plans and should prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The Borough shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.
- B. Application - The developer shall then prepare and submit a complete Preliminary Plan, together with improvement plans and other supplementary material, as required (see Section 302).
- C. Action - The Planning Commission and Borough Council shall review the park plan as submitted and take actions as required in Section 303.

Section 1104 Final Plan Approval

- A. Upon completion of any modifications required by the Borough and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of the Final Plan. Until the Final Plan for the mobile home park is approved and recorded and until all necessary improvements are completed for the mobile home park, the placement and habitation of individual mobile homes shall not be permitted [see Section 509(m) of the Planning Code].
- B. The Borough Council shall review the Final Plan for conformance with the approved Preliminary Plans and all requirements of these rules and regulations. Where required, an appropriate bond must be posted or required improvements have been installed, according to specifications (see Sections 304, 305 and Article V of this Ordinance).

- C. Filing - Following approval, the developer shall file one (1) copy of the approved plan with the Crawford County Recorder of Deeds within ninety (90) days. Should the developer fail to file such plans within said period, the approval shall be null and void. (See Section 513 of the Planning Code.)

Section 1105 Design Requirements

- A. Minimum Area of Tract or Park - The minimum area of the tract or park shall be ten (10) acres. The site shall be so located that soil conditions, groundwater level, drainage and topography shall not create hazards to the property, health or safety of the occupants or adjacent property owners.
- B. Individual Lots - The planning and location of individual lots shall be guided by the following requirements:
1. Access - Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
 2. Size - Each mobile home lot shall have a minimum lot width of sixty (60) feet, depth of one hundred (100) feet and a minimum of six thousand (6,000) square feet in area.
 3. Yard Requirements -
 - a. Mobile homes shall be parked on each lot so that there will be a minimum of ten (10) feet between the mobile home, appurtenant structures, and any adjacent side or rear lot line.
 - b. There shall be a minimum of twenty (20) feet between an individual mobile home, attached structure, and accessory structure, and the pavement of a park street or common parking area.
 - c. The setback from the right-of-way of any public street or highway shall be consistent with the Zoning Ordinance.
 - d. Each mobile home lot shall be so platted to permit a minimum of twenty (20) feet between individual mobile homes.
 - e. There shall be at least forty (40) feet between any mobile home, office, park building or similar structure.
 - f. Rear yards shall be at least ten (10) feet from the mobile home lot line.
 - g. The side and rear perimeters of the park shall set back at least thirty (30) feet from any lot line. Such area shall contain a buffer yard of twenty (20) feet of evergreen and deciduous trees and shrubs to provide an attractive screening for park residents.

- h. The front yard and entrance to the park shall be landscaped with low-growing shrubs.
 4. Skirting - The plans shall specify that skirting shall be provided on all mobile homes. Skirting shall be so designed as to allow for adequate ventilation under the mobile homes.
- C. Mobile Home Stands
1. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the placement and removal of the mobile home is practical.
 2. The stand where the house is placed shall be at least fourteen (14) feet by sixty-five (65) feet to accommodate modern units.
 3. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided. Water shall be directed away from the mobile home stand. In no event shall the stand be designed to allow the pooling of water under mobile homes.
 4. All mobile homes shall be set on a foundation of concrete, or mortared concrete blocks extending below the frost line, with skirting.
 5. Each mobile home stand shall provide tie downs. Developers must follow UCC standards, or where not applicable should consult with insurance companies, such as Foremost, or use national standards, such as published by ANSI, or use those provided the manufacturer of the mobile home. It is the park owner's responsibility to confirm that tie downs are properly installed and used.
 6. There shall be a concrete patio area provided for each stand, not less than ten (10) feet wide and twenty (20) feet long located convenient to the main entry door to the mobile home.
- D. Internal Street System - The internal street system in privately owned mobile home parks shall be privately owned, but paved and constructed and maintained in accordance with the applicable sections set forth in Article VIII, Design Standards, and Article X, Construction Requirements. All streets shall be at least twenty (20) feet in width. There shall be no parking allowed on internal streets. Any internal street that has mobile homes facing it shall also provide a sidewalk four (4) feet in width set back at least three (3) feet from the street cartway. Sidewalks shall be constructed to PennDOT "408" specifications.
- E. Street Widths at Access Points - At points where general traffic enters or leaves the park, streets shall be twenty (20) feet in width within fifteen (15) feet of the existing public street to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.

- F. Parking Spaces - Such facilities shall be provided as required by the Borough's Zoning Ordinance.
- G. Recreation - For a proposed park of fifteen (15) acres or more, at least ten percent (10%) shall be reserved or dedicated for recreation purposes with appropriate location, dimensions and topographic characteristics which, in the judgment of the Borough, lend themselves to recreational uses. These areas will be for the use of park residents and are not public recreational areas.
- H. Waste Disposal - Dumpsters or other park waste disposal facilities shall be isolated from individual mobile homes and any lot line by at least fifty (50) feet shall be screened on at least three (3) sides, and located to the rear of the park to be as inconspicuous as possible.

Section 1106 Utility Requirements

- A. Electric - All electrical facilities shall be installed and inspected according to the standards set forth by the utility company.
- B. Exterior Lighting - Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night.

ARTICLE XII
ACCEPTANCE OF PUBLIC IMPROVEMENTS

Section 1201 General

Upon completion of street and drainage systems and/or the water and/or sanitary sewer system as set forth on the Final Plan, the developer shall request the Borough accept ownership and perpetual maintenance. The Borough's acceptance shall require the following:

- 1201.1 Certificate by the Borough Engineer that the improvements have been completed as shown on the Final Plan and in accordance with the Ordinance.
- 1201.2 The Borough shall require the posting of financial security for any improvements to be accepted. Said financial security is for the structural integrity and/or functioning of said improvements for a period of eighteen (18) months from the date of their acceptance by the Borough and shall be in the amount allowed by Section 509 of the Pennsylvania Municipalities Planning Code, as amended, which is fifteen percent (15%) of the actual cost of installation.
- 1201.3 Submission by the developer of as-built drawings of the said improvements. As-built drawings are to be permanent drawings on stable plastic drafting film and be prepared by a professional engineer or land surveyor.
- 1201.4 Improvements offered to any municipal authority shall be subject to their rules and acceptance process. However, proof of acceptance will be required.

ARTICLE XIII
STANDARDS FOR LAND DEVELOPMENT

Section 1301 Jurisdiction

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 247 and as such are subject to regulation. The design and construction standards as found elsewhere in the Ordinance are applicable to land development as such standards may be appropriate. Land development is characterized by the fact that the development site is typically in single ownership and the buildings and/or use areas are often rented or leased to prospective users. It shall be unlawful for an applicant to construct land developments as defined herein until:

- 1301.1 The Final Site Plan has been approved by the Borough and recorded as required by this Ordinance.
- 1301.2 A valid permit from the Pennsylvania Department of Environmental Protection or the Crawford County Department of Health, where applicable, has been approved for issue to the applicant.
- 1301.3 A valid Occupancy Permit has been secured from the Borough or from the Pennsylvania Department of Transportation for highway right-of-way occupancy for the purpose of constructing access facilities.

Section 1302 Procedures

In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Site Plan, and Final Site Plan stages. The land development shall be processed, and submission requirements shall be the same as that required for subdivisions. Developers are specifically reminded to prepare a stormwater management plan. Where a development involves a building, or buildings, of less than ten thousand (10,000) square feet in aggregate size, the successful filing of a permit under the Borough Zoning Ordinance will be regarded as compliance with this Article and no other application will be required.

The processing requirements, drawing size, certifications, acknowledgments, number of copies, etc. for submission of Site Plans shall be the same as for subdivisions (unless otherwise noted) and as set forth in Articles III and VII of this Ordinance.

The Final Site Plan shall be recorded in the County Recorder of Deed's Office.

Section 1303 Site Plan

In lieu of a plot plan, the developer shall submit a Site Plan. Such plan shall be at a scale of one (1) inch to twenty (20) feet. Where building development and parking lot development is in

excess of fifty thousand (50,000) square feet combined, topographic data at two (2) foot contour intervals shall be required. Each Site Plan shall, through one or more pages, show:

- A. Existing site conditions (topography, as needed, drainage, tree clusters, buildings, utilities, roads, and nearby properties).
- B. Proposed developments, including buildings (with footprints and frontal elevations), parking, vehicular, and pedestrian access areas, storm drainage, landscaping, utility location and size.
- C. Property information with a boundary survey completed by a professional land surveyor.

1304 Design Standards

- 1304.1 Vehicular access connections to the surrounding existing road network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic.
- 1304.2 Service areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.
- 1304.3 The Site Plan shall demonstrate that building locations and areas for vehicular circulation are properly related.
- 1304.4 A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development. For retail developments of seventy thousand (70,000) square feet of building area or more, such plan must be prepared by a registered engineer.
- 1304.5 Stormwater Management: To be consistent with the Borough Engineer's requirements.
- 1304.6 A complete landscaping plan shall be submitted by all developers that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, or provide shade.
- 1304.7 A complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site.*
- 1304.8 Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineers Society and, to the degree possible, shall be fully shielded.
- 1304.9 The Borough shall be provided with information on the availability of water and sanitary sewer service that is in conformance with Sections 1003 and 1004.

1304.10 Utilities: Gas, electric, telephone and cable utilities shall be located in land development in accordance with utility company practice and in accordance with agreements with, or as approved by, the Borough. All such utilities shall be underground.

*All traffic, parking and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute for Traffic Engineers.

Section 1305 Assurance for Completion and Maintenance of Improvements

Insofar as the land development involves the use, lease or rental of buildings and/or space on the site and site improvements (such as roads, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization created by the developer, there is no need for municipal acceptance of the site improvements (roads, stormwater drainage devices). However, in these instances, roads and stormwater drainage systems shall be designed and built to the standards established in this Ordinance, and the Borough shall ascertain that these improvements are, in fact, built to such standards. Where the developer does not intend to maintain the improvement and where a homeowners' association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. It must be approved by the Borough. Any proposed improvement to be offered for public dedication will follow the requirements for same as specified by the Ordinance. Among other remedies to enforce this section of the Ordinance, the Borough may refuse to issue zoning certificates or building permits.

ARTICLE XIV
ADMINISTRATION, AMENDMENT AND MODIFICATION

Section 1401 Amendments

The Borough Council of the Borough of Hydetown may, from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Planning Code, Act 247, as amended.

Section 1402 Filing Fee and Review

The filing fee for subdivision plans shall be established by the Borough Council. Such filing fees shall include those for mobile home parks and land development. Review fees shall include the review of subdivision plats, mobile home park plans and land development site plans. Review fees shall also include the field inspection of such plats, plans or site plans or their final inspection. Such fees may be for the services of the Borough Engineer or professional consultant(s). As appropriate, fees charged shall be in accordance with Sections 503(1), 509 and 510 of the Planning Code.

Section 1403 Records

The Borough shall maintain an accurate public record of all plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.

Section 1404 Appeals

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

Section 1405 Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance as a whole, or any individual part thereof.

Section 1406.1 Preventive Remedies

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or preceding regulations of Hydetown Borough. 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.
 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 Borough may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1406.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision or Land Development Ordinance enacted under the Pennsylvania Planning Code or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by Hydetown Borough, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred by Hydetown Borough as a result thereof. No judgment shall commence or be imposed, levied or be 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 Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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 continues shall constitute a separate violation.

- B. 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 1407 Modification of Regulations

- 1407.1 The Borough Council may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- 1407.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary. The Planning Commission's advice on any modification will be requested before Council takes action on such requests.
- 1407.3 The Borough Council shall keep a written record of all action on all requests for modification.
- 1407.4 The Borough Council may approve, or deny the request for modification. If the Borough Council approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief.

Section 1408 Conflict

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

