

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF  
SPARTANSBURG BOROUGH  
CRAWFORD COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ESTABLISHING SUBDIVISION AND LAND DEVELOPMENT REGULATIONS FOR SPARTANSBURG BOROUGH, CRAWFORD COUNTY, PENNSYLVANIA AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, 1968, AND ITS AMENDMENTS, AND FOR THE REPEAL OF ALL ORDINANCES THAT MAY BE IN CONFLICT HEREWITH.

WHEREAS, ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, EMPOWERS SPARTANSBURG BOROUGH TO ENACT A SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AND

WHEREAS, SPARTANSBURG BOROUGH DEEMS IT NECESSARY FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE BOROUGH TO ENACT SUCH AND ORDINANCE, AND

WHEREAS, AT THE PLANNING COMMISSION'S REQUEST, THE SPARTANSBURG BOROUGH COUNCIL HAS GIVEN DUE PUBLIC NOTICE OF A HEARING RELATING TO THIS ORDINANCE AND HAS HELD SAID PUBLIC HEARING, AND

WHEREAS, ALL REQUIREMENTS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE WITH REGARD TO THE PREPARATION OF A SUBDIVISION AND LAND DEVELOPMENT ORDINANCE HAVE BEEN MET.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF SPARTANSBURG BOROUGH, CRAWFORD COUNTY, PENNSYLVANIA, AS FOLLOWS:



# Spartansburg Borough Subdivision and Land Development Ordinance

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## ARTICLE I. GENERAL PROVISIONS

**100. AUTHORITY.** Pursuant to, and subject to provisions of, the Pennsylvania Municipalities Planning Code, Act 170 of 1988 as amended, Borough Council may enact a subdivision and land development ordinance regulating plats of land lying within the Borough's boundaries.

**101. PURPOSES.** This ordinance is adopted for the following purposes:

**101.1** To protect and provide for the public health, safety and general welfare of Spartansburg Borough;

**101.2** To insure that property boundaries as created through the land subdivision and/or development process are accurately determined, marked on the land and established on a drawing which is available for public inspection;

**101.3** To encourage the efficient use of land and orderly, coordinated development throughout the Borough; to insure that road systems are coordinated; that roads, and their appurtenances are built to adequate standards and widths and that necessary easements or rights-of-ways are provided for storm water drainage and public utilities;

**101.4** To provide, where needed, open space areas in suitable locations to enable communities to attain adequate park and recreation grounds;

**101.5** To prevent development in flood hazard and unstable soils areas where such development would be vulnerable to the destructive effects of periodic flooding and the process of subsiding;

**101.6** To protect, conserve and develop the natural resources of the Borough by preventing pollution of waterways, ponds and lakes, by safeguarding the water table and by protecting significant natural, scenic, historic and archaeological sites;

**101.7** To assist in guiding the future growth and development of the Borough in accordance with Borough planning objectives and without harm or detriment to the public interest and welfare.

**102. TITLE.** These regulations shall be known, cited and referred to as the Subdivision and Land Development Ordinance of the Borough of Spartansburg.

**103. JURISDICTION.**

**103.1** Borough Council shall be responsible for the administration of the provisions of this ordinance. No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, contracted, opened or dedicated for public use, or travel, or for the common use of occupants at buildings, abutting thereon, no subdivision or land development shall be recorded in the County Recorders Office, no permit to erect a structure in a subdivision or land development subject to the provisions of this ordinance shall be issued (subject to the provisions established in Section 501.1 of this Ordinance) unless and until a plan of such subdivision shall have been approved in accordance with the provisions of this ordinance. For the purpose of this ordinance the term "sold" shall be defined as the transfer of legal or equitable title to real estate from one party to another party to include but not be limited to the following manners of transfer.

**103.1(a)** The delivery of a deed

**103.1(b)** The execution of an agreement for the sale of real estate which provides that legal title to said real estate is vested at a later date at which time an agreed upon series of installment payments have been completed.

**103.1(c)** The execution of a lease of real estate which contains an option for the lessee to purchase said real estate.

**103.2** Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 170, all applications for subdivisions and land developments shall be forwarded upon receipt by the Borough to the Crawford County Planning Commission for review and report. The Crawford County Planning Commission or its staff shall have 30 days in which to make its review and report from the date the application (which should include sufficient plan and narrative information explaining the subdivision) was forwarded to the Crawford County Planning Commission or staff. The Borough shall not approve subdivision applications until the County Planning Commission's report or the staff report is received; providing, however, that after 30 days

have elapsed since the date the application was received by the County Planning Commission or staff and no review is provided by said Commission or staff, the Borough may proceed in its action.

**104. CONFLICTING ORDINANCES: EFFECTIVE DATE.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This Subdivision and Land Development Ordinance shall take effect 5 days after its enactment by Borough Council and shall remain in effect until modified or rescinded by Borough Council.

**105. INTERPRETATION, CONFLICT AND SEPARABILITY.**

**105.1** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

**105.2** Conflict With Public and Private Provisions.

**105.2(a) Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other provision of this ordinance or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**105.1(b) Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this ordinance shall govern. Where the privately originated provisions, including but not limited to easements, covenants, or private agreements, impose duties and obligations that are more restrictive than the requirements of this ordinance, and such private provisions are not inconsistent with this ordinance, then such private provisions shall be operative and supplemental to this ordinance.

**105.3 Separability.** If any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons or circumstances. Borough Council hereby declares that they would have enacted the remainder of this ordinance, even without any such part, provision, or application.

**106. AMENDMENTS.** For the purpose of procuring the public health, safety, and general welfare, Borough Council may from time to time amend the provisions imposed by this ordinance. Public hearings on all proposed amendments shall be held by Borough Council in the manner prescribed by law. Appendices attached to this ordinance are not to be considered a part of this ordinance and may be amended from time to time by the Borough Council without amending this ordinance.

**107. RESUBDIVISION OF LAND.** For any change in the plat of an approved or recorded subdivision, if such change affects any street layout shown on such plat or an area reserved thereon for public use, such change shall be approved by Borough Council under the same procedure, rules, and regulations as for a subdivision. For any change in the plat or an approved and recorded subdivision wherein the change involves only a lot line(s) or where a land division involves a conveyance that will become part of the grantees existing lands such transaction(s) may be considered and processed as Single Lot or Minor Subdivision and handled by the Property Survey drawing as set forth in Section 30I.

**108. VACATION OF PLATS.**

**108.I** Any plat or part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by Borough Council in like manner as plats of subdivisions and recorded and shall operate to destroy the force and effect of the plat so vacated and to divest all public rights in public uses, improvements, streets and alleys.



**108.2** When lots delineated on a recorded plat have been sold the plat or portions thereof may be vacated in the manner herein established providing all the owners of lots judged by Borough Council to be affected by the vacation join in the execution of such written instrument.

**109. ALTERATION OF REQUIREMENTS.**

**109.1 General.** Where Borough Council finds that extraordinary hardships may result from strict compliance with the regulations of this ordinance and/or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve alterations to the requirements (variances) of this ordinance so that substantial justice may be done and the public interest secured; provided, however, that such alterations shall not have the effect of nullifying the intent and purpose of this ordinance; and provided further that Borough Council shall not approve alterations unless they shall make their findings based upon relevant evidence presented in each specific case that:

**109.1(a)** the granting of the alteration will not be detrimental to the public safety, health, or welfare or injurious to other property;

**109.1(b)** the conditions upon which the request for an alteration is based are unique to the property for which the alteration is sought and are not applicable generally to other property;

**109.1(c)** because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations of this ordinance are carried out;

**109.1(d)** the granting of the alteration will afford relief which represents the least modification possible to the requirements of this ordinance; and

**109.1(e)** the alteration will not be contrary to the provisions of the Comprehensive Plan of Spartansburg Borough.

**109.2 Conditions.** In approving alterations Council may require such conditions as will, in their judgment, secure substantially the objectives, standards and requirements of this ordinance.

**109.3 Procedures.** A petition for any alteration shall be submitted in writing by the subdivider at the time when the preliminary plat is filed

for consideration by Borough Council. The petition shall state fully the grounds of the petition for the alteration.

**II.0. ENFORCEMENT, VIOLATIONS AND PENALTIES.**

**II.0.1** It shall be the duty of Borough Council to enforce these regulations.

**II.0.2 Violations and Penalties.** Any person, partnership, or corporation who fails to comply with, or violates, any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$1,000 per lot or parcel or per dwelling unit within each lot or parcel. Fines shall be paid to Borough Council. Each day of the existence of any violation shall be deemed a separate offense.

**II.0.3 Civil Enforcement.** Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

## ARTICLE II. PROCEDURAL REQUIREMENTS

**200. CLASSIFICATION OF SUBDIVISIONS AND LAND DEVELOPMENTS.** Each subdivision and land development under the jurisdiction of this ordinance shall be classified under one of the following five categories:

**200.1 Single-Lot Subdivision.** A subdivision involving the creation of a single new lot from a larger parcel of land. In reality there are two lots resulting from the single division of a parcel, the newly created lot and the remainder of the original parcel. The classification of this land division, however, for the purposes of this ordinance shall be considered a single-lot subdivision.

**200.2 Minor Subdivision.** A subdivision containing ten lots or less and where,

**200.2(a)** the lots front on existing public roads which are maintained by the Borough or state governments, and there is no new road proposed, and

**200.2(b)** there are no extensions of existing sanitary sewers, storm water sewers, or water system lines, and

**200.2(c)** there is no land area reserved or dedicated to the public, and

**200.2(d)** there is no construction of other public improvements necessary or contemplated.

**200.3 Major Subdivision.** A subdivision containing eleven or more lots or a subdivision requiring either:

**200.3(a)** a new road,

**200.3(b)** an extension of sanitary sewers, storm water sewers, or water system lines, or

**200.3(c)** the construction of other public improvements.

All subdivisions not classified as a single-lot or minor subdivisions shall be classified as major subdivisions.

**200.4 Land Development.** This venture is defined in Section 701.28. It is further described as a building venture characterized by the fact that

the development site shall remain in a single ownership (un-subdivided) or controlled by a group of owners acting jointly and structures and/or use areas are leased to prospective users, i.e. the mobile home park. Requirements and standards for land developments are established in Article VI of this ordinance.

**200.5 Cluster Development.** This venture is defined in Section 701.10. It is further described as a building venture controlled by one land owner or controlled by a group of owners acting jointly wherein the development plan is characterized by the innovative placement of dwellings without observing the regulations normal to lot by lot development, i.e. bulk, density and use regulations. Requirements and standards for cluster developments are established in the Spartansburg Zoning Ordinance. The cluster development as herein defined should be considered as a special type of land development.

**201. SUBDIVISION APPLICATION INFORMATION.** All subdivision plan submissions shall be accompanied by one copy of an information sheet that includes a narrative of facts and explanations relative to the subdivision. See Section 300 (Article III).

**202. SUBDIVISION REVIEW STAGES.** There shall be three stages in the subdivision review and approval process: the Sketch Plan Stage, the Preliminary Plan Stage, and the Final Plan Stage.

**202.1** The Sketch Plan stage is never mandatory, but it is recommended for major subdivisions and land developments. The Preliminary and Final Plan stages are required for all subdivisions but may be combined as prescribed in the following sections.

**202.2** The Single-Lot Subdivision shall combine the Preliminary Plan and Final Plan stage requirements in one submission. See Section 301 for submission specifications.

**202.3** The Minor Subdivision shall require Preliminary Plan and Final Plan stage approvals; however, the submission of these two stages may be combined and occur at the same time; the Preliminary and Final Plan stage approvals may be obtained at one time providing all required information is submitted.

**202.4** The Major Subdivision shall require Preliminary and Final Plan stage approvals. These approvals shall be obtained at separate meetings of Borough Council with a time interval of a minimum of one

week intervening between meetings; normally the time interval will be longer.

**203. SKETCH PLAN STAGE.** It is normally desirable for an applicant to schedule a meeting in order to discuss his proposal with Borough Council before a substantial amount of design and engineering time is invested in the development. Should the Spartansburg Borough Planning Commission exist, the meeting should be scheduled with said Commission. At the Sketch Plan stage meeting the applicant shall present a rough plan showing such items as the proposed layout of lots, roads (if any), provisions for required utility systems, and proposals for any public facility sites such as park and recreation areas. Items of information the applicant shall provide at the Sketch Plan stage are listed in Section 302. One copy of the Sketch Plan submission, in instances where the applicant utilizes this stage, shall be provided to the Council. The Sketch Plan stage of the review process is not mandatory.

**203.I** The benefits derived from a meeting with Borough Council at the Sketch Plan stage are as follows:

**203.I(a)** The requirements of this ordinance can be clarified.

**203.I(b)** The proposed development can be informally examined relative to road and lot patterns, public facility improvements, utility system requirements and any other pertinent items.

**203.I(c)** Relationships to existing conditions and proposed development in the area surrounding the subdivision can be reviewed.

**203.I(d)** The requirements of the local municipal government and applicable state agencies can be identified and discussed.

**204. PRELIMINARY PLAN STAGE.**

**204.I** The Preliminary Plan submission shall:

**204.I(a)** indicate the proposed layout of the subdivision; and

**204.1(b)** include 3 copies of all plans and additional narrative statements required to explain how the subdivision will be developed as set forth in Section 303; and

**204.1(c)** be filed with the Borough so that it can be reviewed by the Spartansburg Borough Planning Commission before it is reviewed and acted on by the Council; it should be filed with the Council a minimum of 6 days prior to the regular meeting date of the Planning Commission, if it is to be considered at said meeting; and

**204.1(d)** be accompanied by the payment of a fee as is provided for in this ordinance.

**204.2 Review By the Spartansburg Borough Planning Commission.** Council, upon receipt of the complete subdivision application (all submission requirements shall be included), shall forward one copy of same to the Spartansburg Borough Planning Commission for its review and comment. The Planning Commission shall provide its review within 30 days of its receipt of the application; this review should be provided in a lesser time whenever possible. Note, however, that Preliminary Plan approval may be given by Borough Council prior to receipt of the Commission's review in which case such approval may be conditioned on possible changes resulting from the Borough Planning Commission comments.

**204.3 Review By Crawford County Planning Commission.** Borough Council, upon receipt of the complete subdivision application (all submission requirements should be included), shall forward one copy of same to the Crawford County Planning Commission for its review and comment. In cases of subdivisions of 10 lots or less the Crawford County Planning Commission staff may provide the review and report. The Crawford County Planning Commission and its staff shall have 30 days from the date it receives the subdivision application in which to make its comment. The Council shall not give final approval to a subdivision until they receive the County Planning Commission's comments, the staff comments or until the expiration of the 30 days, whichever occurs earliest. Note, however, that Preliminary Plan approval may be given prior to receipt of the County Planning Commission's review in which case such approval may be conditioned on possible changes resulting from the County Planning Commission's comments.

**204.4 Other Process Requirements:**

**204.4(a)** Borough Council shall render their decision on the Preliminary Plan application and communicate it to the applicant. The Borough's decision on the Preliminary Plan application shall be made not later than 90 days following the date the application was accepted as completely filed. The Council should provide the decision in a lesser time whenever possible. Should the next regular meeting of Borough Council occur more than 30 days following the filing of the complete application, the said 90 day period shall be measured from the 30th day after the application was filed. The decision of the Council shall be communicated to the applicant in writing, delivered either personally or mailed to the applicant's last known address, no later than 15 days following the decision. Failure of Borough Council to render a decision and communicate it to the applicant within the time stipulated and in the manner required, shall be deemed an approval of the application as presented, unless the applicant has agreed in writing to an extension of time or a change in the prescribed manner of presentation of the communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of the communication, also shall be deemed an approval of the application.

**204.4(b)** From the time an application for approval of a plat, whether preliminary or final, is properly filed and while such application is pending approval or disapproval, no amendment of the zoning, subdivision or other governing ordinance plan shall affect the decision of such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was filed. In addition, when a preliminary application has been approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as herein provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final

approval is preceded by preliminary approval, the five-year period shall be counted from the date of preliminary approval.

**204.4(c)** In the case of a preliminary calling for the installation of improvements beyond the above mentioned five year period, a schedule shall be filed by the with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed as provided in Act 170, "Pennsylvania Municipalities Code" as amended.

**204.4(d)** Before acting on any subdivision plat Borough Council may hold a public meeting.

**204.5 Borough Council Actions On Preliminary Plan.** Where Borough Council processes and renders a decision on the Preliminary Plan or the Preliminary and Final Plan together the Council may take one of the following actions:

**204.5(a)** approve the plat;

**204.5(b)** approve the plan conditional upon additional information, corrections collateral approvals, and/or changes;

**204.5(c)** table action on the plan until additional information, corrections or changes are made to the plan; or

**204.5(d)** disapprove the plan if it is found that the plan does not comply with the requirements of this ordinance or other applicable ordinances or if, in its opinion, the subdivision plan would adversely affect the health, safety, or general welfare of the Borough and serve to nullify the purposes of this ordinance as established in Section 101.

**204.6 Duration Of Preliminary Plan Approval.** Preliminary Plan approval by the Council, except where stated otherwise, indicates the general acceptability of the subdivision layout, and all other accompanying proposals. Preliminary Plan approval shall be effective for a maximum of 5 years unless, upon submission by the applicant in writing, an extension(s) of time is requested and subsequently granted. An extension, if granted, shall be for a period of three years. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was filed.



**205. FINAL PLAN STAGE.**

**205.1** The Final Plan submission shall:

**205.1(a)** include the original subdivision plat or an exact, legible tracing thereof, and 3 printed copies of this plat; (Section 305)

**205.1(b)** include 3 copies of all plans, narrative statements and supporting exhibits as required in Section 305; and

**205.1(c)** if the proposed subdivision is expected to be reviewed at the next meeting of Borough Council it shall be submitted to the Borough no later than 6 days, exclusive of weekends and official holidays, prior to said meeting.

**205.2 Review By Borough Planning Commission.** The Borough upon receipt of the final subdivision plat (all submission requirements shall be included), shall forward one copy of same to the Borough Planning Commission for its review. The Commission shall provide its review comment within 30 days of its receipt of the plat.

**205.3 Review By Crawford County Planning Commission.** The County Planning Commission review should occur prior to the Preliminary Plan review by Borough Council. If the application has not been sent to the County Planning Commission at the Preliminary Plan Stage, it shall be so forwarded and the requirements as set forth in Section 204.3 shall be complied with before Final Plan approval is given by Borough Council.

**205.4 Other Process Requirements.** The Council, upon receipt of the complete Final Plan submission, shall render their decision on the Final Plan and communicate it to the applicant. Council's action on the Final Plan shall be taken no later than 90 days following the date of the Final Plan submission. Should the next regular meeting of Borough Council occur more than 30 days following the filing of the complete Final Plan submission, the 90 day period shall be measured from the 30th day after the complete Final Plan was submitted. The action of the Council shall be communicated to the applicant's last known address no more than 15 days following the action. Failure of Borough Council to render a decision and communicate it to the applicant within the time stipulated and in the manner required shall be deemed as approval of the Final Plan as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of the communication of the decision, in which case failure to meet the extended time or change in manner of

presentation of the communication, also shall be deemed an approval of the Final Plan.

**205.5 Borough Council Action On Final Plan.** Borough Council shall review the Final Plan application to assure its conformity with the Preliminary Plan as approved and the provisions of Section 305. In processing and rendering decision on the Final Plan, the Council may take one of the following actions:

**205.5(a)** approve the plan,

**205.5(b)** approve the plan conditional upon specified additions, corrections, collateral approvals, and/or changes to be made or supplied in the plan,

**205.5(c)** table action on the plan until additional information, corrections, collateral approvals, and/or changes are made to the plan, or

**205.5(d)** disapprove the plan if it finds that the plan does not comply with the requirements of this ordinance or other applicable ordinances or if, in its opinion, the subdivision plan would adversely affect the health, safety, or the general welfare of the Borough and serve to nullify the purposes of this ordinance as established in Section 101. Where the subdivider must make changes to the plat 3 copies of each corrected or altered exhibit in the plan application shall be submitted to the Council before final approval can be granted. The action taken by Borough Council shall be communicated to the applicant in writing and where the plan is disapproved the defects in the application shall be specified.

**206. ACT 537 SEWAGE FACILITIES PLANNING MODULE.** All subdivisions must either have Pennsylvania Department of Environmental Protection Act 537 Sewage Facilities Planning approval or a completed Form B-Request for Non-Building Waiver prior to approval of plat by Borough Council.

**207. RECORDING.** The Borough Supervisor's approval of the subdivision plat shall be noted by the signature affixed to the approval certificate set forth in Appendix I. In instances where the Final Plan is given a conditional approval the subdivision plat shall not be signed until each condition has been satisfactorily met as ascertained by the Council. The plat and any other documents associated therewith requiring

recording shall be recorded in the County Recorder's Office within 90 days after the Borough's final approval otherwise the Borough's approval becomes void unless an extension of time is requested of, and granted by the Council. The applicant shall be responsible for recording the plat and for providing to the Borough Secretary a copy of the County Recorder's receipt showing that the subdivision plat has been recorded.

**208. ASSESSMENT.** The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold and improvements installed.

**209. SUBDIVISION AND LAND DEVELOPMENT APPLICATION FEES.** The Borough Council may establish a nominal schedule of fees in order to defray a portion of the cost of administering this ordinance. The fee, where required, shall accompany the Preliminary Plan submission. Until the application fee, should one be established, has been paid no final action shall be taken on a subdivision application.

**209.1** Where review fees are charged they may include reasonable and necessary charges by the Borough's professional consultants or engineer for review and report thereon to Borough Council. Such review fees shall be based on a schedule established by ordinance or resolution and shall be reasonable in accordance with the ordinary and customary charges by the Borough engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipality when fees are not reimbursed or otherwise imposed on applicants.

**209.1(a)** In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten days of the billing date, notify the Borough that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

**209.1(b)** In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then disputes shall be resolved in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act #247) as applicable.

## **ARTICLE III. SPECIFICATIONS FOR SUBDIVISION PLANS**

**300. APPLICATION INFORMATION.** All subdivision plan submissions shall be accompanied by an information sheet that includes the following facts and/or explanations relative to the subdivision. (See Appendix III)

**300.1** Name of the subdivision;

**300.2** Name, address and telephone number of the property owner and/or his agent, if one exists;

**300.3** Name, address and telephone number of the registered professional land surveyor handling the subdivision and the registered professional engineer, registered landscape architect, and/or registered architect, if applicable for the project;

**300.4** Brief description of the location of the proposed subdivision in order that it may be located on a property map of the Borough;

**300.5** Number of lots in the subdivision and the gross acreage; the area of any existing public road right-of-way shall not be included in the gross acreage figure;

**300.6** Type of development proposed, whether single family or multi-family residential, mobile homes, commercial or industrial buildings, etc.;

**300.7** General statements on how sanitary waste and storm water will be handled, how potable water will be obtained, how electric power will be obtained, how any other utilities will be provided, and any other information pertinent to the review of the subdivision;

**300.8** Zoning district, should one exist, applicable to the subdivision;

**300.9** Additional facts on the area surrounding the subdivision including but not limited to roads and other community facilities, zoning, existing uses of land, and size and condition of the upstream watershed and the characteristics of the downstream area which will receive the storm water runoff; where this information is shown on a sketch plan submission it need not be entered on the information sheet, but the sketch plan should be referred to.

**301. PROPERTY SURVEY FOR SINGLE LOT SUBDIVISION.** As established in Section 202.2, Single-Lot Subdivisions shall be processed in one submission to the Borough Council. The subdivision shall be titled, Property Survey, and the owner's name and address and the Borough and county in which the subdivision is located shall be indicated following the title. The drawing shall be prepared by a registered professional land surveyor and may be drawn in pencil or ink and shall be drawn on a sheet of paper 8 1/2 by 14 inches in size. If drawn in pencil, or however the work is handled, the drawing shall be on an acceptable drafting medium and sufficiently bold so as to be capable of clear and distinct reproducible copies. The property survey, once approved, shall be recorded with the property deed, and, if desired, may be recorded also as a subdivision and entered in the subdivision plat book records in the County Recorder's Office. The property survey shall include the following information:

**301.1** The lengths and bearings of the lot's boundary lines. Distances shall be measured at least to the nearest hundredth of a foot. Bearings shall be measured at least to the nearest 20 seconds. The error of field closure for the lot's exterior boundary shall be no greater than one foot in five thousand feet, and all geometrics of the final plat shall be balanced.

**301.2** All corner points shall be monumented including all points indicating a change in direction or a change in geometry. The nature of the monument shall be indicated. See Section 409.3.

**301.3** The right-of-way width and designation of existing roads adjacent to the lot. Road right-of-way shall be shown as separate and independent of the subdivided lot.

**301.4** The distance(s) and bearing(s) to some described and readily locatable and permanent point outside of the subdivision preferably a nearby road intersection, an original parcel corner point or a County, State or Federal monument. Where said permanent point, outside of the subdivision, may be lost in future years, for example at the intersecting center lines of the roads, "ties" to this point shall be determined and recorded on the plat.

**301.5** The assessment parcel number of the parcel of land from which the lot has been divided; this number is available in the County Assessor's Office

**301.6** The owners' names for all lands adjacent to the lot.

**301.7** The location of existing easements, streams, bodies of water and other pertinent features on the lot; easements shall be explained.

**301.8** The explanation, location, width and dedication of proposed easements.

**301.9** Building setback line. The setback line shall be dimensioned and labeled.

**301.10** A north point; the scale of the drawing shall be noted and shown graphically.

**301.11** The area of the lot in square feet and/or acres.

**301.12** The following certificates (See Appendix I):

**301.12(a)** Spartansburg Borough Planning Commission's review;

**301.12(b)** Crawford County Planning Commission's review;

**301.12(c)** Borough Council's approval;

**301.12(d)** Registered professional land surveyor's statement.

**301.13** The following certificates where applicable (See Appendices I and II):

**301.13(a)** Dedication Statement;

**301.13(b)** Utility Easements including drainage easements;

**301.13(c)** Other easements on the site;

**301.13(d)** Covenant statements if any.

**301.14** If an individual on-lot sewage system is proposed and the site suitability analysis has not been completed by the sewage enforcement officer and submitted to Borough Council, or where, if submitted, the analysis concludes the site is unsuitable for an individual system, Statement I in Appendix III shall be entered on the plat.

**301.15** Where the lot(s) abuts a state maintained road and a highway entrance permit(s) has not been obtained from the Pennsylvania

Department of Transportation (PennDOT), the statement found in Appendix VI shall be entered on the plat.

- 302. SKETCH PLAN STAGE.** The Sketch Plan submission is not mandatory but where used shall include the following information:

**302.1 Sketch Plan Drawing.**

**302.1(a)** A scaled plan which may be in freehand showing the proposed layout of roads, lots and public facility sites, i.e. park and recreation areas, schools, etc. Rough sketches of the proposed handling of community, opposed to individual, sanitary sewer and water systems as well as storm water management techniques should be provided. Existing conditions on and near the site shall be shown including but not limited to wooded areas, watercourses, easements, rights-of-way and utility systems;

**302.1(b)** Topographic information represented by contour lines at an interval of 10 feet or less. U. S. Geological Survey maps may be used as the basis for this information;

**302.1(c)** Elevations, cross sections, and perspective drawings to the extent they may be useful in explaining the intent of the proposal;

**302.1(d)** North arrow, scale indication and the date of preparation.

**302.2 Narrative Statements And/Or Reports.** To the extent the application information and the Sketch Plan drawing do not convey adequately the developer's intent a narrative shall be submitted dealing with the elements of the proposal.

- 303. PRELIMINARY PLAN STAGE.** The Preliminary Plan submission shall include the preliminary plat and other support drawings and narrative statements as needed based on the specifications herein listed. The preliminary plat showing the land geometry shall be prepared by a registered professional land surveyor at a convenient scale but not at a scale greater than 1 inch to 100 feet and may be prepared in pen or pencil. The plat and other plan sheets shall be no larger than 36 inches by 42 inches; where more than one sheet is used each sheet shall be suitably numbered and titled; these requirements also shall govern the engineering, construction and various supporting drawings included in the Preliminary Plan. Design, engineering, construction details and

other necessary studies as are appropriate to the development may be prepared by a registered professional engineer, landscape architect or architect. It should be noted that the preliminary plat also may be used for the final subdivision plat and may be drawn on the drafting medium to be used for the final plat. The submission shall include the following information:

**303.1** Proposed name of subdivision, and the borough and county in which it is located;

**303.2** The date, scale and north point indication;

**303.3** A small, scaled location map showing the area of the proposed subdivision in relation to surrounding roads and other significant features; this map shall be oriented on the plat in the same direction the subdivision is oriented;

**303.4** The road patterns and names of adjacent subdivisions and the location and owners' names of adjacent parcels of un-subdivided land;

**303.5** Zoning of the proposed subdivision and adjacent lands in instances where it cannot be provided clearly in the application information sheet;

**303.6** Location, width (right-of-way and pavement) and type of construction of all existing roads, public and private, for the land to be subdivided and for all lands within approximately 200 feet of the proposed subdivision. For this same area, all existing easements, sanitary and storm sewers, water lines, railroads, utility right-of-ways, parks, cemeteries, watercourses, drainage ditches, swamps, low areas subject to flooding as identified on Borough flood hazard maps, permanent buildings, bridges and any other information pertinent to the evaluation of the proposed subdivision;

**303.7** Plan of the proposed development including the lots, road right-of-ways, easements for water lines, storm and sanitary sewers, drainage ways and all other public utilities even where they are separate from road right-of-ways. Where it is not clear from the scaled drawings, the dimensions of elements of the proposed layout shall be given;

**303.8** Topographic information shall be provided for all subdivisions wherein:



**303.8(a)** road improvements and/or sanitary sewer, storm water, or water utility systems are proposed; and/or

**303.8(b)** the average area of the lots proposed is 22,000 square feet or less. Contours shall be at an interval of 5 feet or less and may be based on and interpolated from topographic information as obtainable from U. S. Geological Survey maps; providing, however, that where site planning considerations for roads, storm water management facilities and sanitary sewer services to serve proposed development are complex because the terrain has a considerable amount of slope and/or lot sizes are small, more detailed topographic information may be required.

**303.9** Location and area of property, if any, proposed to be dedicated for public use, or to be reserved by deed covenant for the use of property owners in the subdivision;

**303.10** Statement as to what private deed restrictions, if any, are proposed;

**303.11** Information relative to the sewerage systems to be used in the subdivision and a summary of progress made in obtaining approvals for handling sewerage based on the requirements adopted and promulgated by the Pennsylvania Department of Environmental Protection. In instances where an existing sewage system is to be used or where additional sewer lines are to be constructed, general layout plans shall be presented; final plans are not required at this stage;

**303.12** Information relative to the water supply systems to be used in the subdivision. In instances where an existing water system is to be used or where additional water lines are to be constructed, general layout plans shall be presented; final plans are not required at this stage;

**303.13 Storm Water Management.** It shall be the objective of this Ordinance to manage the quantity, velocity, and direction of resulting storm water runoff in a manner which adequately protects health and property from possible injury; the administration of this Ordinance shall strive to assure that the maximum rate of stormwater runoff is no greater after development than prior to development;

**303.13(a)** For Major Subdivisions and Land Developments involving new roads, a plan, and descriptions where appropriate, of the storm water management measures and devices proposed including, but not limited to, open flow channels,

swales, detention areas, culverts, underground storm water lines, storm inlets and manholes. Storm water runoff calculations for the watershed area above (upstream from) the subdivision site and for the subdivision site itself shall be computed based on the design criteria established in Section 402. Finalized calculations and plans are not required at this stage but enough work shall be done so that the decisions can be made on the acceptability of the general layout of the subdivision or land development;

**303.13(b)** The information required in Section 303.13(a) may be required for Major Subdivisions not involving new roads and for Minor Subdivisions where storm water management considerations are judged to be critical in the development proposal.

**303.14** Typical road cross-sections showing the travel portion of the roadway, shoulder and drainage swale areas as well as the road construction specifications. Based upon topographic information, where roads are proposed in areas having a 10 percent grade or more, the planned road gradients shall be shown.

**303.15** Any other special proposals which may be necessary to the Borough's review including, but not limited to, reports and/or documents indicating how subdivision improvements and development elements shall be maintained, e.g. homeowners' association organizations.

**304. PRELIMINARY PLAN, THE OVERALL GUIDE TO DEVELOPMENT.**

Although it may be the intention of the subdivider to request Final Plan approval on only a portion of the total area shown on the Preliminary Plan, a Preliminary Plan shall be submitted and approved for the entire area under consideration for development. Construction plans and specifications as required in a later section of this ordinance need be prepared only for a smaller area intended to be included on the final plat.

**305. FINAL PLAN STAGE.** The Final Plan submission shall be considered as a continuation of the review begun in the Sketch Plan (where used) and Preliminary Plan stages of the process. Proposals submitted in the earlier stages may change through the review process as additional information is gathered and as engineering and other design studies are developed. Drawings and narrative submitted at the Preliminary

Plan stage revised and refined as required shall be considered as part of the Final Plan submission. The Final Plan submission at the minimum shall consist of the subdivision plat. It also may include, depending on the complexity of the subdivision, (a) engineering and construction drawings and specifications; (b) letters, permits and certifications indicating other municipal, State and public or semi-public agencies or organizations have given their review and approval to the subdivision proposals; and (c) supporting reports and documents such as a listing of covenants to be recorded with the subdivision plat, and the incorporation papers for a homeowners' association. The submission specifications at the Final Plan Stage area are as follows:

**305.I** The final plat shall be signed by a registered professional land surveyor and drawn at a convenient scale but not greater than 1 inch to 100 feet; it may be drawn in pencil or ink. If drawn in pencil it shall be sufficiently bold so as to be capable of clear and distinct reproducible copies. It shall be drawn on an acceptable drafting medium no larger than 36 inches by 42 inches. Where more than one sheet is used each sheet shall be suitably numbered and titled. The plan shall include the following information:

**305.I(a)** The name of the subdivision in prominent letters and the Borough and county in which it is located. The name shall not be a duplicate of, or be very similar to, the name of any plat previously developed for the Borough;

**305.I(b)** The lengths and bearings of the subdivision's exterior boundary lines (which shall be delineated with a bolder line than the interior property lines in the subdivision) and all other property lines surveyed and divided, including those for roads, blocks, lots and public grounds. Where property lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines of the tier. Distances shall be measured at least to the nearest hundredth of a foot. Bearings shall be measured at least to the nearest twenty seconds. The error of field closure for the subdivision's exterior boundary shall be no greater than one foot in five thousand feet, and all geometrics of the final plat shall be balanced;

**305.I(c)** All exterior boundary, lot and road right-of-way corner points shall be monumented including all points indicating a change in direction or a change in geometry. The nature of the monument shall be indicated. See Section 409.3;

**305.1(d)** A small, scaled location map showing the area of the proposed subdivision in relation to surrounding roads and other significant features; this map shall be oriented on the plat in the same direction the subdivision is oriented;

**305.1(e)** The exact width and location of the right-of-way of all new roads and the width and location of all new easements; the names of new roads; road names shall not duplicate names already established in the municipality. Road right-of-way shall be shown as separate and independent of the subdivided land. Easements include, but are not limited to, those for storm drainage facilities and all public and semi-public utilities; new easements shall be dedicated and explained;

**305.1(f)** The distance(s) and bearing(s) to some described and readily locatable and permanent point outside of the subdivision preferably a nearby road intersection, or original parcel corner point, or a County, State or Federal monument. Where said permanent point, outside of the subdivision, may be lost in future years, for example at the intersecting center lines of roads, "ties" to this point shall be determined, and;

**305.1(g)** A number or other suitable designation for all lots or parcels within the subdivision boundary;

**305.1(h)** Building setback lines; they shall be dimensioned and labeled;

**305.1(i)** The total area in acres within the exterior boundary of the subdivision and for all lots or parcels within the subdivision boundary. Road right-of-way shall not be included in the area of the lot;

**305.1(j)** The right-of-way width and name of existing roads in or adjacent to the subdivision;

**305.1(k)** The assessment parcel number(s) of the parcel(s) of land from which the subdivision was taken; this number is available in the County Assessor's Office;

**305.1(l)** The location and width of existing easements; the location of all streams, bodies of water and other pertinent features in the subdivision; all easements shall be defined and explained;

**305.l(m)** A north point and the scale of the plat shall be noted and shown graphically;

**305.l(n)** The following certificates (See Appendix I):

- (1) Spartansburg Borough Planning Commission's review;
- (2) Crawford County Planning Commission's review;
- (3) Borough Council's approval;
- (4) Owners' declaration statement where the plat is recorded separate from the property deed and, if any, the dedication statement; and the
- (5) Registered professional land surveyor's statement.

**305.l(o)** The following certificates, statements and/or covenants only where applicable. (See Appendix I)

- (1) Utility easements including drainage easements;
- (2) Other required easements; and
- (3) Covenant statements originated and enforced by the subdivider and his clients protecting and/or guiding the use of land in the subdivision. If covenants are recorded in a separate instrument such instrument shall be referenced on the plat.

**305.l(p)** Where sewage needs are handled by individual systems, one of the following statements shall be entered on the plat; providing, however, for Minor Subdivisions and for Major Subdivisions with 10 lots or less, where individual system permits have been issued or approved for issue and proof thereof is submitted to the Borough, no statement needs to be entered on the plat. Statements on the handling of sewage needs are listed in Appendix IV.

- (1) For Minor Subdivisions Statement 2 shall be entered on the plat.
- (2) For Major Subdivisions with 10 or less lots Statement 2 shall be entered on the plat.

**(3)** For Major Subdivisions with 11 lots or more Statement 3 shall be entered on the plat.

**305.1(q)** Where the lot(s) abuts a state maintained road and a road entrance permit(s) has not been obtained from PennDOT, the statement found in Appendix VI shall be entered on the plat.

**305.2** Where roads and utility system improvements are proposed final engineering and construction plans shall be prepared by a qualified professional engineer, registered professional land surveyor, landscape architect or architect and shall be part of the Final Plan submission. These plans shall be reviewed and approved by Borough Council; they need not be recorded in the County Recorder's Office but they become part of the public road record. These plans shall detail the construction of improvements in the subdivision in the following areas:

**305.2(a) Revised Grades.** Where a subdivision shall have 40 percent or more of its land area altered or where 40 percent of the development is on slopes 12 percent or greater a revised contour or grading plan shall be required. The Erosion and Sediment Control plan may require a grading plan also.

**305.2(b) Road Construction.** Typical road cross-sections showing the travel portion of the roadway, shoulder and drainage swale areas as well as the road profile and road construction specifications.

**305.2(c) Sewage Systems.**

**(1)** For subdivisions where development is proposed requiring an extension of the facilities of the Spartansburg Borough Sewer Authority, plans detailing said extension or any other needed improvements shall be prepared by the subdivider for approval from the Authority and the Pennsylvania Department of Environmental Protection (DEP), before final approval for the subdivision shall be given by Borough Council.

**(2)** For Minor Subdivisions and Major Subdivisions with 10 lots or under, where the facilities of the Spartansburg Borough Sewer Authority are not used and where individual systems shall be used, a site suitability analysis shall be obtained from the sewage enforcement officer and recorded on the plat.

**(3)** For Major Subdivisions with 11 lots or more, where the facilities of the Spartansburg Sewer Authority are not used, the site suitability analysis shall be completed by the sewage enforcement officer, approved by DEP, a copy placed in the files of Borough Council, and a letter indicating DEP's approval shall be in the Authority's file. This information shall be entered on the plat. All of these requirements shall be met in order to obtain final approval.

**305.2(d) Water Supply Systems.** For subdivisions where development is proposed requiring an extension or addition to the Borough's public water facilities, plans detailing the extension or addition shall be submitted to the Borough and the necessary approvals obtained from the Borough and from the Pennsylvania Department of Environmental Protection, where necessary, before final approval for the subdivision can be given by Borough Council.

**305.2(e) Storm Water Management.** For Major Subdivisions involving new roads, as well as for Major Subdivisions and Land Developments not involving new roads and Minor Subdivisions wherein storm water management considerations are judged to be critical (Section 303.13(b)), finalized calculations and plans as listed in Section 303.13 and subsections shall be required. Where necessary, required permits from DEP, the Public Utility Commission or the Pennsylvania Department of Transportation (PennDOT) shall be approved for issue. The ownership and responsibility for maintenance for all storm water management control devices shall be indicated and necessary easements covering such devices properly established.

**305.2(f) Erosion and Sediment Control.** The Commonwealth of Pennsylvania's Clean Streams Law, Act 222, is administered by the DEP. This law requires that all earth moving activities have Erosion and Sediment Control Plans. All Major Subdivisions involving new roads shall have an Erosion and Sediment Control Plan that has been reviewed and determined to be adequate by the Crawford Conservation District. The Erosion and Sedimentation Control Plans of other subdivisions may also require Conservation District review under Pennsylvania Law.

**305.3** Where the subdivider intends to assure that subdivision improvements will be maintained through a homeowners' association, documents shall be drafted and filed in the County Recorder's Office

which provide for the legal creation of such an association which shall have mandatory membership provisions and statements on its structure and responsibilities.



## **ARTICLE IV. DESIGN STANDARDS AND IMPROVEMENTS REQUIREMENTS**

**400. DESIGN PRINCIPLES.** In planning a subdivision the applicant shall be guided by the following principles.

**400.1** In planning and executing a subdivision the applicant shall comply with all laws, codes, rules, and ordinances of the Borough, the county and the state and federal governments and all duly constituted agencies thereof.

**400.2** In planning and executing a subdivision the applicant shall be guided by the currently approved comprehensive plans of the Borough and where applicable, the county, particularly in regard to the location of roads. Where the subdivision area includes sites of historic, cultural or physiographic value and such sites are listed on the Crawford County Register of Significant Sites every possible effort shall be made to preserve and maintain the integrity of these sites.

**400.3** No land shall be subdivided which is unsuitable for development by reason of flooding, poor drainage, adverse earth or rock formations, or any other condition likely to be harmful to the health, safety or welfare of future residents. Such lands shall remain un-subdivided until such time as the conditions causing the unsuitability are corrected.

**400.4** In planning a subdivision the applicant should consider making reasonable allocations of land for necessary community facilities such as park and recreation grounds, school sites and other sites for needed public facilities as proposed in applicable comprehensive plans or as determined necessary through current analyses. Where allocations are made for these facilities provisions shall be made to insure that the land will be accepted and maintained by the Borough, a homeowners' association, a school board or some other organization which can assure the Borough of its ability to manage the land in keeping with the general welfare of future residents.

**400.5** In designing a subdivision proposed lots shall have relationships to surrounding properties such that reasonable future lotting patterns can be developed.

**400.6** Proposed roads shall be designed in careful relation to topography, natural drainage, the surrounding road network and the uses designed to be served in the development; they shall be properly

integrated with the existing and proposed system of thoroughfares as established in Borough and County comprehensive plans. There shall be no dead end streets. Where a street does not tie into another street, a cul-de-sac shall be used.

**401. ROAD RELATED DESIGN STANDARDS.** In planning a subdivision, the applicant shall observe the following requirements:

**401.I** Proposed roads shall be public roads, shall be properly dedicated for public use and shall provide convenient access to all property within the subdivision. There shall be no private roads, except in cluster and land development enterprises where private roads are permitted. Each lot planned for separate ownership in the subdivision shall have a minimum of 15 feet of frontage on a public road.

**401.1(a)** Minimum lot areas and minimum lot widths shall be as established in Section 403.5 of this ordinance. Normally the full width of a lot shall abut on a street. However, whenever it is impossible to access an existing parcel with the full width of the

lot, or where a special subdivision design and management concept is believed to be appropriate for a particular site, a minimum frontage of 15 feet may be utilized subject to review and approval by the Borough. The minimum of 15 feet of frontage on a public road permits the use of an "access lane" to the public street (private streets in some instances) as shown in the following drawing (Figure 1) where the minimum width of the "access lane" shall be 15 feet. In instances where the "access lane" is used the lot width, lot area and yard requirements shall be established beginning at the location where the "access lane" terminates and the bulk of the property begins.

**401.2** Proposed roads except those clearly designed for internal circulation only, shall be extended to the boundary lines of the tract to be subdivided unless prevented by topographic or other physical conditions, or unless in the opinion of Borough Council such extensions are not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

**401.3 Road Classifications.** The applicant shall be responsible to develop the subdivision's road network based upon the classification system established as follows: See Appendix VI for designations in the Borough:

**401.3(a) Arterial Roads.** These roads provide inter-municipal, inter-county and interstate connections; they serve to link settlement centers, major public facilities, employment and shopping centers and areas of high density population. This category of road includes minor arterial, major collector and minor collector roads as established and defined in the Federal Functional Classification System and as set forth and discussed in the Crawford County Comprehensive Plan.

**401.3(b) Collector Roads.** These roads link neighborhoods and have continuity within the County's municipalities and often interconnect municipalities. They invariably serve the dual function of handling through traffic movements and of serving as access to adjacent property. This category of road is set forth and discussed in the Crawford County Comprehensive Plan.

**401.3(c) Local Access Roads.** These roads are primarily for access to adjacent property and have their chief significance in giving a subdivision or a neighborhood form and pattern. They shall be laid out to discourage through traffic.

**401.3(d) Alleys.** Alleys may be provided especially in commercial and industrial subdivisions and perhaps in row house (townhouse) developments, in order to facilitate service access to the proposed buildings. Alleys are privately owned roads, and provisions for repair and maintenance must be provided by the subdivider.

**401.4** In Table 1, Design Standards for Arterial, Collector and Local Roads are established. Curbed roads may be required where the gross residential density is 4.0 residential lots per acre or greater.

**401.5 Access To Minor Arterial Roads.** Where a subdivision borders on, or contains, an existing or proposed minor arterial road, Borough Council may require that access points to the road be limited by one of the following means or some acceptable alternative:

**401.5(a)** The lot pattern in the subdivision should be so organized that the backyards of lots abut the minor arterial road and the front yards abut a local or collector road essentially parallel to the minor arterial in which case vehicular access to the lots occurs from the local road. The backyards of the lots should be screened in an appropriate manner from the minor arterial road. Access from the minor arterial to the subdivision shall be by means of public road intersection(s).

**401.5(b)** The lot pattern in the subdivision should be so organized that the lots front on a marginal access road which would be located between the highway and the subdivision.

**401.6 Cul-de-sac.** The minimum right-of-way for the turnaround area, generally circular in shape, shall be 100 feet in diameter. The minimum cartway shall be 70 feet in diameter. There shall be no limitations on the length of a cul-de-sac road. For cul-de-sac type roads Borough Council may authorize alternative turnaround arrangements other than the circular form providing it is shown the alternatives can accommodate equally safe and convenient turning movements.

**401.7** Roads normally should intersect at, or nearly at, right angles. Proposed new intersections along one side of an existing road shall, wherever practicable, coincide with existing intersections on the opposite side of said road. No more than two streets shall intersect at the same point. Road jogs with centerline offsets of less than 150 feet should be avoided wherever possible.

**Table I**

Design Standards for Roads

*(All figures indicate feet except where noted otherwise)*

	Roads			
	Arterial	Collector	Local Access	Alley
Minimum Width Right-of-Way <sup>1</sup>	60-80	50	50	20
Minimum Width Traveled Way or Cartway	24 w/s <sup>2</sup>	24 w/s <sup>2</sup>	20 w/s	12
	44 w/c <sup>3</sup>	36 w/c <sup>3</sup> & 4	30 w/c <sup>3</sup>	
Maximum Grade <sup>5</sup>	5	10	10	10
Minimum Grade	1	1	1	1
Minimum Radius of Curve	500	200	---	---
Minimum Length of Tangents Between Reverse Curves	200	100	---	---

At all changes in road grades where the algebraic difference in the grades exceed 1%, vertical curves designed in conformance with sound engineering practice shall be provided to permit the following sight distances; for local roads, 150 feet; for collector and arterial roads, 300 feet.

- Notes:
- <sup>1</sup> Right-of-way widths in excess of the standards designated shall be required whenever, due to the topography, additional width is necessary to provide for the construction of adequate earth slopes not in excess of a 1 ½ :1 gradient.
  - <sup>2</sup> w/s indicates with road shoulders, however, the width given does not include the road shoulders.
  - <sup>3</sup> w/c indicates with curb construction and the distance is measured face of curb to face of curb.
  - <sup>4</sup> Collector roads utilizing curb construction shall have 50 foot rights-of-way.
  - <sup>5</sup> Figure indicates percent.

**401.8** Where curbed road construction is used the minimum curb radius at the intersection of two roads shall be 15 feet.

**402. DESIGN CRITERIA FOR STORM WATER MANAGEMENT PLANNING.**

**402.1** Storm water runoff shall be calculated on the basis of a 24 hour duration rainfall and a 50 year frequency storm.

**402.2** The preferred method of calculating storm water runoff shall be the Soil Conservation Service, Soil Cover Complex method, found in the Service's Engineering Field Manual or in the publication **Urban Hydrology for Small Watersheds, Technical Release No. 55.**

**403. LOTTING STANDARDS.**

**403.1** Lotting plans shall be worked out with due regard to the topography and to the necessity for accommodating sewer and water utilities, whether of on-lot construction or otherwise. Each lot shall allow for convenient driveway access from a public road. Lotting arrangements shall be developed with due regard to the overall best use of land; lotting patterns which block opportunities for the reasonable utilization of nearby land shall be avoided.

**403.2** Lot lines shall be generally at right angles to the public road. Corner lots shall have adequate width to accommodate building setbacks from two roads.

**403.3** Lot lines shall follow municipal boundaries rather than cross them, whenever possible, in order to avoid jurisdictional problems.

**403.4** Lot lines shall be drawn to allow for the road right-of-way. Where the subdivision or land development occurs only on one side of the road a distance of one-half of the road right-of-way from the centerline of the road shall be allowed for the public right-of-way.

**403.5 Minimum Lot Area and Lot Width.** Minimum lot area and lot width shall be as established in the Zoning Ordinance of Spartansburg Borough. In all instances, lot sizes and configurations shall be adequate to accommodate sewer and water supply needs.

**403.6 Minimum Building Setback Line.** Minimum building setback lines shall be as established in the Zoning Ordinance of Spartansburg

Borough. Building setback lines may be greater than established herein.

**403.7** In planning lot patterns excessive depth of lots in relation to width should be avoided. A proportion of 4.0 (length) to 1.0 (width) should be considered maximum.

**403.8** Double frontage lots should be avoided except where necessary to overcome specific disadvantages of topography or other conditions such as location adjacent to an arterial highway. Where double frontage lots are platted, the subdivider should handle vehicular access to the lots so that access occurs from local and not arterial roads.

**403.9** Subdivisions should contain no useless remnants of land.

#### **404. BLOCK STANDARDS.**

**404.1** Block lengths in residential areas generally should not exceed 1500 feet.

**404.2** Pedestrian crosswalks not less than 10 feet wide may be required through the center of blocks more than 800 feet long where convenient access to schools, playgrounds, shopping facilities or other community facilities can be achieved.

#### **405. EASEMENTS.**

**405.1** Electric power and telephone utility easements, where located at rear or side lot lines, should be centered on these rear or side lot lines. Utility easements along side and rear property lines shall be a minimum of 15 feet wide and shall be centered on the lot lines. Where such easements are located along the front lot line adjacent to the public road, they shall be a minimum of 10 feet in width.

**405.2** Where a subdivision is traversed by a watercourse, easement designations of sufficient width to accommodate the 24 hour duration 50 year frequency storm shall be shown. The minimum easement width shall be 12 feet.

**405.3** Easements for fencing and/or tree and shrub plantations for purposes of screening may be required between residential lots and commercial or industrial lots and along arterial highway frontages.

**405.4** Whenever a road, planned to have continuity beyond the proposed subdivision, is temporarily stubbed or dead-ended awaiting the subdivision of adjacent land, a generally "square-shaped" area a minimum of 10,000 square feet shall be provided on a temporary basis for a vehicular turnaround. A temporary easement may be established on adjacent lots in order to obtain sufficient area for said turnaround. This easement shall terminate when the stubbed road is extended, and a statement to this end shall be entered on the plat.

**406. SIDEWALKS.** Where the gross residential density of a subdivision is 4.0 (dwelling units per gross acre) or greater Borough Council may require the construction of sidewalks. Sidewalks, where constructed, shall be located in the public road right-of-way, shall be a minimum of 3 feet in width and shall be separated from the road curb by a minimum of 4 feet.

**407. ROAD SIGNS.** All roads shall be provided with road signs approved by the Spartansburg Borough Council.

**408. ROADSIDE TREES.** The subdivider should consider planting trees in an appropriate location in the public right-of-way. Tree varieties shall be used which are recognized as appropriate for roadside planting and shall be placed no closer than 40 feet, center to center.

**409. CONSTRUCTION REQUIREMENTS FOR SUBDIVISION IMPROVEMENTS.** The following construction requirements and specifications shall be considered as minimums necessary to protect the general health, safety and welfare and promote the convenience of the public. Improvements may be built to higher standards than those set forth in this ordinance, providing that they are approved by Borough Council.

**409.I ROAD SPECIFICATIONS: FOR GRAVEL ROADS**

**409.I(a) Layout Standards.** From the flow line of one road ditch to the flow line of the ditch on the other side of the road - where ditches are constructed in the right-of-way and there is no fill slope(s) - there shall be a minimum distance of 30 feet. Centered in the right-of-way there shall be a minimum cartway (travel-way) of 20 feet. The cartway shall be crowned with a minimum slope of 1/4 inch per 1 foot on both sides on the crown.



The next five feet on each side of the cartway shall be a transitional area to the flow line of the road drainage ditch and shall be considered as the road shoulder. This shoulder area shall have a minimum slope of 1/2 inch per 1 foot, but shall be constructed in a manner so as to effect a uniform transition from the edge of the road surface (cartway) construction to the drainage ditch flow line. See accompanying road specification drawing for gravel roads, Figure 2. The remainder of the right-of-way distance, 10 feet on either side of the drainage ditch flow line, as a transition is made to the edges of the right-of-way, shall be handled at a maximum gradient of 1 1/2 to 1.

**409.1(b) Sub-grade Preparation.** The sub-grade shall be formed from ditch line (30 feet minimum) approximately 16 inches below finished grade and shaped to the road cross section requirements. At the drainage ditch flow line the subgrade shall be no less than 10 inches below finished grade. The sub-grade shall be brought to a firm, thoroughly compacted condition. Any soft or unsuitable material shall be removed and replaced with firm, suitable material.

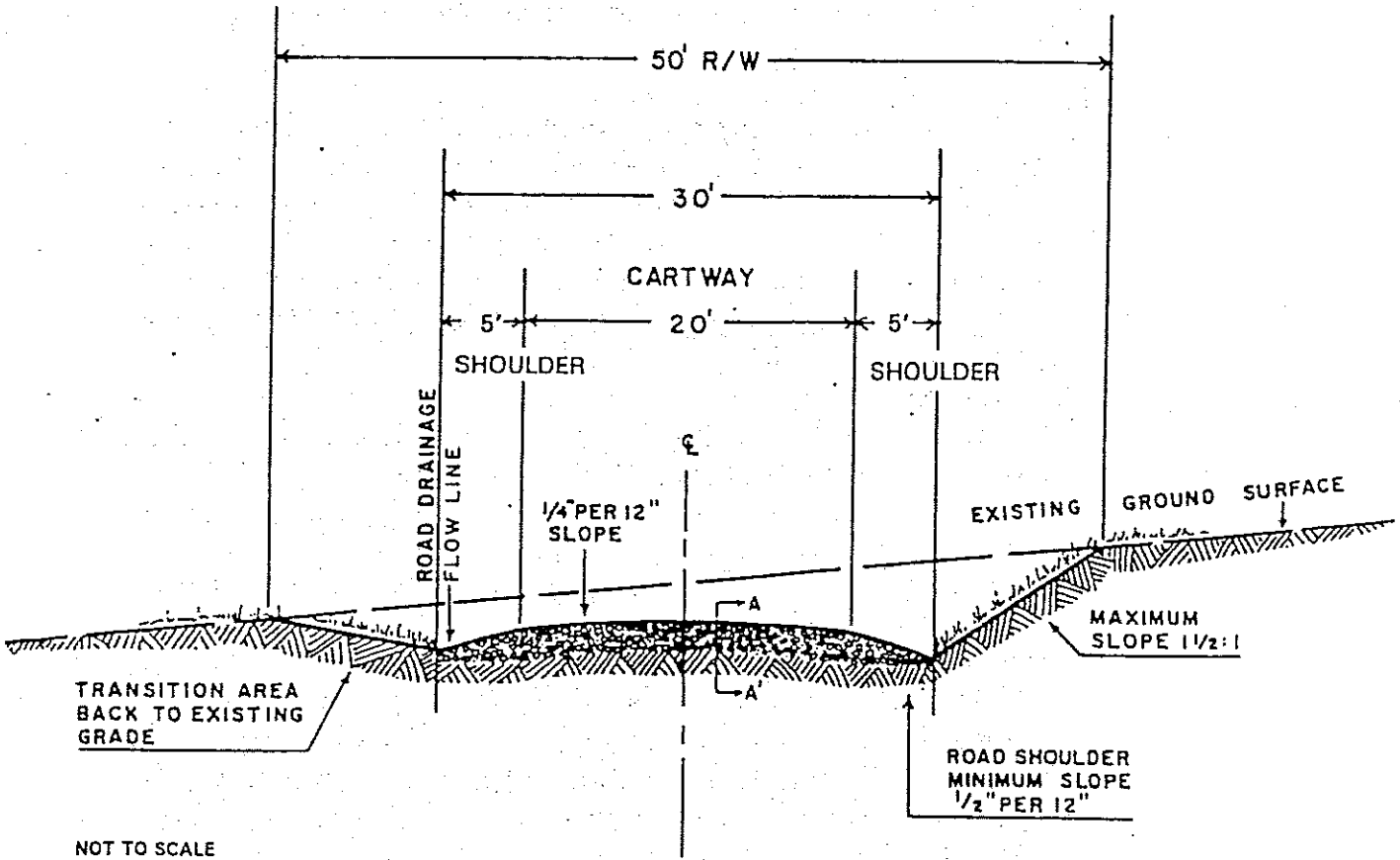
**409.1(c) Road Surfacing.** Where a density of less than three dwelling units per acre is proposed, eight inches of high quality, well graded bank run gravel shall be placed and compacted on the sub-grade. On top of the bank run gravel, eight inches of select granular material (PennDOT No. 2RC) shall be placed and compacted to form the finished grade on the cartway section (20 feet minimum width) of the road. Transitional areas (road shoulders) shall be constructed from the edge of the cartway to the flow line of the road drainage ditch utilizing a bottom coarse of the bank run gravel overlain by a coarse of select granular material (PennDOT No. 2RC). Throughout the shoulder area each coarse of material shall be maintained at approximately equal depths.

All select granular material (PennDOT No. 2RC) shall meet the requirements set forth in Section 703.3 of the Pennsylvania Department of Transportation Specification Publication 408 (1994).

The bank run gravel and the select granular material shall be uniformly spread in loose layers not to exceed 4 inches in depth and without segregation of the coarse and fine material. Each layer shall be compacted utilizing a roller meeting the requirements of Section 108.05(c) 3a or 3b of the Pennsylvania

Department of Transportation Specification Publication 408

# "GRAVEL" ROAD SPECIFICATION FOR LOCAL & COLLECTOR ROADS (ROAD SHOULDER CONSTRUCTION)



NOT TO SCALE

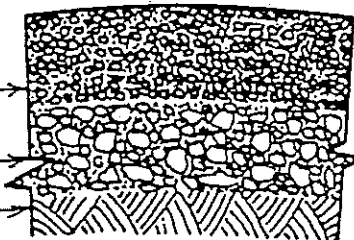
NOTE:  
LINE SHOWING ROAD CROWN  
IN DRAWING EXAGGERATED  
FOR CLARITY

## SECTION A-A'

8" SELECT GRANULAR  
MATERIAL (PennDOT #2RC)

8" OF BANK  
RUN GRAVEL

COMPACTED SUBGRADE



NOT TO SCALE

(1994). Satisfactory compaction will be determined by the stability of the material under the compaction equipment. If, in the opinion of Borough Council, the material deforms excessively under the compaction equipment or otherwise is determined unsatisfactory, the Developer shall remove, replace, and recompact the material until a satisfactory finished road is provided.

**409.IA ROAD SPECIFICATIONS: FOR BITUMINOUS ROADS (FLEXIBLE PAVEMENTS)**

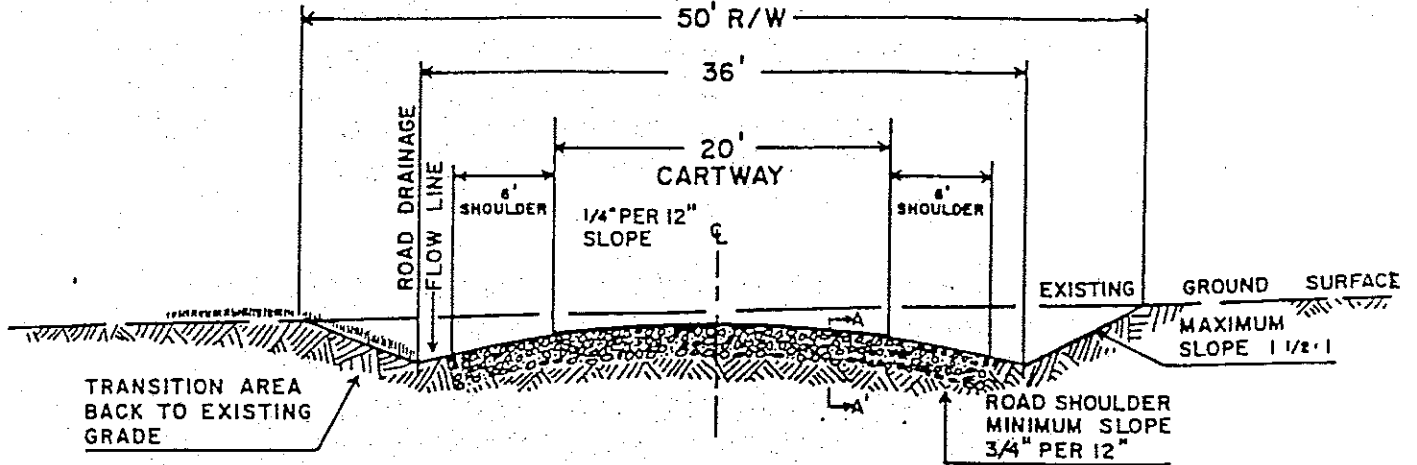
**409.IA(a) Bituminous Road Surfacing.** Where a density of three dwelling units per acre or greater is proposed, or where, in the judgment of Borough Council, the frequency of travel justifies it, a bituminous road surface shall be constructed. Said bituminous road shall be built to the standards established in this subsection and as shown in Figure 3, Bituminous Road, Road Specification For Local & Collector Roads.

**409.IA(b) Layout Standards.** From the flow line of one road ditch to the flow line of the ditch on the other side of the road - where ditches are constructed in the right-of-way and there is no fill slope(s) - there shall be a minimum distance of 36 feet for a local road and 40 feet for a collector road. Centered in the right-of-way there shall be a minimum cartway (travel-way) of 20 feet. The cartway shall be crowned with a minimum slope of 1/4 inch per 1 foot on both sides of the crown. The next six feet on each side of the cartway shall be considered as the road shoulder. This shoulder area and the transitional area from the shoulder area to the flow line of the ditch shall have a minimum slope of 3/4 inch per 1 foot. The construction of the shoulder area and the transitional area shall be handled in a manner so as to effect a uniform transition from the edge of the road surface (cartway) construction to the drainage ditch flow line. See the accompanying road specification drawing. The remainder of the right-of-way distance, 7 feet on each side of the drainage ditch flow line for a local road and 10 feet for a collector road, shall be used for a transition to the edges of the right-of-way and shall be handled at a maximum gradient of 1 1/2:1 for a local road and 2:1 for a collector road.

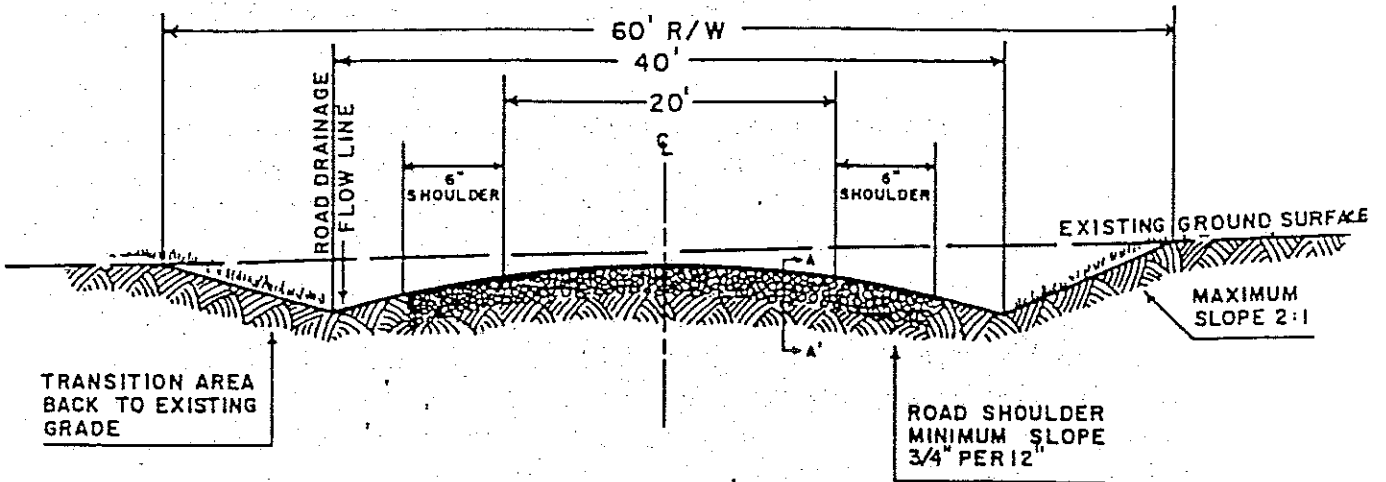
**409.IA(c) Clearing and Grubbing.** All vegetation, top soil, roots, soft spots and other objectionable material shall be excavated and removed from the cartway and shoulder areas

# "BITUMINOUS" ROAD SPECIFICATION FOR LOCAL & COLLECTOR ROADS (ROAD SHOULDER CONSTRUCTION)

## LOCAL ROAD



## COLLECTOR ROAD

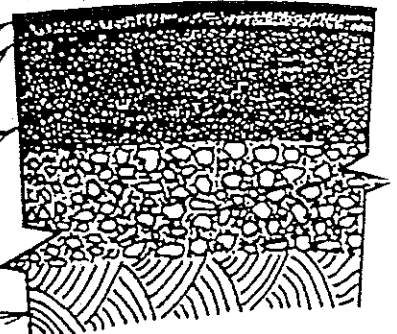


### SECTION A-A'

NOT TO SCALE

NOTE:  
LINE SHOWING ROAD CROWN AND  
AREA OF SUBBASE IN DRAWING  
EXAGGERATED FOR CLARITY.

- 1" WEARING COURSE
- 2" BINDER COURSE
- 12" COMPACTED CRUSHED AGGREGATE BASE
- 12" COMPACTED CRUSHED AGGREGATE SUBBASE AT DISCRETION OF SUPERVISORS UNDER CONDITIONS SPECIFIED IN SECTION 409.1A (e)
- COMPACTED SUBGRADE



NOT TO SCALE

and from all the areas to be filled which are located within the right-of-way.

**409.IA(d) Subgrade Preparation.** The subgrade shall be formed to extend under the full cartway and shoulder area (32 feet minimum for both local and collector roads) approximately 15 inches below the finished grades of the cartway and shoulder areas, unless there is a base required then it shall be approximately 27 inches below the finished grade of the cartway area and shaped to the road cross section requirements. The subgrade shall be as specified in "Section 210 Subgrade, Form 408 PennDOT Specification, 1983". The subgrade shall be brought to a firm, thoroughly compacted condition. Any soft or unsuitable material shall be removed and replaced with firm, suitable material.

**409.IA(e) Subbase.** A subbase course may be required at the discretion of the Council when poor drainage and/or soft subgrade conditions exist. If required, the subbase shall consist of 12 inches of compacted crushed aggregate as specified in "Section 350 Subbase, Form 408 PennDOT Specifications, 1994". The subbase shall be spread and compacted in approximately 3 layers, and shall extend under the full cartway and shoulder area.

**409.IA(f) Base.** The base shall consist of 12 inches of compacted aggregate placed on the completed subgrade or base if required. The base course shall be as specified in "Section 350 Subbase, Form 408 PennDOT Specifications, 1994". The aggregate shall be Type C or better, No. 2A, and No. OGS. The material shall be spread and compacted as described and shall extend under the full cartway and shoulder area. Any surface irregularities that exceed 1/2 inch under a template or straightedge shall be corrected by loosening the surface and removing or adding material as required and thoroughly compacting the entire area.

**409.IA(g) Binder Or Leveling Course.** A compacted binder course 2 inches thick shall be constructed on the completed subbase. The binder course shall be as specified in "Section 421 Bituminous Binder Course ID-2, Form 408 PennDOT Specifications, 1994". Construction requirements shall be as set forth in "Section 401.3". Prior to the laying of the binder course, a prime coat shall be applied to the subbase as specified in "Section 461 Bituminous Prime Coat".

**409.1A(h) Wearing Course.** A compacted wearing course 1 inch thick shall be constructed on the completed binder course. The wearing course shall be as specified in "Section 420 Bituminous Wearing Course ID-2, Form 408 PennDOT Specifications, 1994". Construction shall conform to "Section 401.3". The course aggregate used in the bituminous wearing course shall meet the Skid Resistance Level (SRL) letter designation based on the Daily Traffic as required by the current PennDOT directive.

**409.1A(i) Road Shoulders.** Road shoulders shall be constructed along both edges of the paved cartway and shall be no less than 6 feet wide. The shoulders shall be graded flush to the pavement surface and the adjacent grades and shall not impede the drainage of water from the paved cartway surface to the road drainage ditches.

The shoulders shall be constructed of a 3 inch deep compacted layer of select granular material (PennDOT No. 2RC) placed over the compacted base aggregate.

All select material (PennDOT No. 2RC) shall meet the requirements set forth in Section 703.3 of the Pennsylvania Department of Transportation Specification Publication 408 (1994).

**409.1A(j) Aggregate Materials Placement and Compaction.** All aggregate materials including subbase, base, and select granular material shall be uniformly spread in loose layers not to exceed 4 inches in depth and without segregation of the coarse and fine materials. Each layer shall be compacted utilizing a roller meeting the requirements of Section 108.05(c) 3A or 3B of the Pennsylvania Department of Transportation Specification Publication 408 (1994). Satisfactory compaction will be determined by the stability of the material under the compaction equipment. If, in the opinion of Borough Council, the material deforms excessively under the compaction equipment or otherwise is determined unsatisfactory, the Developer shall remove, replace, and recompact the material until satisfactory results are achieved.

**409.2 Road Signs.** Road signs shall be located on the northeast corner of each intersection, where practical, and shall indicate the name of the subdivision road as established on the subdivision plat. The signs shall be identical to the typical sign construction used in the Borough

and shall be mounted in a concrete footing two feet deep and ten - twelve inches in diameter.

**409.3 Survey Monuments.** The minimum specification for monuments shall be iron rods or pipes not less than two feet long; they shall be driven a minimum of 18 inches into the ground. In cases where obstructions are encountered making it impractical to install this specification, alternative monumentation is permissible, and it shall be indicated on the plat.

**409.4 Curbs.** Curbs, where constructed, may be either the vertical type or the rolled curb and gutter type. They shall be constructed of Portland cement concrete with expansion joints every 20 feet.

**409.5 Sidewalks.** Where constructed, sidewalks shall be of concrete construction. They shall be a minimum of three feet wide and four inches thick and shall have a minimum cross slope of 2 percent.

**409.6 Sanitary Sewerage Systems.** All public sewerage system improvements shall be designed and constructed in accordance with the requirements of Borough Council and the Pennsylvania Department of Environmental Protection.

**409.7 Water Supply and Distribution System.** All public water system improvements shall be designed and constructed in accordance with the requirements of Borough Council and the Pennsylvania Department of Environmental Protection.

**409.8 Storm Water Management Control Devices.** Storm sewers, where used, drainage channels and swales shall be constructed in accordance with accepted, current engineering practice and shall be sized based upon the design criteria established in this ordinance. The following additional specifications are established:

**409.8(a)** Where drainage ditches or swales have gradients greater than 8 percent or where soil conditions provoke greater than normal surface runoff, drainage ditches shall be rip-rapped or paved.

**409.8(b) Drainage culverts.** Where used, shall be constructed of galvanized or concrete pipe and shall be a minimum of 15 inches in diameter. Headwalls should be constructed at the ends of culverts wherever possible.



**409.8(c)** In the design of storm drainage facilities special consideration shall be given to the avoidance of problems that may arise from the concentration of runoff onto adjacent properties. Where storm water is gathered and concentrated in newly formed swales and waterways within a subdivision or land development and discharged or drained over lands beyond the boundaries of the subdivision or land development, the applicant shall reserve or obtain easements over all lands affected thereby. Where this cannot be done, the water shall be diffused so that it does not enter the adjacent property in a concentrated flow pattern where it did not do so in its natural state.

**409.9 Bridges.** Bridges shall be designed in accordance with PennDOT and PennDEP requirements. The developer must obtain the required permits and/or approvals. Bridges of primary benefit to the subdivider as determined by Borough Council shall be constructed at the full expense of the subdivider. The sharing of expense between the subdivider and the Borough for the construction of bridges of only partial benefit to the subdivider shall be fixed by special agreement between Borough Council and the subdivider.

**409.10 Electric Power, Telephone And Cable Television Lines.** Wherever feasible electric power, telephone and cable television lines shall be placed in underground conduits.

## **ARTICLE V. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

**500. ASSURANCE OF IMPROVEMENTS.** The final plat of a proposed subdivision shall not be approved by Borough Council until appropriate assurances for the construction of improvements have been provided. Examples of the improvements referred to are roads, storm water drainage, sewer and water system improvements, etc. Assurances may be provided in any of the following ways:

**500.1 Early Construction.** The subdivision improvements including, but not limited to, roads, road signs, storm water management devices, may be constructed and accepted by the Borough subject to maintenance guarantees as established in this ordinance, said construction being accomplished by the subdivider after Preliminary Plan approval and prior to Final Plan approval by Borough Council.

**500.2 Performance Bond.** A performance bond may be negotiated by the subdivider for the improvements as listed in Article IV and in Article V Section 500.1. Said bond must be acceptable to Borough Council before the final plan can be approved. The performance bond shall be for 110 percent of the estimated cost of all improvements shown on the final subdivision plan. All bonds shall be with companies licensed to do business in the Commonwealth.

**500.3 Collateral.** Cash or acceptable collateral, covering 110 percent of the estimated cost of all the improvements shown on the final subdivision plan. This collateral shall be placed in an escrow account assignable to the Borough.

**500.4 Letter Of Credit.** A lending institution's letter of credit may be considered adequate assurance providing the Borough agrees to this arrangement. Such letter shall assure to the Borough of 110 percent of the estimated cost of all the improvements shown on the final subdivision plan.

### **501. PROCESSING REQUIREMENTS FOR THE ASSURANCES OF IMPROVEMENTS**

**501.1** Performance bonds, collateral accounts, and/or letters of credit shall provide for and secure to the public the completion of the improvements in the subdivision plan and program on or before the

date established in the developer's proposal and approved in the Borough's Final Plan approval.

**501.2 Amount of Financial Security.**

**501.2(a)** The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%.

**501.2(b)** The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of its engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the developer.

**501.3 Increasing Amount of Financial Security.** If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about

the expiration of the preceding one-year period by using the above procedure.

**501.4 Construction of Improvements By Stages.** 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.

**501.5 Release Or Reduction In The Amount Financial Security.** As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough, and the Borough shall have 45 days from receipt of such request within which to allow its engineer to certify, in writing, to the Borough that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough engineer fairly representing the value of the improvements completed. Upon the recommendation of the Borough engineer that the release be denied, the Borough shall notify the party of the denial of the request. If the Borough fails to act within said 45- days period, the Borough shall be deemed to have approved the release of funds as requested. The Borough may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

**502. AMOUNT AND TIME OF MAINTENANCE ASSURANCES.** Where the Borough accepts dedication of all or some of the required improvements following completion, the Borough may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

**502.1 Conduct Through The 18th Month Maintenance Period.** Once Borough Council accept the improvements they are responsible for the maintenance activities. Should a financial security for a period of 18 months be obtained from the developer to assure the integrity of the improvements, through this time period the improvements should be monitored by the Council. Should the Borough determine that the developer performed inadequate, substandard construction work subsequent to the initiation of the 18 month period, Borough Council, no later than 90 days prior to the end of the 18 month "maintenance" period, shall so inform, by letter, the developer documenting the deficiencies in the improvements and scheduling a meeting on the applicable site with the developer. The developer and Borough Council shall collaborate on remedies for any deficiencies so that by the expiration of the 18 month period, the Borough can authorize the release of the financial security covering the maintenance period. Should the parties be unable to reach a satisfactory agreement regarding the listed deficiencies at the end of the 18 month period the Borough may take the necessary steps to utilize the funds in the financial security to remedy the deficiencies.

**503. IMPROVEMENTS UNDER THE JURISDICTION OF OTHER PUBLIC ENTITIES.** If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Borough authority separate and distinct from Borough Council, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Borough authority and shall not be included within the financial security otherwise regulated in this article.

**503.1** If financial security has been provided in lieu of the completion of improvements required as a condition for the Final Plan approval as set forth in this Ordinance, the Borough shall not condition the issuance of building, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted on the final plat upon actual completion of the improvements depicted upon the approved Final Plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question, if such improvements are necessary for the reasonable use of

or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

**504. ACCEPTANCE BY BOROUGH COUNCIL OF IMPROVEMENTS AND RELEASE OF FINANCIAL SECURITY.**

**504.1** When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Borough Council in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough engineer. The Borough shall, within ten days after receipt of such notice, direct and authorize its engineer to inspect all of the aforesaid improvements. The engineer shall, thereupon, file a report, in writing, with the Borough, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough engineer of the aforesaid authorization from Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the engineer, said report shall contain a statement of reasons for such non-approval or rejection.

**504.2** No road may be accepted by the Council until the buildings and improvements are completed on 50% or greater of the lots served by said road;

**504.3** Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of the Borough with relation to the improvements;

**504.4** If Borough Council or the Borough engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement;

**504.5** If any portion of the said improvements shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed;

**504.6** Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of Borough Council or their engineer.

**504.7 Expenses Incurred In Inspecting Improvements.** Borough Council may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements (and for plan review fees). Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the engineer (or consultant) for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer (or consultant) to the Borough when fees are not reimbursed or otherwise imposed on applicants.

**504.7(a)** In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses;

**504.7(b)** If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, the applicant and Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary;

**504.7(c)** The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately;

**504.7(d)** In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party,

the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years;

**504.7(e)** The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

**505. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.** In the event that any improvements that may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved Final Plan, the Borough Council is hereby granted the power to 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 may, at its option install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

**506. INSPECTION WHILE CONSTRUCTION IS IN PROGRESS.** During the construction of road and storm water drainage improvements, the subdivider shall be required to notify Borough Council at least 24 hours before critical points in the construction process so the Borough may make inspections. In the case of roads, the subdivider shall notify the Borough, at the minimum, before each of the following operations:



(a) For gravel roads before the gravel material is deposited on the compacted subgrade; for bituminous roads before the gravel subbase course and/or the aggregate base is deposited on the compacted subgrade;

(b) For gravel roads before the top course of gravel is laid and rolled in place; for bituminous roads before the wearing course and the binder course are laid in place on top of the required under-construction. Borough Council in order to complete their inspection of bituminous roads, may require the developer to provide core borings of the finished roadway, in order to insure proper depth, thickness and compaction of the road construction.

**507. CONSTRUCTION OF IMPROVEMENTS BEFORE FINAL PLAN APPROVAL.**

**507.1** When the subdivider elects to begin construction of required improvements before Borough Council have approved the Final Plan as permitted in Section 500.1, he shall obtain a written statement from the Borough indicating the Preliminary Plan including all engineering and construction plans and specifications have been reviewed and approved. In no event shall work on the construction of improvements begin before the Preliminary Plan has been approved by the Borough. Where engineering plans in the Preliminary Plan application are not completed in sufficient detail for actual construction and the subdivider intends to construct improvements before Final Plan approval is requested the subdivider shall complete these more detailed plans in order that the Borough can provide a written statement authorizing early construction.

**507.2** When construction of improvements is begun based upon Preliminary Plan approval all improvements shall be completed within 24 months from the date of such approval. Should circumstances develop where the work cannot be completed in this time period, upon request by the subdivider, extensions of time may be granted by the Borough otherwise the subdivider shall re-obtain Preliminary Plan approval.

**508. PARK, RECREATION AND/OR OPEN SPACE AREAS.** In instances where park, recreation and/or open space areas are platted and dedicated for the use of the general public or for the use of the residents of the subdivision there shall be some assurance as to the maintenance of such areas either through the acceptance of said areas by Borough

Council or through the creation of a homeowners' association which would assume the maintenance responsibilities.

## **ARTICLE VI. LAND DEVELOPMENT STANDARDS AND REQUIREMENTS**

**600. JURISDICTION.** Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 170 and as such as subject to regulation. Land developments include but are not limited to mobile home parks, recreational vehicle parks, campgrounds, apartment complexes and shopping centers. These developments are characterized by the fact that the development site is in a single ownership and the buildings and/or use areas are rented or leased to prospective users. There is no division of land typical of land subdivision actions, although buildings and/or use areas may be sold at the time of development or at some future time through cooperative or condominium arrangements. It shall be unlawful for an applicant to construct land developments as defined herein until:

**600.1** The Final Plan has been approved by Borough Council and recorded as established in Section 206 of this ordinance;

**600.2** A valid permit from the Pennsylvania Department of Environmental Protection, where applicable, has been approved for issue to the applicant;

**600.3** 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; and

**600.4** All Stormwater Management Requirements as outlined within Section 303.13 and any subsections.

**601. CLASSIFICATION OF LAND DEVELOPMENTS.** Land developments are classified as either minor land developments or major land developments.

**601.1 Minor Land Development.** Any land development involving the construction of only one commercial, industrial or any other non-residential building and including an individual apartment building of 3 or more dwelling units where the development involves less than 12,000 square feet of impervious or semi-impervious surface (buildings, parking lots, driveways, walkways, etc.) and where no new public or private roads are proposed shall be classified as a minor land development.

**601.2 Major Land Development.** Any land development not classified as a minor land development shall be generally classified as a major land development.

**602. PROCEDURES.** In processing a land development the three stages procedure established in this ordinance for land subdivisions shall be used: Sketch Plan (Section 203 not mandatory), Preliminary Plan (Section 204), and Final Plan (Section 205) stages. The land development shall be processed, and submission requirements shall be the same as that required for subdivisions. For minor land developments, applicants may combine the Preliminary and Final Plan stages into one review stage provided that all required information for both stages is submitted. The final site plan shall be recorded in the County Recorder's Office.

**603. SITE PLAN REQUIREMENTS.** In addition to the applicable requirements, including Stormwater Management Plan requirements, for Preliminary (Section 303) and Final (Section 305) Subdivision Plans outlined in this Ordinance, each land development site plan shall include the following:

**603.1** Existing site conditions (topography, drainage, tree clusters, buildings, utilities, streets, and adjacent properties),

**603.2** Proposed developments, including buildings (with frontal elevations), parking, vehicular and pedestrian access areas, landscaping and utility location and size,

**603.3** Property information with a boundary survey with bearings and distances completed by a Professional Land Surveyor,

**603.4** A parking and access plan with estimated parking demands and traffic flows,

**603.5** A complete landscaping plan that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties,

**603.6** Minor land developments may be approved without providing the information required by Sections 603.1, 603.4, and 603.5.

**604. GENERAL DESIGN STANDARDS**

**604.1** Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic.

**604.2** The developer shall demonstrate that the proposed parking and access layout is adequate for the parking demands and vehicular and circulation generated by the proposed development.

**604.3** The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management devices.

**604.4** The site plan shall provide for adequate visual screening and protection of noise from adjacent properties through building design, street layout, plantings and landscaping. Service and waste storage and disposal areas shall be planned and constructed such that they are not visible from adjacent uses.

**604.5** Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Private streets shall meet Borough standards regarding sub-grade preparation, base, and surfacing construction.

**604.6** Landscape treatment shall be provided to enhance architectural features, strengthen vistas, and provide shade, and provide adequate visual and noise buffering for adjacent properties.

**604.7** Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society.

**605. DESIGN STANDARDS FOR APARTMENT COMPLEXES AND SHOPPING CENTERS.** Where the standards established in this section conflict with the standards set forth in the Zoning Ordinance of Spartansburg Borough, the standards in this ordinance shall be applicable.

**605.1** 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.

**605.2** For apartment complexes for the elderly there shall be a minimum of .5 parking spaces per dwelling unit. For all other apartment complexes there shall be a minimum of 2.0 parking spaces per dwelling unit.

**605.3** For shopping centers there shall be a minimum of 2,500 square feet of off-street parking space for each 1,000 square feet of building area including storage areas but excluding basement areas.

**605.4** For apartment complexes the maximum density in dwelling units per gross acre shall be 12.0.

**605.5** Service areas including the locations for garbage and trash storage and pick-up, for the land development shall be planned and constructed such that they are internal to the development and not a physical or visual nuisance to surrounding development.

**605.6** The site plan shall demonstrate that building locations and areas for vehicular circulation have been chosen with reasonable regard to the natural character of the land.

**606. MOBILE HOME PARK DEVELOPMENTS.**

**606.1 Minimum Area Requirements.** The minimum gross area of a property on which a mobile home park is developed shall be two contiguous acres of land that are not subject to flood hazards or the hazards of insect or rodent infestation.

**606.2 Required Facilities.**

**606.2(a)** Each mobile home stand shall contain only a single family unit and shall be supplied with connections to sanitary sewer, water, and electrical systems.

**606.2(b)** Each mobile home shall have toilet, bathtub or shower, heating system, and kitchen in good working order.

**606.2(c)** Adequate storage facilities conveniently located to all lots in the park shall be provided for storage of often-used outdoor equipment, furniture, tools and other normal possessions which are used infrequently and which cannot be conveniently stored in a typical mobile home.

**606.2(d)** Adequately sized and sited refuse handling facilities with weekly pickup shall be provided in the development.

**606.3 Site Requirements.**

**606.3(a)** The locations of the mobile home stands shall be carefully related to the topography and to each other, preserving as much of the natural site as possible.

**606.3(b)** Mobile home lots shall have a minimum of 5,000 square feet. Double wide mobile home lots shall have a minimum of 6,000 square feet. All lots shall have direct access to the internal road system. Each stand shall be provided a patio area at least 100 square feet in area with a least dimension of 8 feet. Each stand shall be provided a minimum of one off-street parking space that shall contain a minimum of 200 square feet with the smallest dimension being 10 feet. Driveways, parking spaces and patios shall be constructed of permanent, stable, dust free materials and be adequate for use during all seasons.

**606.3(c)** Overall in the mobile home park there shall be a minimum of two parking spaces for each mobile home stand. See Section 606.4(b) following.

**606.3(d)** Stands shall be constructed of an appropriate material, properly graded, compacted and drained so as to be durable and provide an adequate setting for the mobile homes. All mobile homes shall be fastened to a foundation slab or footings and tied down to secure against up-lift, sliding or overturning and shall be skirted with appropriate material. A gradient on the stands shall occur in only one direction perpendicular to an edge and shall be a maximum of 4 percent.

**606.3(e)** There shall be a minimum distance of 20 feet between each mobile home including accessory structures attached thereto and any portion of any other structure in the park. There shall be a minimum distance of 15 feet between each individual unit and the edge of the nearest abutting internal street or park area. There shall be a minimum distance of 10 feet between each unit and a pedestrian walkway. There shall be a minimum distance of 50 feet between each unit and the mobile home park boundary line.

**606.3(f)** Walks shall be planned and constructed so as to provide safe and convenient access throughout the park connecting

individual stands to common recreation areas, to all facilities, and to each other. Connecting walks shall be a minimum of 3 feet wide and walks on individual lots shall be a minimum of 1 1/2 feet wide. Walks shall provide an all-weather walking surface, and be reasonably free from mud, dust, and standing water.

**606.3(g)** A recreation and park areas shall be provided to serve the residents of the mobile home park. A minimum of 10 percent of the gross acreage shall be established and developed as a recreation and park area.

**606.4 Access And The Internal Road System.**

**606.4(a)** The minimum width of the portion of the site used for vehicular access from the public road to the mobile home park shall be 60 feet.

**606.4(b)** The internal road system may be privately owned and maintained and shall be designed for safe and convenient access to provide a sound, all-weather driving surface, and be reasonably smooth and free from mud, dust and standing water. The travelway or cartway surface of the roads shall be a minimum width of 14 feet for one-way roads and 20 feet for two-way roads; where on-street parking is permitted 8 feet of road surface (cartway) shall be added to each side of the road on which on-street parking is permitted. On-street parking maybe used to meet the requirement of Section 606.3(c). Road surface widths as required herein do not include the road cross-sectional areas devoted to storm water drainage.

**606.5 Skirting On Mobile Homes.** All mobile homes shall be covered or skirted around the entire base of the structure in such a manner that continuous facades exist from the ground upwards. The material forming this enclosure shall be compatible with the remainder of the structure and shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

**606.6 Visual Relation To Surrounding Area.** Screening that is immediately perceived throughout all seasons of the year may be required at the boundaries of the mobile home park depending on the nature of the site and its relation to the uses in the surrounding area. Screening shall consist of landscape plantings (natural or introduced), fences, walls, or terrain features or any combination of these devices. If open fencing, such as chain link fence is used, it should be installed within plantings so as not to be easily visible from inside or outside the park.



**607. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.** Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as roads, parking areas and storm water 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 Borough acceptance of the site improvements (roads, storm water drainage devices). However, in these instances roads and storm water drainage 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 the 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 Borough Council shall be ultimately responsible for maintenance activities and the provisions of the Article V are applicable to the processing of the proposal.

## ARTICLE VII. DEFINITIONS

### 700. USAGE.

**700.1** Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.

**700.2** The word "shall" is mandatory and not discretionary.

**700.3** The words "may" and "should" are permissive.

**700.4** The term "person" includes a corporation, a partnership and an incorporated association of persons.

### 701. WORDS AND TERMS DEFINED.

**701.1 Applicant.** A landowner or developer, including his heirs, successors and assigns, who seeks authorization under the provisions of this ordinance to engage in an activity governed in whole or in part by this ordinance. An applicant may be a person, partnership, business, corporation, or an association of persons.

**701.2 Basement.** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

**701.3 Bench Mark.** A point in known elevation and location in or near the subdivision and tied in with established monuments in the vicinity that are maintained by the United States Coast and Geodetic Survey.

**701.4 Block.** A tract of land bounded by roads, or by a combination of roads and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of the county.

**701.5 Bond.** Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit.

**701.6 Building.** Any structure constructed for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind.

**701.7 Building Setback Line.** A line established generally parallel with and measured from, the lot line coterminous with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this ordinance. This line is also referred to as a building line.

**701.8 Campground.** A site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly which has been planned and improved for the accommodation of two or more campsites to be occupied as temporary living quarters for recreation or vacation purposes.

**701.9 Cartway.** That portion of the road right-of-way surfaced and used for vehicular travel. Cartway width is from one edge of surfacing to the other edge of the surfacing.

**701.10 Cluster Development.** A building venture to be developed by a single owner or a group of owners acting jointly involving a number of dwelling units, and in some instances uses ancillary thereto, and planned as an entity, therefore amenable to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots where lot size, bulk, yard and density requirements normally governed development.

**701.11 Conservation District.** The Crawford County Conservation District or County Conservation District (CCD).

**701.12 Covenant.** An agreement or restriction placed on a parcel of land by a previous owner and usually found in the deed.

**701.13 Crosswalk.** A public right-of-way through a block providing pedestrian access to adjacent roads or areas.

**701.14 Cul-de-sac.** A local road having one open end and being permanently terminated by a vehicular turnaround.

**701.15 Culvert.** A closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment.

**701.16 Dependent Unit.** A mobile home, travel trailer, camping trailer, truck camper or similar device containing no flush toilet and no bathtub or shower.

**701.17 Design Criteria.** (1) Engineering guidelines specifying construction details and materials. (2) Objectives, results, or limits which

must be met by a facility, structure, or process in performance of its intended functions.

**701.18 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.

**701.19 Easement.** A right granted by a property owner for the use of a portion of the landowner's land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

**701.20 Engineer.** A professional engineer who is licensed as such in the Commonwealth of Pennsylvania.

**701.21 Erosion.** Wearing away of the lands by running water, glaciers, wind and waves.

**701.22 Erosion Control.** The application of measures to reduce erosion of land surfaces.

**701.23 Gross Land Area Or Gross Acreage.** The entire area of a subdivision including lots and roads, measured to the right-of-way on any bounding roads.

**701.24 Gross Residential Density.** A unit of measure indicating the number of dwelling units per gross area of land. Where a density figure is given, the allowable number of dwelling units is determined by multiplying the density figure by the gross acreage.

**701.25 Impervious.** Not allowing or allowing only with great difficulty the penetration of water; impermeable.

**701.26 Improvements.** Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to grading, paving, storm sewer lines and drains, changes to existing watercourses, roads and road signs, monuments, water supply facilities and sewage disposal facilities.

**701.27 Independent Unit.** A mobile home, travel trailer, truck camper or similar device containing a flush toilet, or a flush toilet and a bathtub or shower.

**701.28 Land Development.** Land development shall mean any of the following activities:

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

(1) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

**701.28(b)** A subdivision of land

**701.28(c)** It shall not include:

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

(2) The addition of an accessory building, including farm 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 purposes of this sub-clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**701.29 Landowner.** The legal or beneficial owner(s) of land including the holder of an option or contract to purchase, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this document.

**701.30 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.

**701.31 Lot, Double Frontage.** A lot with opposite ends both abutting on public roads.

**701.32 Lot, Mobile Home.** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**701.33 Maintenance.** The upkeep necessary for efficient operation of physical properties.

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

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

**701.36 Mobile Home Stand.** That part of an individual mobile home lot which has been reserved for the placement of the mobile home.

**701.37 Monument.** A point on the land of known location, which is established by a registered professional land surveyor, and used to locate property lines.

**701.38 Municipality.** Spartansburg Borough

**701.39 Owner.** Any person, group of persons, firm or corporation or any legal entity having legal title to or sufficient proprietary interest in land sought to be subdivided or developed under this ordinance.

**701.40 PennDEP.** Pennsylvania Department of Environmental Protection.

**701.41 PennDOT.** Pennsylvania Department of Transportation.

**701.42 Performance Standard.** A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

**701.43 Planning Office.** The staff which serves the Crawford County Planning Commission, also called the County Planning Office or Crawford County Planning Office.

**701.44 Plat.** A plan, map or drawing on which the subdivider's plan for the subdivision of land is represented and which he submits for approval and intends to record.

**701.45 Recreational Vehicle.** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. Such vehicles are normally called: travel trailers, camping trailers, truck campers or motor homes.

**701.46 Recreational Vehicle Park.** A site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly upon which two or more recreational vehicles, used as temporary living quarters for recreation or vacation purposes, are (or are intended to be) located whether operated for or without compensation.

**701.47 Recreational Vehicle Site.** A plot of ground within a recreational vehicle park for the accommodation of either a recreational vehicle, a tent or other camping unit on a temporary basis.

**701.48 Road.** An area which primarily serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other roads. The word "road" refers to the right-of-way or easement, whether public or private, and not only to the surfaced roadway or paving or other improvements within the road right-of-way.

**701.49 Road, Arterial (Minor).** A road which serves interstate and inter-county travel, and where trips are normally of long duration. Within the Borough, the two minor arterial roads include U.S. Routes #6 & #19.

**701.50 Road, Local.** A local street which would never, even with full development surrounding it, carry appreciable through traffic. This system of roads primarily serves as access for abutting property owners.

**701.51 Road, Private.** Any road which is under the jurisdiction of an individual, corporation, or trustee, or any road which is privately owned or established.

**701.52 Road, Marginal Access.** A road which is parallel and adjacent to a highway and which provides access to abutting properties while separating them from the highway, protecting local traffic from the fast moving, through moving traffic on the highway.

**701.53 Road, Public.** Any road which is shown on the subdivision plat and is, or is to be, dedicated, for public use.

**701.54 Sediment.** Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

**701.55 Sedimentation.** The process by which mineral or organic matter is accumulated or deposited by moving water, wind, gravity or ice.

**701.56 Sight Distance.** The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 4.5 feet above the centerline of the road surface to a point in the distance 0.5 feet above the centerline of the road surface.

**701.57 Storm Sewer.** A sewer that carries intercepted surface runoff, street water and other drainage, but excludes domestic sewage and industrial waste.

**701.58 Stormwater.** That portion of precipitation which runs over the land.

**701.59 Stormwater Collection System.** Natural or man-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

**701.60 Structure.** Any man-made object which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, but not limited to, buildings, billboards, signs, carports, porches, decks, swimming pools, walls and other building features but not including sidewalks, drives and patios.



**701.61 Subdivider.** The owner or his agent with written authority and having detailed knowledge of the proposed subdivision.

**701.62 Subdivision.** The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development:

Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted; and

Provided, however, that conveyances executed for the sole purpose of settling bona fide property line disputes between adjoining owners shall not be considered subdivisions as defined herein.

**701.63 Survey, Property.** An accurate drawing prepared by a registered professional land surveyor.

**701.64 Surveyor.** A Professional Land Surveyor registered as such by the Commonwealth of Pennsylvania.

**701.65 Swale.** A low-lying stretch of land which gathers or carries surface water runoff.

**701.66 Borough.** Spartansburg Borough or the Spartansburg Borough Council.

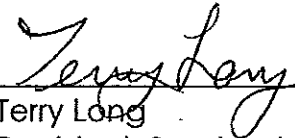
**701.67 Borough Council.** The duly elected governing officials of the Borough of Spartansburg, also referred to as the "Borough", the "Council", and/or the "Borough Council".

**701.68 Watercourse.** Any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**ORDAINED AND ENACTED INTO AN ORDINANCE**

this 1st day of August, 2000.



  
Terry Long  
President, Spartansburg  
Borough Council

Attest:

  
Mary Ann Palmer  
Secretary, Spartansburg  
Borough Council

**Certification**

I hereby certify the within to be a true and correct copy of the original ordinance duly enacted by the Council of the Borough of Spartansburg on August 1, 2000, a quorum being present for the transaction of business.

  
Terry Long  
President, Spartansburg  
Borough Council

## APPENDIX I. CERTIFICATES

The following certificates shall be placed on all plats and/or site plans. The language of the certificates need not be exactly as shown hereunder but it shall convey in a reasonable way the same information and/or assurances:

### 1. Borough Council's Statement

This plat was given final approval by the Council of Spartansburg Borough on \_\_\_\_\_, 20\_\_\_\_.  
date

\_\_\_\_\_  
signature of authorized approving official

### 2. Professional Land Surveyor's Statement

I, \_\_\_\_\_, hereby certify that I am a professional land surveyor currently registered in the state of Pennsylvania, that this plat correctly represents a survey completed by me, that all monuments shown hereon actually exist, and that their location and material are accurately shown.

\_\_\_\_\_, 20\_\_\_\_  
date signature

### 3. Review Statement from the Crawford County Planning Commission

Reviewed by the Crawford County Planning Commission on \_\_\_\_\_, 20\_\_\_\_. The signature hereon does not establish approval or disapproval of this subdivision, but indicates the commission has made review comments which have been provided to the Borough, and the developer and which are part of the public record.

\_\_\_\_\_  
signature of authorized official

### 4. Review Statement from the Spartansburg Borough Planning Commission

This plat was reviewed by the Spartansburg Borough Planning Commission on \_\_\_\_\_, 20\_\_\_\_, and the Borough Commission's review comments are being provided to the Borough Council and Developer and shall be part of the public record.

\_\_\_\_\_  
signature of authorized official

### 5. Either statement A. or B. shall be entered on the plat, depending on

whether or not there is a public dedication.

**A. Owners Dedication:**

We (I) hereby certify that we (I) own the property plotted hereon and that this plat is made for the purpose of subdividing the property. Building setback lines are established on this plat between which lines and the property lines of the road(s) there shall be no building erected.

\_\_\_\_\_, 20\_\_\_\_\_  
date

\_\_\_\_\_  
signature

\_\_\_\_\_  
signature

*Notary Signature and Seal*

**B. Owners Declaration and Dedication Statement:**

We (I) hereby certify that we (I) own the property plotted hereon and that this plat is made for the purpose of subdividing the property. Building setback lines are established on this plat between which lines and the property lines of the road(s) there shall be no building erected. All roads (park areas, if applicable) shown on this plat and not heretofore dedicated are hereby dedicated to the public. It is recognized and acknowledged that by approving the subdivision plat, the Borough does not accept the roads hereby dedicated and that the roads will not be Borough roads unless the dedicated roads are accepted by separate action of the Township Supervisors.

\_\_\_\_\_, 20\_\_\_\_\_  
date

\_\_\_\_\_  
signature

\_\_\_\_\_  
signature

*Notary signature and seal*

## APPENDIX II. EASEMENTS

Depending on the nature of the subdivision or land development the following easements may be required on the plan and/or site plan. The language of these easements need not be exactly as shown hereunder but it shall convey, in a reasonable way, the same information and/or assurances.

### 1. **Utility Easement**

An easement is hereby granted to all public utility companies, and their respective successors and assigns, to install, place and maintain sewers, water mains, gas main, conduits, cables, poles and wires, either overhead or underground with all necessary braces, guys, anchors, and other appliances in, upon, along and over the strips of land designated on the plat and marked **UTILITY EASEMENT**, for the purpose of serving the public in general with sewer, water, gas, electric, and telephone service, together with the right to enter upon the said easements for public utilities at all times for any and all of the purposes aforesaid and to trim and keep trimmed any trees, shrubs, or saplings that interfere with any such utility equipment. No permanent buildings shall be placed on said easement.

### 2. **Drainage Easement**

An easement is hereby granted to [The Borough Council and/or Homeowners' Association] for the purpose of maintaining a drainage waterway upon the land designated on the plat as **DRAINAGE EASEMENT**. No structures or planting shall be placed or maintained in this easement which will interfere with the intended drainage functions of this easement nor with necessary and normal maintenance and/or drainage installation operations if such be required.

**APPENDIX III. SUBDIVISION AND/OR LAND DEVELOPMENT  
APPLICATION FORM**

See Section 300 of Spartansburg Subdivision and Land Development Ordinance

- \* Name of subdivision and/or land development: \_\_\_\_\_
- \* Name of Landowners: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_
- \* Name of Developer: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_
- \* Location of Subdivision or Development: \_\_\_\_\_  
\_\_\_\_\_
- \* Type of Development: \_\_\_\_\_  
residential, commercial, etc.
- \* Names, addresses and phone numbers of surveyor, architect or engineer:  
\_\_\_\_\_  
\_\_\_\_\_
- \* Approximate number of lots: \_\_\_\_\_ Gross acreage: \_\_\_\_\_
- \* General statements on the handling of:  
Sewage: \_\_\_\_\_  
Potable Water: \_\_\_\_\_  
Storm drainage: \_\_\_\_\_  
Electricity: \_\_\_\_\_  
Other Utilities: \_\_\_\_\_  
\_\_\_\_\_
- \* Statement about new roads and other public improvements:  
\_\_\_\_\_
- \* Provision of park and recreation space: \_\_\_\_\_
- \* Zoning, if applicable: \_\_\_\_\_
- \* Description of surrounding area: \_\_\_\_\_  
\_\_\_\_\_
- \* Intended timing of development: \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Landowner/Developer

**For Official Use:**

1. The following were submitted on \_\_\_\_\_, 20\_\_\_\_:  
3 copies of preliminary plat/plan \_\_\_\_\_  
3 copies of narrative statements (if applicable) \_\_\_\_\_  
fees for preliminary review \_\_\_\_\_

2. The preliminary plan was approved on \_\_\_\_\_, 20\_\_\_\_\_.

3. The following were submitted on \_\_\_\_\_, 20\_\_\_\_:  
3 copies of final plat/plan \_\_\_\_\_  
3 copies of narrative statements (if applicable) \_\_\_\_\_  
fees for preliminary review \_\_\_\_\_

4. The final plan was approved on \_\_\_\_\_, 20\_\_\_\_\_.

5. Comments about time extensions:  
\_\_\_\_\_  
\_\_\_\_\_

6. Comments about financial security for new roads and public improvements:  
\_\_\_\_\_  
\_\_\_\_\_

## APPENDIX IV. STATEMENTS ON THE HANDLING OF SEWAGE NEEDS

**Warning Regarding Sewage** - The lands in this subdivision or land development may not be suitable for on-lot sewage disposal systems. It is possible a sewage permit cannot be obtained for an on lot sewage system on the subject lands and that such a system will not be allowed to be constructed or used for sewage disposal purposes. Community and public sewage disposal systems may not be available. Without complying with the process requirements for and without obtaining the approvals and permits necessary for the construction and installation of sewage disposal system facilities, as required by law, no buildings or structures for any kind of human occupancy shall be permitted.



**APPENDIX V. STATEMENT/CERTIFICATION REGARDING  
NO SEWAGE-RELATED USE**

We (I), landowner(s), hereby certify that this subdivision is not made for purposes of land development or improvement for any use that would involve construction of facilities for human occupancy including residential, business, recreational or institutional type uses. The lands have not been examined or tested for fitness or suitability for sanitary sewage system or disposal purposes. The lands may not be suitable for an on-lot sewage disposal system, and may not qualify for issuance of the necessary governmental approvals and permits. Construction of a properly permitted sewage disposal system on the lands may be impossible.

Without proper sewage system permits and approvals by necessary and appropriate municipal or governmental officials, no permits can or shall be issued for any building construction or improvements unless demonstrated to the satisfaction of municipal officials that there shall be no human occupancy of the building or other improvement for any residential, business, recreational or institutional use.

## **Appendix VI. Statement of PennDOT Highway Occupancy Permits**

Where vehicular entry to lots which abut state or municipal maintained roadways is proposed, highway occupancy permits must be obtained from PennDOT or the municipality, as may be required. No building permits shall be issued by the Borough and no building construction shall be initiated on said lots until highway occupancy permits are obtained. Approval of this plat by the Borough does not guarantee that said highway occupancy permits will be issued.