

## **CHAPTER 22**

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## Part 1

### Title, Purpose, Authority and Jurisdiction

#### §101. Title.

These regulations shall be known and may be cited as the “Subdivision and Land Development Regulations of the Borough of Hollidaysburg”. (Ord. 596, 3/8/1982)

#### §102. Purpose.

The purpose of these subdivision and land development regulations is to provide for the orderly, logical and harmonious development of the Borough of Hollidaysburg and to protect, promote and create conditions favorable to the health, safety and general welfare of the Borough’s citizenry by:

- A. Ensuring that all future subdivision or land development is consistent with the Borough’s Statement of Community Development Objectives, adopted by Council (Resolution No. 89-11, dated March 13, 1989) and applicable local and regional comprehensive plans.
- B. Providing for the orderly transformation of open lands and acreage into residential and nonresidential development of the Borough thereby minimizing the incompatible and inefficient use of land.
- C. Protecting and conserving the value of land and improvements throughout the Borough and minimizing the conflicts among the uses of land and buildings.
- D. Establishing requirements, standards and specifications to guide developers in the design and layout of subdivisions and land developments.
- E. Providing a uniform and equitable process for reviewing all plans.
- F. Encouraging and providing for innovations in new residential developments such as planned residential development, cluster development and other evolving methods which provide for: a greater variety in type, design and layout of dwellings; the conservation and more efficient use of open space; savings on utilities and streets; and integration of slope and other natural areas into the total development plan for use as open space.
- G. Providing for the logical and orderly addition and extension of community facilities and public utility systems serving developing areas of the Borough.
- H. Preventing the pollution of air, streams and other waterbodies; assuring the adequacy of drainage facilities; safeguarding the water table; and encourag-

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ing the wise use and management of natural resources in order to preserve character and value of the community.

- I. Preserving the natural beauty and topography of the Borough and ensuring appropriate development with regard to these natural features.
- J. Maintaining the quality of land records through creation and filing of accurate and legible subdivision/land development plans with the county and municipal officials.

(Ord. 598. 3/8/1982; as amended by Ord. 648. 10/9/1989)

### **§103. Authority.**

1. Authority.
  - A. The Hollidaysburg Borough Council, in accordance with the Municipalities Planning Code, shall have the authority and jurisdiction to review and approve all subdivision and land development plans as required herein.
  - B. The Borough Planning Commission is hereby designated as the agency which shall review and make recommendations on all subdivision and land development plans prior to action by Borough Council and, when provided by ordinance, make other recommendations.
  - C. The Borough is empowered to regulate land use activities that affect runoff by the authority of the Act of October 4, 1978, P.L. 864

(Act 167), the “Stormwater Management Act,” as amended by Act 63 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

[Ord. 778]

2. Application of Regulations.
  - A. No subdivision or development, as defined herein, of any lot, tract or parcel of land shall be effected; and no street, alley, sanitary sewer, storm sewer, water facility, storm drainage facility or other improvements in connection therewith shall be laid out, constructed opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provision of this Chapter.
  - B. No lot in [a] subdivision shall be sold, and no permit to erect, alter or repair any building upon land in a subdivision or development shall be issued and no building shall be erected in a subdivision or land development, unless and until a subdivision/land development plan has been approved and re-

corded and until the improvements required by Council in connection therewith either have been constructed or guaranteed in accordance with the provisions of the Chapter.

3. Interpretation and Conflicts.

- A. In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. Wherever particular circumstances require the consideration of additional factors or the application of more stringent standards than those set forth herein, the Council shall have the power to consider such additional factors and apply such standards as it shall deem appropriate and necessary under the circumstances involved to protect the public health, safety and general welfare of the community.
- B. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.
- C. This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more, restrictive, or higher standards than the requirements of these regulations, or the determinations of Council in approving subdivision or land development, and such private provisions are not inconsistent with this Chapter or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989; and by Ord. 778, 4/19/2001, §1)





## Part 2

### Definitions

#### §201. Interpretation.

1. General Terms. For the purposes of these regulations, words in the singular include the plural, and those in the plural include the singular. Words in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. The words “person,” “subdivider,” “developer,” and “owner” include a corporation, unincorporated association, and a partnership, or other legal entity, as well as an individual. The word “street” includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. The word “building” includes structures and shall be construed as if followed by the phrase “or part thereof.” The word “watercourse” includes channel, creek, ditch, drain, dry run, spring and stream. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory.
2. Terms Not Defined. Where terms or words are not defined in the following Section, they shall have their ordinarily accepted meanings or such as the context may imply. Wherever a term is not defined herein, but is defined [in] the Municipalities Planning Code, then said words shall be defined as set forth in the Code.
3. Illustrations. In the case of any difference of meaning or implication between the text of the definitions in this Section and any accompanying illustration, the text shall control.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### §202. Definitions; Specific Terms.

1. The definitions of all terms contained in Chapter 27, Part 8, §802, of the Code of Ordinances of the Borough of Hollidaysburg are incorporated herein and made a part hereof by reference.
2. For purposes of this Chapter, certain words shall have the following meaning unless the context clearly indicates otherwise:

ACCELERATED EROSION — the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

ACT — the Stormwater Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. §§680.1 – 680.17, as amended by Act of May 24, 1984, No. 63).

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**APPLICANT** — a landowner or developer who has filed an application for development including his/her heirs, successors and assigns.

**ARCHITECT/LANDSCAPE ARCHITECT** — a person licensed to practice as an architect or landscape architect in the Commonwealth of Pennsylvania.

**BMP (BEST MANAGEMENT PRACTICE)** — activities, facilities, designs, measures or procedures used to manage stormwater impacts to meet State Water Quality Requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Chapter.

**BOROUGH** — the Borough of Hollidaysburg.

**BOROUGH ENGINEER** — a professional engineer licensed in the Commonwealth of Pennsylvania, duly appointed by the Borough of Hollidaysburg.

**CARTWAY or ROADWAY** — the portion of a street or alley improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder.

**CHANNEL** — a perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

**CONSERVATION DISTRICT** — the Blair County Conservation District.

**COUNTY** — Blair County, Pennsylvania.

**CROSSWALK** — a right-of-way, municipally or privately owned, intended to provide access for pedestrians.

**CUL-DE-SAC** — a minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

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

**CUT** — an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

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

**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.

DESIGN STORM — see “storm frequency.”

DETENTION — the slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION POND or BASIN — a basin or reservoir, usually small, constructed to impound or retard surface runoff temporarily.

DEVELOPER — the person, persons or any corporation, partnership, association or other entity or any responsible person therein or agent thereof that undertakes the activities associated with changes in land use. The term “developer” is intended to include by not necessarily be limited to the term “subdivider,” “owner” and “builder,” even though the individuals involved in successive stages of a project may vary.

DEVELOPMENT — any activity, construction, alteration, change in land use or practice that affects stormwater runoff characteristics.

DISCHARGE — the flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

DRAINAGE — in general, the removal of surface water from a given area. Commonly applied to surface water and ground water.

DRAINAGE AREA —

- (1) the area of a drainage basin or watershed, expressed in acres, square miles or other unit of area.
- (2) the area served by a sewer system receiving storm and surface water or by a watercourse.

ENCROACHMENT — any structure or activity which in any manner changes, expands or diminishes the course current or cross section of any watercourse, floodway or body of water.

ENGINEER — see “Borough Engineer.”

EROSION — wearing away of the lands by running water, glaciers, winds and waves.

EROSION AND SEDIMENT CONTROL PLAN — a plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

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**EROSION CONTROL** — the application of measures to reduce erosion and land surfaces.

**EXCAVATION** — any act by which earth, sand, gravel, rock or other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

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

**GROUND COVER** — materials covering the ground surface.

**GROUND WATER** — subsurface water occupying the saturation zone from which wells and springs are fed.

**GROUND WATER RECHARGE** — replenishment of ground water naturally by precipitation or runoff or artificially by spreading or injection.

**IMPERVIOUS** — not allowing, or allowing only with great difficulty, the movement of water; impermeable.

**IMPROVEMENTS** — those physical addition, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, stormwater management facilities, sidewalks, crosswalks, driveways, culverts and street shade trees.

**IN-FILL PROJECT** — the development of one or a small number of contiguous, undeveloped residential properties within an established residential area.

**INFILTRATION** —

- (1) the flow or movement of water through the interstices or pores of a soil or other porous medium.
- (2) the absorption of liquid by the soil.

**LAND DEVELOPMENT** — any of the following activities:

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

- (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
- (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

LAND DISTURBANCE — any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

MAINTENANCE — the upkeep necessary for efficient operation of physical properties.

NATURAL STORMWATER RUNOFF REGIME — a watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

MAINTENANCE GUARANTEE — any security, other than cash, which may be accepted by the Borough for the maintenance of any improvements required by this Chapter.

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

MUNICIPALITIES PLANNING CODE (PLANNING CODE or MPC) — the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

MUNICIPALITY — the Borough of Hollidaysburg, Pennsylvania.

NPDES — National Pollutant Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

OUTFALL —

- (1) the point, location or structure where drainage discharges from a sewer, drain or other conduit.
- (2) the conduit leading to the ultimate discharge point.

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**OUTLET CONTROL STRUCTURE** — the means of controlling the relationship between the headwater elevation and the discharge placed at the outlet or downstream end of any structure through which water may flow.

**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.

**PEAK FLOW** — maximum flow.

**PEAK RATE OF RUNOFF (or DISCHARGE)** — the maximum rate of flow of water at a given point and time resulting from a predetermined storm.

**PA DEP** — Pennsylvania Department of Environmental Protection.

**PENNDOT** — Pennsylvania Department of Transportation.

**PERFORMANCE GUARANTEE** — any security which may be in lieu of a requirement that certain improvements be made before Borough Council approves a final subdivision or land development plan, including performance bonds, escrow agreements and other similar collateral or surety agreements.

**PLAN, FINAL** — a complete and exact subdivision or land development plan prepared for official recording as required by statute, defining property rights and proposed streets and other improvements.

**PLAN, PRELIMINARY** — a tentative subdivision or land development plan prepared in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

**PLAN, SKETCH** — an informal plan, subdivision or land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.

**PLAT** — the map or plan of a subdivision or land development, whether preliminary or final.

**POINT SOURCE** — any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 PA Code Paragraph 92.1.

**RATE OF RUNOFF** — instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as discharge. Usually stated in cubic feet per second (cfs) or gallons per minute (gpm).

**RELEASE RATE PERCENTAGE** — the watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

**RE-SUBDIVISION** — any subdivision or transfer of land laid out on a plan which has been approved by Borough Council which changes or proposed to change property lines and/or public rights-of-way not in strict accordance with an approved plan.

**RETENTION POND** — a basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**RETURN PERIOD** — the average interval in years over which an event of a given magnitude can be expected to recur.

**RIGHT-OF-WAY** — land legally dedicated for public purposes including, but not limited to, a street, alley or sidewalk.

**RUNOFF** — that part of precipitation which flows over the land.

**RUNOFF CHARACTERISTICS** — the surface components of any watershed which affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to, vegetation, soils, slopes and manmade landscape alterations.

**SANITARY SEWAGE DISPOSAL SYSTEM, ONSITE** — any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

**SANITARY SEWER DISPOSAL SYSTEM, PUBLIC** — a sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SCS** — U.S. Department of Agriculture Soil Conservation Service.

**SEPTIC TANK** — a watertight tank in which raw sewage is broken down into solid, liquid and gaseous phases to facilitate further treatment and final disposal.

**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.

**SEDIMENT BASIN** — a barrier or dam built at a suitable location to retain rock, sand, gravel, silt or other material.

**SEDIMENTATION** — the process by which mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

**SITE DISTANCE** — see “clear site triangle.”

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**SOIL-COVER COMPLEX METHOD** — a method of runoff computation developed by the U.S. Soil Conservation Service and found in its publication “Urban Hydrology for Small Watersheds,” Technical Release No. 55, SCS, January 1975 (or most current edition).

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

**STATE WATER QUALITY REQUIREMENTS** — as defined under State regulations - protection of designated and existing uses (See 25 PA Code Chapters 93 and 96).

**STORAGE FACILITY** — see “detention pond” and “retention pond.”

**STORM FREQUENCY** — the average interval in years over which a storm event of a given precipitation volume can be expected to occur.

**STORM SEWER** — a sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

**STORMWATER** — that portion of precipitation which runs over the land.

**STORMWATER COLLECTION SYSTEM** — natural or manmade structures that collect and transport 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.

**STORMWATER MANAGEMENT PLAN** — the plan for managing stormwater runoff for a specific activity involving alteration or development of land.

**STREAM** — a watercourse.

**STREET** — streets may be classified according to the following:

**STREET, ARTERIAL** — streets designed to carry high volumes of traffic from one area of the community to another or to link one community with another.

**STREET, COLLECTOR** — streets designed to collect traffic from local streets and then to convey it to the major arterials.

**STREET, EXPRESSWAY** — those highways whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high speed traffic. Usually a high degree of access control is provided with few, if any, intersections at grade.



**STREET, HALF or PARTIAL** — streets generally parallel and adjacent to a property line having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

**STREET, LOCAL or MINOR** — streets designed to serve only the traffic needs of and provide access to abutting properties.

**STREET, MARGINAL ACCESS** — minor street, parallel and adjacent to arterial streets, which provide access to abutting properties and control of intersections with an arterial street.

**STREET, PRIVATE** — a street not officially dedicated and/or accepted by the Borough.

**STREET, SERVICE** — a minor street providing secondary vehicular access to the side or rear of two or more properties.

**SUBDIVIDER** — see, “developer.”

**SUBDIVISION** — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETE** — where, in the judgment of the Borough Engineer, at least 90% of those improvements required as a condition for final approval, for which financial security was posted pursuant to this Chapter, have been completed in accordance with the approved plan so that the project will be able to be used, occupied or operated for its intended use.

**SURFACE WATER OF THE COMMONWEALTH** — any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

**SURVEYOR** — a licensed surveyor registered by the Commonwealth of Pennsylvania.

**SWALE** — a low-lying stretch of land which gathers or carries surface water runoff.

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**TOPSOIL** — surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the “A” horizon.

**WATERCOURSE** — any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATER FACILITY** — any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

**WATERSHED** — the entire region or area drained by a river or other body of water whether natural or artificial. A “designated watershed” is an area delineated by the PA DEP and approved by the Environmental Quality Board, for which counties are required to develop watershed stormwater management plans.

**WATERSHED STORMWATER MANAGEMENT PLAN** — the plan for managing stormwater runoff throughout a designated watershed adopted by Blair County as required by the Pennsylvania Stormwater Management Act.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989; by Ord. 730, 7/18/1996; and by Ord. 810, 7/21/2005, §1)

### **§203. Terms Not Defined.**

Where terms or words are not defined in the foregoing definitions, they shall have their ordinarily accepted meanings or such as the context may imply; provided however, that as to those terms which are not defined herein, but are defined in the Pennsylvania Municipalities Planning Code, Act 247, as amended from time to time, then said words shall be defined as set forth in said Code. (Ord. 598, 3/8/1982)

### Part 3

#### Submission and Review Procedures

##### §301. General Procedures; Minor Subdivision Review.

1. Applicant's Responsibility. The procedures established in this Part shall apply to all subdivisions or land developments that require review and approval by the Borough. It shall be the applicant's responsibility to observe and follow the procedures established in this Part and to submit all plans and documents as may be required herein.
2. Official Filing Date; Duly Filed Application.
  - A. The official filing date for an application, whether preliminary or final, shall be the date of the regular meeting of the Planning Commission next following the date the application is duly filed with the Borough. Should that regular meeting occur more than 30 days following the submission of the application, the official filing date shall be the thirtieth day following the day the application was filed. Upon receipt of the application, the Borough shall affix to it both the date of submittal and the official filing date.
  - B. An application, whether preliminary or final, shall be considered duly filed when the application submitted includes all the information required by this Chapter or any other pertinent ordinance.
3. Fee Schedule. All applications shall be accompanied by the review fees required by the Borough Subdivision/Land Development Fee Schedule. No application shall be accepted or acted upon unless payment of the required fees is made to the Borough.
4. Coordination with Other Governmental Agencies.
  - A. It shall be the applicant's responsibility to coordinate the submission for subdivision/land development approval with the application to other governmental agencies for required reviews and permits. Upon request, the applicant shall provide documentation of such submission as part of the plans submitted to the Borough.
  - B. At its discretion, the Borough may solicit reviews and reports from adjacent municipalities and other governmental agencies affected by any proposed subdivision/land development plan.
5. Minor Subdivision Review Procedure.
  - A. In the case of any proposed residential subdivision which involves three or less lots and in which all lots shall be located on an existing public or Bor-

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ough-approved private street, the following plan submission and review procedure shall apply.

- B. The applicant shall submit the subdivision application in the form for a final plan as specified by §305, and the application shall be processed according to the provisions for review and approval of a final plan. If the final plan is approved, it shall be recorded in accordance with the requirements of this Part.
- C. Any additional subdivision from a tract from which a minor subdivision has already been formed shall be deemed to be a major subdivision and shall follow the procedure for preliminary and final plan review as specified by this Part.

(Ord. 598, 3/8/1982; as amended by Ord. 649, 10/9/1989)

### **§302. Submission and Review of “Sketch Plan.”**

- 1. It is recommended that prior to the preparation of a “preliminary plan” that the subdivider or developer confer with the Borough Manager and appropriate Borough staff persons for the purpose of an informal and confidential discussion concerning his proposed subdivision or development. At this time, the subdivider or developer should submit a “sketch plan” following the guidelines set forth in Part 4, §402, of these regulations. [Ord. 648]
- 2. “Sketch Plan” Review. Borough staff will review the “Sketch Plan” with the subdivider or developer as it relates to: [Ord. 648]
  - A. Blair County’s Comprehensive Plan.
  - B. Hollidaysburg Borough’s Statement of Community Development Objectives and any other pertinent plans or studies. [Ord. 648]
  - C. Any zoning ordinance which may exist within the Borough of Hollidaysburg.
  - D. The general suitability of the site for proposed development.
  - E. The demand for development for the type proposed and the particular location proposed.
  - F. The availability of necessary services and facilities.
  - G. The improvements and design required by these regulations.
  - H. Any proposals of either local, State or Federal governments for such improvements as highways, dams, recreation areas, historic sites, plus any

other facilities that may have an impact upon, or which may be impacted by, the proposed subdivision. [Ord. 648]

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§303. Official Submission of the Preliminary Plan.**

1. Submission of Plans. The applicant shall submit 15 copies of the preliminary plan and all information relating thereto to the Borough staff who shall forward copies to the Borough Planning Commission and Council and other appropriate agencies/persons for review.
2. County Planning Review. Upon receipt of duly filed application, the Borough shall forward a copy to the county planning agency for review. The Borough shall not approve any application until the county's review is received or until 30 days following the date the application was sent to the county. Any review fees required by the county shall be paid by the applicant.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§304. Review of the Preliminary Plan.**

1. The Borough staff shall review the plans and submit a report to the Planning Commission. The staff shall also be responsible for obtaining reviews, as applicable, from other governmental agencies and forwarding such information to the Planning Commission.
2. The Planning Commission shall review the plan in accordance with the requirements of this Chapter, considering the recommendations of the above-mentioned agencies. Within 40 days after the filing of the preliminary plan, the Commission shall recommend whether the preliminary plan shall be approved, approved with modifications or disapproved. The Commission shall notify the applicant and Borough Council in writing of its findings and recommendations.
3. Borough Council shall review the proposed plan and shall act upon the preliminary plan application with[in] 90 days of the official filing date. Failure to do so shall be deemed an approval. Before acting upon a preliminary plan, Borough council may hold a hearing thereon after public notice.
4. Borough Council shall notify the applicant of its decision to approve, approve with conditions, or disapprove the preliminary plan in writing. Such notice shall be given to the applicant in person or mailed to the address shown on the application within 15 days of the decision by Council.
5. If the plan is approved with conditions or disapproved, Council shall specify in their notice the conditions which must be met and/or the defects found in the plan,

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including specific reference to provisions of any statute or ordinance which have not been fulfilled.

6. If the plan is approved with conditions, the applicant shall have 30 days from the date of notification to either accept or reject the conditions and so notify Council. If the applicant fails to act within this time period, the plan approval shall be rescinded automatically.
7. Approval of the preliminary plan shall constitute approval of the subdivision or land development plan as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the applicant to the general scheme of the development shown, unless a revised preliminary plan is submitted, and permits the applicant to proceed with final detailed design improvements and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots nor recording of the preliminary plan.
8. The preliminary plan approval shall stipulate the date by which application for final plan approval must be submitted. Where the development is proposed to be completed in phases or stages, the preliminary approval shall include a timetable for the submission of the final plans for the various phases.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§305. Submission of the Final Plan.**

Upon approval of the preliminary plan, the applicant shall submit a final plan in accordance with the time periods specified by the preliminary plan approval. If the applicant does not do so, the preliminary plan shall be nullified unless a written time extension is approved by the Borough Council. The final plan must conform to the general scheme of the "preliminary plan" as approved and must contain the information specified in Part 4, §404. [Ord. 648]

1. Provisions for "Final Plan" Approval – Before requesting "final plan" approval, the subdivider or developer must:
  - A. Submit one of the following to the Borough: [Ord. 648]
    - (1) a certificate that all improvements and installations to the subdivision or development required by these regulations have been made; or
    - (2) a bond, certified check or other security in compliance with §606 of Part 6 of this Chapter. [Ord. 648]
  - B. Include on his plans and drawings all the improvements required in Part 6, §602.

- C. Agree that at the time each improvement is to be installed, as well as upon its completion, the subdivider or developer will notify the Borough so that adequate inspections can be made. [Ord. 648]
2. Number of Copies; Payment of Fees. The applicant shall submit a reproducible original of the plans, five copies of the final subdivision or land development plans and at least three copies of all other required information. [Ord. 648]

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§306. Review of the Final Plan.**

1. The Borough shall review and act upon the final plan application according to the same procedures described for preliminary plan approval in §§304(1) to (6).
2. The final plan approval shall be subject to: (1) execution of a Developer's Agreement by the applicant and Borough, as provided by §307; and (2) submittal of a performance guarantee as in accordance with §606 of this Chapter.
3. Where the proposed development requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, Council shall not grant final approval unless the plan contains a notice that a highway occupancy permit is required, pursuant to the State Highway Law [Section 420 of the act of June 1, 1945 P.L. 1242, No. 428]. It shall be the responsibility of the applicant to obtain the occupancy permit in accordance with the procedures prescribed by law and the Department's regulations.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§307. Developer's Agreement.**

Following the approval of [the] final plan, but prior to recording and issuance of any construction permit, the developer and applicant shall execute a Developer's Agreement which shall have been prepared by the Borough solicitor. The agreement shall specify the improvements that the developer shall complete as shown on the approved plans and any other matters which the developer shall perform and which are not shown on the plan, including provision of performance and maintenance guarantees required by this Chapter. (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§308. Recording of Final Plan.**

1. Upon approval of the final plan, the applicant shall prepare one reproducible original of the final plan and shall submit it with four prints for final signature by Council. These plans, upon satisfaction of all conditions attached to the approval, shall be signed by Council.

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2. A copy of the signed plan shall be recorded within 90 days after approval with the Recorder of Deeds in the manner prescribed by the Planning Code (§513), or the approval of the Borough shall be null and void. The final plan shall be recorded before proceeding with the sale or transfer of lots or construction of buildings. The Developer's Agreement shall be recorded to run with the deed to the subject property.
3. Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all parks or other public areas to public use unless reserved by the applicant as hereinafter provided. The approval of the final plan shall not impose any duty upon Borough council to accept dedication of or to maintain such improvements.
4. The applicant shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner, and the Borough shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the final plan.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§309. Modifications to the Approved Plan.**

All requests for changes in approved plans shall be processed as new final applications. Council may impose new conditions on<sup>1</sup> the development relative to the proposed modifications. In such case, the applicant may withdraw the requested plan amendment and proceed in accordance with the previously approved plan. Requests for plan changes shall be submitted according to the procedures for final plan review. (Ord. 598, 3/8/1982; as amended by Ord. 684, 10/9/1989)

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<sup>1</sup> Ord. 648 read "of."



## Part 4

### Plan Requirements

#### §401. Preliminary Considerations.

No person, firm or corporation proposing to make or having made a subdivision or development within the area of jurisdiction of these regulations, shall proceed with any development, such as: grading of roads or alleys or any other action, before obtaining approval of the proposed subdivision or development by the Borough Council. [Ord. 648]

1. Conformity With Borough Plans and Ordinances. The layout of the proposed subdivision or development shall be in conformity with the Borough's Community Development Objectives, zoning ordinance and any other applicable plans and ordinances. [Ord. 648]
2. Site Consideration – No land shall be subdivided or developed for residential use:
  - A. Unless access to the land over adequate streets exists or will be provided by the subdivider or developer; or
  - B. If such land is considered by the Hollidaysburg Borough Planning Commission unsuitable for residential use by reason of flooding or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, unfavorable topographic features, or the presence of any other features harmful to the health and safety of possible residents and the community as a whole.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### §402. Sketch Plan.

Prior to the official submission of the “preliminary plan,” a subdivision or development “sketch plan” should be submitted by the subdivider or developer or property owner to facilitate an informal discussion with the staff of the Borough concerning the proposed subdivision or development. This informal discussion can be extremely valuable in guiding the subdivision or development on the proper course in the development of a subdivision or development, thereby reducing the possibility for any costly mistakes. Submission of the “sketch plan” will not constitute formal filing of the plan with the Borough. The “sketch plan” need not be drawn to scale or contain precise dimensions. [Ord. 648]

The following items are suggested for inclusion in the “sketch plan” presentation:

1. General location within the Borough of Hollidaysburg.
2. Proposed name of subdivision or development or other identifying title.

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3. Tract boundary.
4. General topographical and physical features.
5. North point.
6. Streets on and adjacent to the tract.
7. Proposed general street layout.
8. Proposed general lot layout.
9. Proposed use of the lots and the degree of conformity with existing zoning.
10. Any other information which would be helpful in the preliminary discussion of what the subdivider or developer intends to do.
11. Statement of general availability of utilities of water and sewer, etc.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§403. Preliminary Plan.**

The “preliminary plan” shall be accurately drawn to a scale of one inch equals 40 feet or one inch equals 100 feet. The “preliminary plan” shall be 22 inches by 36 inches in size or two inches multiples thereof. The sheet size shall be no smaller than 22 inches by 36 inches and nor larger than 42 inches by 42 inches.

1. Required Information – The “preliminary plan” shall show the following information:
  - A. Proposed subdivision or development name or identifying title.
  - B. Name and address of the owner and the developer or subdivider of the tract or of his authorized agency, if any.
  - C. North point, graphic scale and date.
  - D. Exterior boundary line of the tract.
  - E. Total acreage of the tract.
  - F. Ground elevations indicated by contours at vertical intervals of two feet with land of average natural slope of 4% or less and at intervals of five feet for more steeply sloping land, and also the location of the bench mark and datum used.

- G. The names of all owners of immediately adjacent land.
- H. Existing and proposed streets on and adjacent to the tract, name, location right-of-way and cartway widths, approximate grades, type, elevation of surfacing, walks, curbs, gutters, etc.
- I. Existing and proposed easements including location, width, and purpose and responsible party.
- J. Existing and proposed utilities on and adjacent to the tract including location, type, size, and invert elevation of sanitary storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, gas and electric lines and oil transmission lines, and street lights; if any of the foregoing are not available at the site, indicate the distance to the nearest available utility and furnish a statement of availability.
- K. Lot lines, lot area number, and block numbers.
- L. Building lines indicating minimum building set back, front, side and rear.
- M. Areas to be reserved for parks, playgrounds, or other public uses.
- N. Areas to be reserved for schools, shopping, industries, dwellings, or any other known public or semi-public uses. [Ord. 648]
- O. Additional information when required by the Borough may include profiles showing existing ground surface and proposed street grades, typical cross sections of the roadways and sidewalks; a preliminary plan of proposed sanitary and storm water sewers and water mains with grades and size indicated. [Ord. 648]
- P. A draft of protective covenants in cases where the subdivider or developer wishes to regulate land use within the subdivision or development and otherwise protect the proposed development or subdivision.
- Q. A tentative time table for the proposed sequence of development of the subdivision or development.
- R. A water and sewage feasibility report when required, prepared by a registered professional engineer.
- S. An indication of the general soil characteristics as they affect construction with particular emphasis upon the suitability of the soil for on-lot sewage disposal.
- T. The name, address and seal of the “engineer,” “surveyor,” “architect” or “landscape architect” responsible for plans. The subdivision/land develop-

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ment plat and survey shall be prepared in accordance with the act of May 23, 1945, (P.L. 913, No. 367), known as the "Professional Engineers Registration Law." [Ord. 648]

- U. A preliminary drainage plan for providing stormwater management and soil erosion/sedimentation controls in accordance with the requirements of this Chapter (See §509). [Ord. 648]
- V. A preliminary plan for preserving natural features and providing landscaping in accordance with the requirements of this Chapter (See §§512 and 513). [Ord. 648]
- W. A traffic impact study, where requested by the Borough, prepared by a professional with training and expertise in traffic analysis and street system design. The study shall:
  - (1) Demonstrate the proposed development's short and long term impact on the street system within the area impacted by the development. It shall collect data on existing roadway characteristics (e.g., structural conditions) and traffic flow and volume. It shall include five and twenty-year forecasts of the average daily vehicle trips generated by the proposed development and distribute and assign these trips to the most reasonable travel paths over the adjacent street system.
  - (2) Evaluate the existing street system in terms of projected levels of service, operating speeds, land use conflicts and safety. Where the study projects adjacent street deficiencies, whether in terms of traffic capacity or safety, the applicant shall submit the proposed solutions, estimated costs, financing methods and actions/approvals that would be required by the existing street owner.
  - (3) Contain all pertinent data (e.g., trip generation rates, traffic counts, etc.), computations and other information that will aid in an assessment of the report's findings. The Borough may request additional or supplementary information to clarify or further explain any of the study's findings or recommendations.
  - (4) Address specifically the impact of the proposed development on any existing traffic problems within the defined study area as identified by the Borough. [Ord. 648]
- X. A listing of all approvals and/or permits from governmental agencies which may be required by the proposed development based on the preliminary plan. [Ord. 648]
- Y. A letter from the applicant requesting any waiver from the requirements of the Chapter and citing the reasons therefor in accordance with the provisions of §702 of this Chapter. [Ord. 648]

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§404. Final Plan.**

1. The final plans shall be accurately drawn to an appropriate scale. The final plan shall be 18 inches by 24 inches and not larger than 42 inches by 42 inches. The plans shall include blocks for signatures and approvals in the form prescribed.
2. It shall not be necessary to resubmit supporting maps and data submitted with the preliminary plan, provided that no change has occurred. However, a listing of such unchanged maps and data shall be included with the final application.
3. In addition to the final form of all information required on the preliminary plan, the final plan shall include or be accompanied by:
  - A. Sufficient data, including bearing and length, to locate every street, lot, easement, right of way and boundary line upon the ground.
  - B. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
  - C. All dimensions and angles or bearings of the lines of each lot and of each lot proposed to be dedicated to public use; lots shall be numbered and their area shown within lot boundaries; house numbers shall also be shown.
  - D. The proposed building setback line for each street and the proposed placement of each building, except placement for single family dwellings.
  - E. Location and width of all rights-of-way and easements, their purposes and maintenance agreements.
  - F. Final profiles, cross-sections, and design specifications for all streets, prepared in accordance with the requirements of this Chapter, including any proposed improvements to existing streets.
  - G. Final location and profiles of all sanitary sewer lines and manholes, storm sewers, inlets, water distribution lines, gas, electric, and other utility lines; copy of permits/approvals from appropriate local, county or State agency for proposed sewerage and water supply systems.
  - H. In the case of a land development, final location of all proposed parking and loading areas with surfacing material; dimensions and layout of proposed parking spaces; dimensions and direction of travel of lanes, aisles, drive-ways; and all entrance/exit points.

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- I. A copy of all offers of dedication, covenants, easement, deed restriction, and maintenance agreements to be imposed upon the use of land, buildings and structures, and pertaining to ownership, use, and maintenance of all open space areas and any other common facilities including proposed easements for utilities.
  
- J. Lot numbers.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

## Part 5

### Design Standards

#### §501. General Intent.

In all subdivisions or developments developed after the effective date of these regulations, certain improvements shall be installed in accordance with design specifications set forth herein. (Ord. 598, 3/8/1982)

#### §502. General Standards.

The following general standards shall apply to all types of development.

1. Land subject to flooding and land deemed by the Borough to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life or property or further aggravate or increase the existing menace. [Ord. 648]
2. Areas characterized by steep slopes, rock formations, or other such features which restrict the usability of the land shall not be subdivided or developed.
3. In determining the suitability of land for subdivision or development, the Borough shall refer to applicable studies by the County Planning Commission, State and Federal agencies including the Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service. [Ord. 648]
4. The layout or arrangement of the subdivision or development shall conform to the requirements of this Chapter, the Borough Zoning Ordinance and other pertinent ordinances or policies of the Borough. [Ord. 648]
5. Where evidence indicates the minimum lot size requirements specified in the Borough Zoning Ordinance are not adequate to permit the installation of individual on-lot water supply and/or sewage disposal systems, Borough Council shall establish the minimum lot size consistent with the recommendations of the Borough Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Resources. [Ord. 648]
6. No subdivision or development showing reserve strips controlling the access to public ways will be approved, except where the control and disposal of the land comprising such strips are definitely placed within the jurisdiction of the Borough of Hollidaysburg under agreement meeting the approval of Borough Council. [Ord. 648]

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7. Lot lines shall, where possible, follow the Borough of Hollidaysburg boundary lines rather than cross them.
8. The developer shall show compliance with all requirements of the Municipalities Planning Code. [Ord. 648]
9. In judging whether or not the requirements of this Part have been met, the Borough shall be guided by generally accepted standards and practices for sound site planning and development, building design and construction. The Borough shall maintain, and make available upon request, a list of reference sources which it uses in applying the standards contained in this Chapter.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§503. Streets.**

The following general standards shall apply to all streets within a subdivision:

1. The locations and width of all streets shall conform to the Borough of Hollidaysburg Comprehensive Plan or to such parts thereof as may have been adopted by the Borough of Hollidaysburg.
2. The proposed street system shall extend existing or recorded streets at the same width or larger but in no case at less than the required minimum width.
3. Where it is deemed necessary to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
4. New minor streets shall be so designed as to discourage through traffic, but the subdivider or developer shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
5. Where a subdivision or development abuts or contains an existing street of improper width or alignment, the Borough may require the dedication of land sufficient to widen the street or correct the alignment.
6. Private streets (streets not to be offered for dedication) are discouraged. They will be approved only if they meet the design standards of these regulations.
  - A. Width. Minimum street right-of-way and pavement widths, if not otherwise specified by the Borough shall be as follows:

<b>STREET TYPE</b>	<b>WIDTH</b>
Marginal Access and Cul-de-sac	
Right-of-way	40'



<b>STREET TYPE</b>	<b>WIDTH</b>
Cartway	30'
Turnaround of Cul-de-sac	
Right-of-way (Diameter)	100'
Cartway (Diameter to outside curb)	80'
Length (Maximum)	600'
Local (Minor)	
Right-of-way	50'
Cartway	34'
Collector	
Right-of-way	70'
Cartway	36'
Arterial (Major)	
Right-of-way	100'
Cartway	48'

B. Alignment. Minimum street alignment standards shall be as follows:

- (1) The minimum radius at the center line for horizontal curves on arterial streets shall be 700 feet; for collector streets, 400 feet; for minor streets, 200 feet. Proper superelevation shall be provided for curves on arterial streets.
- (2) Between reverse curves a tangent of not less than the following dimensions shall be provided:
  - (a) Arterial streets – 200 feet.
  - (b) Collector streets – 100 feet.
  - (c) Minor streets – 50 feet.
- (3) Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, 4 1/2 feet above grade, the minimum sight distance shall be:
  - (a) Arterial streets – 400 feet.
  - (b) Collector streets – 200 feet.
  - (c) Minor streets – 150 feet.

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- C. Grades. Minimum street grade standards shall be as follows:
- (1) The minimum grade on all streets shall be 1/2%. The maximum permitted grades shall be:
    - (a) Arterial streets – 5%;
    - (b) Collector streets – 8%;
    - (c) Minor streets – 12%, for a maximum distance of 1,200 feet.
  - (2) Intersections shall be approached on all sides by leveling areas. Where the grade exceeds 5%, such leveling areas shall have a minimum length of 75 feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of 3%.
- D. Horizontal Curves. Minimum horizontal curves shall be as follows:
- (1) Whenever street lines are deflected in excess of 5°, connection shall be made by horizontal curves.
  - (2) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
    - (a) Minor streets – 150 feet.
    - (b) Collector streets – 300 feet.
    - (c) Major streets – 500 feet.
  - (3) A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and major streets.
  - (4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.
- E. Vertical Curves. When all changes of street grades occur where the algebraic difference exceeds 1%, vertical curves shall be provided to permit the following minimum sight distances:
- (1) Minor streets – 200 feet.
  - (2) Collector streets – 300 feet.
  - (3) Major streets – 400 feet.
- F. Intersections. The following standards shall apply to all street intersections:

- (1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle less than 75° or more than 105°.
  - (2) No more than two streets shall intersect at the same point.
  - (3) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least 125 feet between centerlines measured along the centerline of the street being intersected.
  - (4) Intersections with collector and arterial streets shall be subject to review and determination by Borough Council upon recommendation by the Borough Engineer and approval of the existing street owner where applicable.
  - (5) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
    - (a) Twenty feet for intersections involving only minor streets.
    - (b) Thirty feet for all intersections involving a collector street.
    - (c) Forty feet for all intersections involving a major street.
  - (6) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.
- G. Alleys. Alleys shall not be permitted in residential subdivisions. In other types of development, where permitted, they shall be designed in accordance with Borough specifications.
- H. Names. The subdivider or developer may choose street names, subject to the approval of Council. Proposed streets which are in alignment with others already existing and named, shall be assigned the names of the existing streets. In no case shall the name of a proposed street duplicate or confuse an existing street name in the Borough, irrespective of the use of the suffix "street," "road," "avenue," "boulevard," "driveway," "place," "court," "lane," etc.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### **§504. Blocks.**

The length, width, and shape of blocks shall be determined by Borough Council with due regard to the following:

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1. Provision of adequate sites for building of the type proposed.
2. Zoning requirements.
3. Topography.
4. Requirements for safe and convenient vehicular and pedestrian circulation.
  - A. Width, Length of Blocks and Crosswalks. The width and length of blocks and crosswalks shall be determined by Council. Crosswalks shall have a width of not less than 10 feet and a paved walk of not less than five feet.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§505. Lots.**

Within the area of jurisdiction of these regulations, the width and area of lots shall be no less than provided in these regulations or the Hollidaysburg Zoning Ordinance. In so far as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines. Lot lines should tend to follow municipal boundaries rather than cross them in order to avoid interjurisdictional problems.

1. Frontage. All lots shall have direct access to a public street, existing or proposed, or an approved private street.
2. Size. All lots shall meet the minimum requirements of the Hollidaysburg Zoning Ordinance.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§506. Easements.**

The following shall apply to easements within all subdivisions or developments:

1. Easements with a minimum width of 15 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to serve abutting lots. No structures or trees shall be placed within such easements.
2. Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.
3. Where a subdivision or development is traversed by a watercourse, drainageway, channel or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improv-

ing, or protecting such drainage facilities or for the purpose of installing a storm water system.

4. There shall be a minimum distance of 100 feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission line, high pressure line, or high tension electric line which may traverse the subdivision or development.

(Ord. 598, 3/8/1982)

#### **§507. Community Facilities.**

In reviewing subdivision or development plans, the Borough will consider the adequacy of existing or proposed community facilities to serve the uses proposed by the subdivision or development. The reservation of land for community facilities may be required when appropriate; therefore, the subdivider or developer shall give earnest consideration to reserving land for recreational facilities, schools, and other community facilities. If a facility of this type has been planned by any group or agency in an area that is to be subdivided or developed, the subdivider or developer shall ascertain from such organization whether or not it plans to use the site. (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### **§508. Public Utilities.**

The following public utilities, when required, shall meet the indicated standards below:

1. Water. Where public water lines are required in a new subdivision or development, they shall be in conformity with the requirements and design specifications of the Borough and any applicable water plans developed for the Borough. The design specifications of all water lines installed in new subdivisions or developments shall meet the minimum standards set forth by the Borough of Hollidaysburg. When a public water supply system is not available, each lot shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources. [Ord. 648]
2. Sanitary Sewer. Where public sewer lines are required in a new subdivision or development, they shall be in conformity with "Areawide Sewer Plan" for the Borough of Hollidaysburg and any applicable sewer plans developed for the municipality in which the proposed subdivision or development is located. The design specifications of all sewer lines installed in new subdivisions or developments shall meet the minimum standards set forth by the Borough of Hollidaysburg.

Public sewer lines shall be located as near to the center line of any street right-of-way and/or utility easements as is reasonably possible, and all such sewer lines shall provide sewage connectors to the property lines of each and every lot-said sewage collection

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lines being properly capped. Manholes shall be provided at all changes in grades and direction and in no instance shall the distance between manholes exceed 400 feet. All sewer pipelines must be at least eight inches in diameter and any sewer lateral must be at least six inches in diameter. Storm sewers or foundation under drainage systems shall not be connected with the sanitary sewer system.

3. On-Lot Sewage Disposal. Where it is found necessary and feasible to rely upon on-lot sewage disposal systems shall meet the requirements and standards of the Department of Environmental Resources. [Ord. 648]

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§509. Stormwater Management.**

1. Purpose of Stormwater Management. These regulations have the following general purposes and objectives:
  - A. To assure safe management of stormwater runoff resulting from land alteration and disturbance activities in accordance with watershed stormwater management plans adopted pursuant to the Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended).
  - B. To utilize and preserve the existing natural drainage systems and to preserve the flood-carrying capacity of streams.
  - C. To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.
  - D. To provide for adequate maintenance of all permanent stormwater management structures in the Borough.
  - E. To achieve compliance with the requirements of the Municipality's Stormwater NPDES permit conditions.
2. Applicability. The following activities involving alteration or development of land are deemed to have possible effects upon stormwater runoff characteristics and are included within the scope of this Section:
  - A. Subdivision.
  - B. Land development.
  - C. Construction of new or additional impervious or surfaces with reduced permeability (driveways, parking lots, etc.).
  - D. Diversion or piping of any natural or manmade stream channel.

- E. Installation, replacement or substantial repair of stormwater systems or appurtenances.
3. Stormwater Management Performance Standards.
- A. General Standards.
    - (1) All proposed stormwater control measures shall be evaluated according to the following performance standards:
      - (a) Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:
        - (i) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.
        - (ii) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
    - (2) The stormwater management plan for the development site shall consider all the stormwater runoff flowing over the site.
    - (3) No discharge of toxic materials shall be permitted into any stormwater management system. Where required by Federal and State regulation, the landowner or developer shall be responsible for obtaining an NPDES permit for stormwater discharges.
    - (4) All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and sedimentation. Measures to control erosion shall at a minimum meet the standards of the Conservation District and the rules and regulations of the PA DEP.
  - B. Stormwater Runoff Control Standards.
    - (1) Runoff Rates. There shall be no increase in the peak rate of stormwater runoff discharge from any activity covered by this Section following the completion of the activity (post-development conditions) over the rate that would have occurred from the land prior to the activity (predevelopment conditions). This criteria shall apply to the total activity even if the activity is to take place in stages.
      - (a) Off-site areas which drain through a proposed development site are not subject to the control standard when determining allow-

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able peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.

- (b) Where the site area to be impacted through a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject to the runoff criteria.
- (2) Storm Frequencies. Stormwater management facilities on all development sites shall control the peak stormwater discharge for the two-, ten-, twenty-five-, and one-hundred-year storm frequencies. The United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS) twenty-four-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions. The twenty-four hour total rainfall for these storm frequencies in the watershed are:

<b>Storm Frequency</b>	<b>Rainfall Depth (inches)</b>
2 year	2.6
10 year	3.8
25 year	4.6
100 year	6.1

- (3) Calculation Methods.
- (a) Development Sites. For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: USDA NRCS publications, Technical Release (TR) 55 or 20, HEC I or Penn State Runoff Model (PRSM) or Modified Rational Method. Under special circumstances other computation methods may be used subject to the approval of the Borough.
  - (b) Stormwater Collection/Conveyance Facilities. For the purpose of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, the Rational Method or other method as approved by the Borough may be applied. Rainfall intensities for design should be obtained from the PennDOT Region 3 rainfall chart.
  - (c) Routing of hydrographs through detention/retention facilities for the purpose of designing those facilities shall be accomplished using the Modified-Puls Method or other recognized reservoir routing method subject to the approval of the Borough.



- (4) **Predevelopment Conditions.** Predevelopment conditions shall be assumed to be those which exist on any site prior to commencing any development activities. USDA NRCS runoff curve numbers selected for use in the calculations shall accurately reflect existing conditions subject to the approval of the Borough. At its discretion, the Borough may direct that hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, cropland, etc.) shall be assumed to be in “good” condition, and the lowest recommended USDA NRCS runoff curve number (CN) shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group. Impervious cover shall include, but not be limited to, any roof, parking, or driveway areas, and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of these criteria. The Borough has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff values should be used at a particular site, then appropriate variations may be made upon review and recommendations of the Borough Engineer. Calibration shall require detailed gauge and rainfall data for the particular site in question.

C. **Stormwater Quality Management Requirements.**

- (1) **Applicability.** In addition to the performance standards and design criteria requirements of this Section, the land developer shall implement the following water quality requirements unless otherwise exempted by the provisions of this Section:
- (2) **Water Quality Requirements.**
  - (a) No regulated activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State water quality requirements after construction is complete.
  - (b) Stormwater BMPs must be designed, implemented, and maintained to meet State water quality requirements, and any other more stringent requirements as determined by the Municipality.
  - (c) To control post-construction stormwater impacts from regulated activities, State water quality requirements can be met by BMPs, including site design, which provides for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. This may be achieved by the following:

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- (i) Infiltration: replication of pre-construction stormwater infiltration conditions;
  - (ii) Treatment: use of water quality treatment BMPs to ensure removal of the chemical and physical pollutants from the stormwater runoff; and
  - (iii) Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- (d) Provisions for the assurance of long-term operations and maintenance of BMPs must be provided in accordance with §509(6).
- (e) Acceptable stormwater management BMPs must be provided to manage the net increase in stormwater runoff volume from the land development activities from a two-year/twenty-four-hour frequency storm. This equates to 2.6 inches of rainfall occurring over a twenty-four-hour period.
- (f) Evidence of any necessary permit(s) for earth disturbance activities from the appropriate DEP regional office must be provided to the Municipality.
- (g) Design stormwater detention/retention so that the outlet shall, in addition to any other stormwater requirements imposed by the Borough stormwater regulations, discharge the one-year, twenty-four-hour storm over a twenty-four-hour period.
- (3) BMP Selection Criteria.
- (a) BMP selection and application shall be in accordance with guidance provided in the BMP handbooks and design manuals published by DEP. In selecting the appropriate BMP 's or combinations thereof, the land developer shall consider the following:
    - (i) Total contributing area.
    - (ii) Permeability and infiltration rate of the site soils.
    - (iii) Slope and depth to bedrock.
    - (iv) Seasonal high water table.
    - (v) Proximity to building foundations and well heads.

- (vi) Erodibility of soils.
  - (vii) Land availability and configuration of the topography.
  - (b) The following additional factors should be considered when evaluating the suitability of the BMP's used to control water quality at a given development site:
    - (i) Peak discharge and required volume control.
    - (ii) Streambank erosion.
    - (iii) Efficiency of the BMP's to mitigate potential water quality problems.
    - (iv) The volume of runoff that will be effectively treated.
    - (v) The nature of the pollutant(s) being removed.
    - (vi) Maintenance requirements.
    - (vii) Recreation value.
    - (viii) Enhancement of aesthetics and property values.
4. Design Criteria for Stormwater Management Controls.
- A. General Criteria.
- (1) Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls shall be subject to approval of the Borough Engineer. The Borough Engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this Section.
  - (2) The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the Borough Engineer may require in-depth studies by a competent geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.
  - (3) In developing a stormwater management plan for a particular site, stormwater controls shall be selected according to the following order of preference:

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- (a) Infiltration and/or treatment of runoff on-site.
  - (b) Flow attenuation by use of open vegetated swales and natural depressions.
  - (c) Stormwater detention/retention structures.
- (4) Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.
- (5) Open detention/retention facilities shall not be permitted.
- (a) The applicant may request a waiver from the requirements of Subsection (4)(A)(5) of this Section. All such requests for waiver shall be submitted in writing according to the requirements of §403(Y) and §702 of this Chapter.
  - (b) It shall be the responsibility of the applicant for a waiver of this Section to show that the modification will not create a safety risk and that the modification is consistent with the best management practices and current engineering design standards.
  - (c) Any open attenuation or detention facilities approved as a waiver or modification of this Section shall be designed and constructed in accordance with the criteria set forth in this Section.

### B. Criteria for Infiltration Systems.

- (1) Infiltration systems shall be sized and designed based upon local soil and groundwater conditions.
- (2) Infiltration systems greater than three feet deep shall be located at least 10 feet from basement walls.
- (3) Infiltration systems shall not be used to handle runoff from commercial or industrial working areas. This prohibition does not extend to roof areas which are demonstrated to be suitably protected from the effects of the commercial/industrial activities.
- (4) Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.

- (5) The stormwater infiltration facility design shall provide an overflow system with measures to provide a nonerosive velocity of flow along its length and at the outfall.

C. Criteria for Flow Attenuation Facilities.

- (1) If flow attenuation facilities are employed to assist in the control of peak rates of discharge, their effects must be quantified using the USDA NRCS Technical Release (TR) 55 Urban Hydrology for Small Watersheds or other approved method. The effects of the flow attenuation facilities on travel time should be reflected in the calculations.
- (2) Flow attenuation facilities such as swales and natural depressions should be properly graded to ensure positive drainage and avoid prolonged ponding of water.
- (3) Swales shall be properly vegetatively stabilized or otherwise lined to prevent erosion. The applicability of swales shall be in accordance with subsection (4)(E)(1)(e) of this Section.
- (4) Swales shall be designed according to the recommendations contained in the Commonwealth of Pennsylvania Erosion and Sediment Pollution Control Program Manual, latest edition.

D. Criteria for Stormwater Detention Facilities.

- (1) All detention facilities shall be equipped with outlet structures to provide discharge control for the four designated storm frequencies. Provisions shall also be made to safely pass the post-development one-hundred-year storm runoff without damaging (i.e., impairing the continued function of) the facilities. Should any stormwater management facilities qualify as a dam under PA DEP Chapter 105, the facility shall be designed in accordance with those regulations and meet the regulations concerning dam safety.
- (2) Shared storage facilities which provide detention of runoff for more than one development site within a single subarea are encouraged wherever feasible and provided such facilities meet the criteria contained in this Section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared storage facilities.
- (3) Where open detention facilities will be utilized, pursuant to a waiver approved as set forth in subsection (4)(A)(5) of this Section, multiple use facilities, such as wetlands, lakes, ballfields or similar recrea-

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tional/open space uses are encouraged wherever feasible, subject to the approval of the Borough and PA DEP's Chapter 105 regulations.

- (4) Other considerations which should be incorporated into the design of open detention facilities include:
  - (a) Inflow and outflow structures shall be designed and installed to prevent erosion, and bottoms of impoundment type structures should be protected from soil erosion.
  - (b) Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration. Provisions shall be made for trapping sediment and grit upstream of storage facilities.
  - (c) Inflow and outflow structures, pumping stations and other structures shall be designed and protected to minimize safety hazards.
  - (d) Facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.
  - (e) Where an open detention facility is installed pursuant to a waiver approved as set forth in subsection (4)(A)(5), the water depth as the perimeter of a storage pond should be limited to that which is safe for children. Restriction of access (fence, walls, etc.) may be necessary depending on the location of the facility and the maximum depths of water.
    - (i) Side slope of storage ponds shall not exceed a ratio of 2 1/2 to one horizontal to vertical dimension.
    - (ii) Landscaping shall be provided for the facility which is compatible with the surrounding area.
    - (iii) Bottoms of detention basins should be graded with a minimum slope of 1.5% to provide positive surface drainage. A subdrainage system may be required depending on the location of the pond bottom relative to groundwater levels.
    - (iv) Fencing shall be provided if required by the Borough.

### E. Criteria for Collection/Conveyance Facilities.

- (1) All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards:

- (a) All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.
- (b) Lots located on the high side of streets shall extend roof and french drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and french drains to a stormwater collection/conveyance/control system or natural watercourse in accordance with the approved stormwater management plan for the development site.
- (c) Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.
- (d) All collection/conveyance facilities shall be designed to convey the twenty-five-year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a stormwater control facility, curbed street, storm sewer or natural watercourse without damage to the drainage structure or roadway, with runoff from the twenty-five-year design storm at a minimum one foot of freeboard measured below the lowest point along the top of the roadway.

Roadway crossings located within designated floodplain areas must be able to convey runoff from a one-hundred-year design storm with a minimum of one foot freeboard measured below the lowest point along the top of the roadway.

When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PA DEP through the joint permit application process or, where appropriate, by PA DEP through the general permit process.

- (e) Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities. For drainage facilities to be conveyed to the Borough, rock-lined facilities shall not be provided. Instead, storm sewers shall be provided when design swale or channel velocities exceed those that are stable for vegetation, based upon the Commonwealth of Pennsylvania Erosion and Sediment Pollution Control Program Manual, latest edition.

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- (f) Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Section.
- (g) Existing points of concentrated drainage that discharge onto adjacent property shall not be adversely impacted and shall be subject to any applicable discharge criteria specified in this Section.
- (h) Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction or existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this Section. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.
- (i) Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easements shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also maintenance, including mowing of vegetation within the easement shall be required, except as approved by the appropriate governing authority.
- (j) Any stormwater management facilities regulated by this Section that would be located in or adjacent to waters of the Commonwealth of Pennsylvania or wetlands shall be subject to approval by PA DEP through the joint permit application process or, where deemed appropriate by PA DEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the developer or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PA DEP.
- (k) Any stormwater management facilities regulated by this Section that would be located on State highway rights-of-way shall be subject to approval by PennDOT.
- (l) In order to promote overland flow and infiltration/percolation of runoff where it is advantageous to do so, roof drains must not be connected to streets, storm sewers or roadside ditches. When it



is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case-by-case basis by the Borough.

- (2) Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:
  - (a) Where practical, designed to traverse under seeded and planted areas. If constructed within 10 feet of road paving, walks or other surfaced areas, drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development.
  - (b) Installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of three foot cover and/or adequate protection during the fill construction.
  - (c) Designed:
    - (i) With cradle when traversing fill areas of indeterminate stability.
    - (ii) With anchors when gradient exceeds 20%.
    - (iii) With encasement or special backfill requirements when traversing under a paved area.
  - (d) Designed to adequately handle the anticipated stormwater flow and be economical to maintain. The minimum pipe size shall be 15 inches in diameter.
  - (e) Specifications for materials and construction methods for drain-pipe, trenching bedding and backfilling requirements shall conform to the requirements of the Borough and/or applicable PennDOT Specifications, Publication 408, and the Standards for Roadway Construction, Publication 72.
  - (f) Design criteria, including acceptable pipe types, shall conform to PennDOT Design Manual Part 2.
  - (g) Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with Borough standards. Inlets and structures within a Borough right-of-way shall comply with the PennDOT Standards for Roadway Construction, Publication 72.

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- (h) Appropriate grates shall be designed for all catch basins, stormwater inlets and other entrance appurtenances.
  - (i) Manholes shall be designed so that the top shall be at finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling."
  - (j) Where proposed sewer connects with an existing storm sewer system, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional flow.
  - (k) Storm sewer outfalls shall be equipped with energy dissipation devices to prevent erosion and conform with applicable requirements of the PA DEP for stream encroachments (Chapter 105 of PA DEP Rules and Regulations).
- (3) Prohibitions.
- (a) Prohibited Discharges.
    - (i) No person in the municipality shall allow, or cause to allow, stormwater discharges into the Borough's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection (ii) below, and (2) discharges allowed under a State or Federal permit.
    - (ii) Discharges which may be allowed, based on a finding by the Municipality that the discharges do not significantly contribute to pollution to surface waters of the Commonwealth of Pennsylvania, are:

- Discharges from fire-fighting activities
- Potable water sources, including dechlorinated water line and fire hydrant flushings
- Irrigation drainage
- Routine external building washdown (which does not use detergents or other compounds)
- Air-conditioning condensate
- Water from individual residential car washing
- Water from crawl space pumps
- Untamated water from foundation or from footing drains
- Flows from riparian habitats and wetlands
- Lawn watering
- Pavement wastewaters where spills or leaks of toxic or hazardous materials have not occurred (unless all

spill material has been removed) and where deter-  
gents are not used  
Dechlorinated swimming pool discharges  
Uncontaminated groundwater  
Springs

- (iii) In the event that the Borough determines that any of the discharges identified in subsection 2) significantly contribute to pollution of waters of the Commonwealth, or if so notified by DEP, the Borough will notify the responsible person to cease the discharge.
  - (iv) Upon notice provided by the Borough under subsection 3), the responsible person will have a reasonable time, as determined by the Borough, to cease the discharge consistent with the degree of pollution caused by the discharge.
  - (v) Nothing in this Section shall affect a discharger's responsibilities under state law.
- (b) Prohibited Connections. The following connections are prohibited, except as provided in Subsection (a) above:
- (i) Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge, including sewage, process wastewater and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
  - (ii) Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, map, or equivalent records, and approved by the Borough.
- (c) Roof Drains.
- (i) Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches except as provided in Subsection 2), below.
  - (ii) When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Borough.
  - (iii) Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

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### (d) Alteration of BMPs.

- (i) No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program without the written approval of the Borough.
- (ii) No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP without the written approval of the Borough.

### 5. Erosion and Sedimentation Controls.

- A. An erosion/sedimentation plan shall be prepared for each development site in accordance with the PA Erosion/Sedimentation Regulations (25 PA Code, Chapter 102) and the standards and guidelines of the Conservation District. In addition, DEP "NPDES Construction Activities Permit" shall be obtained in accordance with the requirements of 25 PA Code Chapter 92.
- B. Evidence of any necessary permits for regulated earth disturbance activities from the appropriate regional office or County Conservation District must be provided to the Borough.
- C. A copy of the Erosion and Sediment Control Plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.
- D. Proposed erosion/sedimentation control measures shall be submitted with the stormwater management plan. The erosion and sedimentation control plan shall be submitted to the Conservation District for review and approval.

### 6. Maintenance of Stormwater Management Controls.

#### A. Maintenance Responsibilities.

- (1) The maintenance plan for stormwater management facilities located on the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
  - (a) If a development consists of structures or lots that are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to and maintained by the Borough, the stormwater control facilities shall remain privately owned and maintained by the owner.

- (b) If a development site is to be maintained in single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.
    - (2) The Borough Council, upon recommendation of the Borough Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The Borough Council reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls and to determine the terms and conditions under which it will accept ownership and operating responsibility.
  - B. Maintenance Agreement for Privately Owned Stormwater Facilities. Prior to final approval of the site's stormwater management plan, the applicant and Borough shall execute a maintenance agreement covering all stormwater control facilities that are to be privately owned. The maintenance agreement shall be recorded with the final subdivision/land development plan for the site. The agreement shall stipulate that:
    - (1) All facilities shall be maintained in accordance with the approved maintenance schedule and in a safe and attractive manner.
    - (2) Easements and or rights-of-way shall be conveyed to the Borough to assure access for periodic inspections by the Borough and maintenance if required.
    - (3) The name, address and telephone number of the person or company responsible for maintenance activities shall be filed with the Borough. In the event of a change, new information will be submitted to the Borough within 10 days of the change.
    - (4) If the facility owner fails to maintain the stormwater control facilities, the Borough may perform the necessary maintenance work or corrective work following due notice by the Borough to the facility owner to correct the problem(s). The facility owner shall reimburse the Borough for all costs.
- 7. Stormwater Plan Requirements.
  - A. General Requirements. No final subdivision/land development plan shall be approved; no permit authorizing construction shall be issued, or any clearing and grubbing, or earth moving or land disturbance activity shall be initiated until the final stormwater management plan for the development site is approved in accordance with the provisions of this Section.

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- B. Exemptions. The following activities are exempt from the stormwater management plan provisions of this Section. Exemption shall not relieve the applicant from providing adequate stormwater management to meet the purpose of this Section regulating stormwater management or the approved stormwater management plan for the Beaverdam Branch of the Juniata River.
- (1) Any regulated activity that would create 5,000 square feet or less of impervious area over the life of the project. This criterion shall apply to the total development even if development is to take place in phases.
  - (2) Land disturbance associated with existing one- and two-family dwellings.
  - (3) Use of land for gardening for home consumption.
  - (4) Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Conservation District. The agricultural activities such as growing crops, rotation crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this Section when such activities are conducted in accordance with a conservation plan prepared or approved by the Conservation District. The construction of buildings, parking lots or any activity that may result in impervious surfaces that increase the rate and volume of stormwater runoff shall comply with the requirements of this Section.
  - (5) Forest management operations that are following the PA DEP's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.
- C. Stormwater Plan Contents.
- (1) General Format. The stormwater plan shall be drawn to a graphic scale of not less than one inch equals 100 feet. All sheets shall contain a title block with: name and address of applicant and engineer, scale, north arrow, legend and date of preparation.
  - (2) Existing and Proposed Features. The plan shall show the following under both predevelopment and post-development conditions:
    - (a) Watershed Location. Provide a key map showing the location of the development site within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the develop-

- ment site and identify watershed name(s) and subarea number(s).
- (b) Floodplain Boundaries. Identify one-hundred-year floodplains on the development site (as appropriate) based on the Borough Flood Insurance Study maps.
  - (c) Natural Features. Show all bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site or which will be affected by runoff from the development.
  - (d) Soils. Provide soil types and boundaries within the development site (Consult County, SCS and US Geological Survey for information.)
  - (e) Contours. Show existing and final contours at intervals of two feet; in areas with slopes greater than 15%, five foot contour intervals may be used.
  - (f) Land Cover. Show existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed.
  - (g) Drainage Area Delineations. Show the boundaries of the drainage areas employed in the runoff calculations performed.
  - (h) Stormwater Management Controls. Show any existing stormwater management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc., which are located on the development site or which are located offsite but will be affected by runoff from the development.
- (3) Professional Certification. The stormwater management plan (including all calculations) shall be prepared and sealed by a registered professional engineer, surveyor or landscape architect with training and expertise in hydrology and hydraulics. The Borough may require documentation of qualifications.
  - (4) Runoff Calculations. Calculations for determining pre-and post-development discharge rates and for designing proposed stormwater control facilities must be submitted with the stormwater management plan. All calculations shall be prepared using the methods and data prescribed by subsection (3) of this Section.
  - (5) Stormwater Controls. All proposed stormwater runoff control measures must be shown on the plan including methods for collecting, conveying and storing stormwater runoff onsite, which are to be used

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both during and after construction. Erosion and sedimentation controls shall be shown in accordance with subsection (5) of this Section. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and relationship to the existing watershed drainage system. The plan shall include technical specifications for materials and methods to be used in the construction of the stormwater management facilities.

- (a) If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.
  - (b) A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.
  - (c) If appropriate, a justification should be submitted as to why any stormwater management techniques, as listed in subsections (3) and (4) of this Section are not proposed for use.
- (6) Easements, Rights-of-Way, Deed Restrictions. All existing and proposed easements and rights-of-way for drainage and/or access to stormwater control facilities shall be shown along with any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.
- (7) Other Permits/Approvals. A list of any approvals/permits relative to stormwater management that will be required from other governmental agencies (PA DEP Chapter 105 and 106 permits and/or NPDES permit) and anticipated dates of submission/receipt should be included with the stormwater plan submission. The Borough may request copies of permit applications where they may be helpful for plan review.
- (8) Maintenance Program. The proposed maintenance plan for all stormwater control facilities shall:
- (a) Identify the proposed ownership entity (e.g., property owner, private corporation, homeowner's association or other entity.)
  - (b) Identify the type of maintenance, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.
  - (c) Identify method of financing continuing operation and maintenance if the facility is to be owned by other than a governmental agency.



- (d) Include copies of any legal agreements required to implement the maintenance program and, if applicable, copies of the maintenance agreement as required by subsection (6) of this Section.
  - (9) Financial Guarantees. Financial guarantees shall be in accordance with the provisions of §605 of this Chapter.
8. Plan Review Procedures.
- A. Preapplication Phase.
    - (1) Before submitting the stormwater plan, applicants shall consult with the Borough planning staff on the applicable regulations and techniques for safely managing runoff from the development site. The Borough may also be helpful in providing necessary data for the stormwater management plan.
    - (2) Applicants are encouraged to submit a sketch plan with a narrative description of the proposed stormwater management controls for general guidance and discussion with the Borough and other agencies.
    - (3) The preapplication phase is not mandatory; any review comments provided by the Borough are advisory only and do not constitute any legally binding action on the part of the Borough.
  - B. Stormwater Plan Reviews.
    - (1) Submission of Plans. Stormwater plan applications shall be submitted with the preliminary and final subdivision/land development applications.
    - (2) Notification of Affected Municipalities. The applicant shall notify municipalities adjacent to the development site, which may be affected by the stormwater runoff and proposed controls for the site. Provide copies of the plans to the municipalities upon request. Comments received from any affected municipality will be considered by the Borough Engineer and County agencies in their reviews.
    - (3) Borough Engineer's Review. The Borough Engineer shall recommend approval or disapproval of the stormwater management plan based on the requirements of the Borough ordinances, the standards and criteria of the watershed plan and good engineering practice. The engineer shall submit a written report, along with supporting documentation, stating the reasons for approval or disapproval.
    - (4) Permits Required from other Governmental Agencies. Where the proposed development requires an obstruction permit from the PA DEP or an erosion/sedimentation permit from the Conservation District, fi-

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nal stormwater management plan approval shall be granted subject to the receipt of such permits. No building permit shall be issued, nor construction started, until the permits are received and copies filed with the Borough.

9. Status of the Stormwater Plan after Final Approval.
  - A. Upon final stormwater plan approval and receipt of all necessary permits, the applicant may commence to install or implement the approved stormwater management controls.
  - B. If site development or building construction does not begin within two years of the date of final approval of the stormwater management plan, then before doing so, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously-approved stormwater management controls. Further, if for any reason development activities are suspended for two years or more, then the same requirement for resubmission of the stormwater management plan shall apply.
10. Stormwater Plan Modifications.
  - A. Before Construction. If the request for a plan modification is initiated before construction begins, the stormwater plan must be resubmitted and reviewed according to the procedures contained in subsection (8) of this Section.
  - B. After Construction. If the request for a plan modification is initiated after construction is underway, the Borough Engineer shall recommend approval or disapproval of the modification based on field inspection; provided:
    - (1) The requested changes in stormwater controls do not result in any modifications to other approved Borough land use/development requirements (e.g., building setbacks, yards, etc.)
    - (2) The performance standards in subsection (3) of this Section are met. Notification of the engineer's action shall be sent to the Borough Council which may issue a stay of the plan modification within five days and require the permittee to resubmit the plan modification for full stormwater plan review in accordance with subsection (8) of this Section.
11. Inspections of Stormwater Management Controls.
  - A. The Borough Engineer or a designated representative shall inspect the construction of the temporary and permanent stormwater management system for the development site. The permittee shall notify the Engineer 48 hours in advance of the completion of the following key development phases:

- (1) At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities.
  - (2) At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements. and ground covers.
  - (3) During construction of the permanent stormwater facilities at such times as specified by the Borough Engineer.
  - (4) Completion of permanent stormwater management facilities, including established ground covers and plantings.
  - (5) Completion of final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.
- B. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the Borough Engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.
- C. If during construction, the contractor or permittee identifies any site condition, such as subsurface soil conditions, alterations in surface or subsurface drainage which could affect the feasibility of the approved stormwater facilities, he/she shall notify the Borough Engineer within 24 hours of the discovery of such condition and request a field inspection. The Borough Engineer shall determine if the condition requires a stormwater plan modification.
- D. In cases where stormwater facilities are to be installed in areas of landslide-prone soils or other special site conditions exist, the Borough may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the permittee.
12. Financial Guarantees and Dedication of Public Improvements. Financial guarantees and dedication of public improvements shall be in accordance with §§605 and 606 of this Chapter.
13. Fee Schedule. The fee schedule shall be in accordance with §703 of this Chapter.
14. Enforcement Procedures and Remedies. Enforcement procedures and remedies shall be in accordance with Part 7 of this Chapter.
- A. Additional Remedies. In addition to the remedies in Part 7 of this Chapter, the Borough may also seek remedies and penalties under applicable Pennsylvania statutes or regulations adopted pursuant thereto including, but not

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limited to, the Stormwater Management Act (32 P.S. §§693.1-693.27) and the Erosion and Sedimentation Regulations (25 Pennsylvania Code, Chapter 102). Any activity conducted in violation of this Section or any Pennsylvania approved watershed stormwater management plan is declared a public nuisance by the Borough and abatable as such.

15. Severability. Should any subsection or provision of this Section be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Section as a whole or any other part hereof; the parts or subsections remaining shall remain in effect as if the part or subsection declared unconstitutional had never been a part of this Section.
16. Liability Disclaimer.
  - A. Except as specifically specified by the Stormwater Management Act, neither the granting nor the denial of any approval nor the compliance with the provisions of this Section or with any condition imposed by the Borough, its officials, employees or designated representatives thereunder shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Borough officials, employees or its designated representatives to the maximum extent permitted by law.
  - B. Except as specifically authorized by the Storm Water Management Act, neither the granting nor the denial of any permit which includes any stormwater management requirements shall constitute a representation, guarantee or warranty of any kind by the Borough, the Borough officials, employees or designated representatives thereof of the practicability or safety of any stormwater structure or facility, use or other plan proposed, and shall create liability or cause of action upon any Borough official, employee or designated representative thereof for any damage that may result pursuant thereto to the maximum extent permitted by law.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989; by Ord. 730, 7/18/1996; by Ord. 778, 4/19/2001, §1; and by Ord. 810, 7/21/2005, §§2 – 12)

### **§510. Erosion and Sedimentation Controls.**

1. No earthmoving activity, including cuts and fills, excavation, removal of topsoil, trees, or vegetative cover of the land, shall commence until the plans for minimizing soil erosion and sedimentation, both during and after construction, have been approved.
2. The erosion/sedimentation plan shall be prepared in accordance with the Pennsylvania Erosion/Sedimentation Regulations (25 Pa. Code, Chapter 102) and the standards and specifications of the County Conservation District.

3. Proposed erosion/sedimentation measures shall be submitted with the stormwater management plan as part of the preliminary and final applications.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§511. Lot Grading.**

1. A grading plan shall be required for all subdivisions and land developments except for minor subdivisions as defined by §301(4) of this Chapter.
2. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum 2% slopes away from structures shall be required.
3. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings their grade shall not be less than 1% nor more than 4%. The swales shall be sodded, planted or lined as required.
4. No final grading shall be permitted with a cut face steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
  - A. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two horizontal to one vertical. A written statement to that effect from a registered civil engineer, experienced in geotechnical engineering, shall be submitted to the Borough and approved by the Borough Engineer. The statement shall indicate that the site has been inspected and that the deviation from the slope specified will not result in injury to persons or damage to property.
  - B. A concrete or stone masonry wall is proposed and designed and constructed under the supervision of a registered professional engineer who is experienced in geotechnical engineering. The plans for the wall shall be reviewed by the Borough Engineer.
  - C. No final grading shall be permitted which creates any exposed surface steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
    - (1) The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alley or buildings.
    - (2) A written statement is submitted from a registered engineer experienced in erosion control, certifying that the site has been inspected and that the proposed deviation from the slope specified above will not endanger any property or result in property damage.

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- D. The top or bottom edge of slopes shall be a minimum of three feet from property or right-of-way lines of streets in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one to one and five feet or more in height shall be protected by a protective fence of not less than three feet in height and approved by the Borough Engineer.
- E. All lots must be kept free of any debris or nuisances whatsoever.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§512. Natural Feature Preservation.**

1. The design and development of all subdivisions or land developments shall preserve to the maximum extent possible, natural features which will aid in providing open space for recreation and conditions generally favorable to the health, safety and welfare of Borough residents. Some of the natural features of particular concern are the natural terrain of the site, woodland areas, large trees, watercourses and waterbodies, wetlands, rock outcroppings and scenic views.
2. Floodplains and flood-prone areas shall be preserved and protected in accordance with the Borough's Floodplain Management Ordinance.
3. The natural terrain of the proposed development site will be retained wherever possible with cut and fill operations being kept to a minimum. Areas with slopes greater than 15% shall generally not be developed.
4. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes 10% and shall be stabilized by sodding on slopes 10% or more and planted in ground cover on slopes 20% or greater.
5. Whenever possible, trees greater than six inches in caliper and 4 1/2 feet in height shall not be removed except where located with[in] a proposed street right-of-way, building area or within utility locations and equipment access areas.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§513. Landscaping.**

1. A landscaping plan shall be prepared for all developments which shall include sufficient plantings for the required and common open spaces, buffer areas, screening, and shade trees, in accordance with this or any other applicable ordinance.

2. The specific landscaping features of each development shall be approved as part of the plan application review.
3. Landscaping shall complement and accentuate the best features of the building(s) and site, provide essential shade, effective cooling, sound and sight control and be selected and organized to minimize maintenance.
4. Specific materials and landscaping treatment should be selected with consideration to the type and volume of pedestrian traffic, natural landscape characteristics, the function performed by the landscaping, the level of maintenance required and similar factors.
5. Shade trees of varying species shall be planted along all streets within the street right-of-way in accordance with Borough specifications and its Shade Tree Ordinance.
6. All plant materials shall meet the specifications of the American Association of Nurserymen (AAN) for No. 1 grade.
7. All planting and landscaping shall be completed within six months of the initial occupancy of the development or each stage of the development.
8. Plantings shall be maintained permanently and, where part of a required buffer area or screen, replaced in the event of disease or death. Landscaped areas shall be kept clean of all debris, rubbish, weeds and tall grass. A plan for assuring such continuing maintenance shall be required as a condition for approval of the final plan.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### **§514. Mobile Home Parks.**

Any mobile home park shall be designed and developed in accordance with the provision of the Borough Zoning Ordinance [§210(7) Chapter 27]. (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)





## Part 6

### Required Improvements

#### §601. General.

1. The following improvements to the subdivision/land development tract shall be installed by the developer prior to approval of a final plan application. In lieu of completion, the developer shall submit performance guarantees and execute a developer's agreement which complies with the provisions of this Chapter.
2. All improvements installed by the developer shall be constructed in accordance with the requirements of this Chapter and the Borough. Borough Council shall instruct the Borough Engineer to prepare improvement specifications for a required improvement in cases where no applicable Borough specifications exist.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### §602. Required Improvements.

1. Monuments. At least one monument shall be set, preferably at an angle, in the perimeter of the subdivision or development. The monument shall meet the following specifications:
  - A. Monuments shall be of concrete or stone with a minimum size of four inches by four inches by 30 inches and shall be marked on the top with a copper or brass dowel.
  - B. Monuments shall be placed so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the monument is level with the top of the surrounding ground.
  - C. Monument locations must be shown on the "final plan." Any monuments that are removed shall be replaced by an engineer or land surveyor at the expense of the person removing it.
2. Markers. Markers shall consist of iron pipes, iron, steel bars, or copperweld markers, at least 15 inches long and not less than 1 1/2 inch in diameter. Markers shall be set:
  - A. At the beginning and ending of all curves along street property lines.
  - B. At all points where lot lines intersect curves, either front or rear.
  - C. At all angles in the perimeter of a subdivision or development and in the property lines of lots.

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- D. At all other lot corners.
  - E. Markers shall be placed so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the marker is level with the top of the surrounding ground.
3. Streets. All streets shall be graded to the full width of the right-of-way, surfaced and improved to grades and dimensions shown on the plans, profiles, and cross-sections submitted by the subdivider or developer and approved by the Hollidaysburg Borough Engineer, as set forth by the Borough of Hollidaysburg. In subdivisions or developments where sidewalks are not required, the sidewalk areas shall be graded in the same manner as if sidewalks were to be constructed.
- A. Streets shall be graded, surfaced and improved to the dimensions required by the cross-sections. Pavement base and wearing surface shall be constructed according to the specifications of the Pennsylvania Department of Transportation and/or the specifications as set forth by the Borough of Hollidaysburg.
  - B. Prior to placing street surface, adequate subsurface drainage for the streets and all utilities under the streets shall be provided by the subdivider or developer upon the completion of the street improvements. [Ord. 648]
4. Curbs. Curbs shall be required on new streets in subdivisions and developments. Curbs shall be vertical type seven inches above pavement. Rolled curb and gutter will not be used. The transition from one type of curb to another shall be effected only at a street intersection. All curbs shall be constructed of concrete with expansion joints every 20 feet.
5. Sidewalks. Sidewalks shall be required unless the developer can show that sidewalks are not necessary for the convenience and protection of the public. When sidewalks are required, they shall meet the following standards:
- A. Sidewalks shall be located within the street right-of-way, not less than one foot from the street right-of-way lines and shall be a minimum of four feet wide, except along collector and arterial streets, and in the vicinity of shopping centers, schools, recreation areas and other community facilities where they shall be a minimum of five feet wide.
  - B. Generally, a grass planting strip should be provided between the curb and the sidewalk.
  - C. Sidewalks shall be constructed of concrete and be at least four inches thick, underlain by three inches of compacted cinder, gravel or crushed stone.
  - D. Sidewalks, if not required, shall be seeded and maintained by the property owner.

- E. Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, alternative sidewalk standards to those set forth above may be required. Crosswalks may be required when needed necessary.
- F. In all respects in which standards for required improvements are not set forth herein or specified by the Borough hereunder, the applicable standard required of the Pennsylvania Department of Transportation shall govern and all work shall be performed in a manner prescribed in the standard specification for road construction of said Department for the type of construction under consideration.
- G. Maximum slope of banks measured perpendicular to the center line of the street should be three to one for fills and two to one for cuts.

[Ord. 730]

- 6. Sanitary Sewers. The method of sanitary waste disposal in a proposed subdivision or development shall be as approved by the Pennsylvania Department of Environmental Resources. Generally, where a public sanitary sewer system is within 1,000 feet of, or where plans approved by the Hollidaysburg Borough Council provide for the installation of such public sanitary sewer facilities to within 1,000 feet of the proposed subdivision or development, the subdivider or developer shall provide the subdivision or development with a complete sanitary sewerage system to be connected to the existing or proposed sanitary sewerage system at the expense of the subdivider or developer and under the supervision of the Borough. The system shall be designed by a registered engineer and meet the requirements of the Pennsylvania Department of Environmental Resources. [Ord. 648]
- 7. Water. Where the municipal water supply system is within 1,000 feet of, or where plans approved by the Hollidaysburg Borough Council provide for the installation of municipal water supply facilities to within 1,000 feet of the proposed subdivision or development, the subdivision or development shall be provided with a complete water main supply system which shall be connected to the Hollidaysburg Borough water supply. The tap fee to be paid by the subdivider or developer. The system shall be designed by a registered engineer and approved by the Hollidaysburg Borough Engineer and the Pennsylvania Department of Environmental Resources. The plans for the installation of the mains of a water supply system shall be prepared with the cooperation of the applicable Borough officials and approved by the Borough Manager. [Ord. 648]
- 8. Storm Drainage. An adequate storm drainage system shall be provided complying with the requirements of this Chapter and other pertinent ordinances, laws and regulations. Under no circumstances shall storm sewers be connected with sanitary sewers. [Ord. 648]

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9. Street Signs. Street name signs shall be placed at all intersections in conformance with the specifications of the Borough of Hollidaysburg.
10. Other Improvements.
  - A. Street lights (as presently contained in §603(1)).
  - B. Shade trees (as presently contained in §603(2)).
  - C. Fire hydrants (as presently contained in §603(3)).
  - D. Underground wiring (as presently contained in §603(4)).

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989; and by Ord. 730, 7/18/1996)

### **§603. Inspection of Improvements.**

A designated representative of the Borough shall inspect the installation of all required improvements in accordance with the inspection schedule contained in the Developer's Agreement. The landowner or contractor shall be responsible for notifying the Borough at least 48 hours in advance of any construction operation so that provision can be made for property inspection. Samples of materials and all reasonable information to ascertain whether the work is in conformity with the provisions of this Chapter shall be furnished to the Borough. All costs incurred by the Borough for inspections shall be paid by the developer.

1. Street Lights. In accordance with the conditions to be agreed upon by the subdivider or developer, the Borough of Hollidaysburg and the appropriate public utility, street lights are recommended to be installed in all subdivisions or developments. The subdivider or developer shall be responsible for making the necessary arrangements with the applicable agencies, and whether or not street lights are initially installed, the subdivider or developer shall be responsible for providing utility easements for future street lighting installations.
2. Shade Trees. All possible efforts should be made by the subdivider or developer to preserve existing shade trees. When provided, shade trees of deciduous hardwood type with a minimum caliper of 1.5 inches shall be planted between the sidewalk and the building at least five feet from the sidewalk or between the curb and sidewalk provided the planting strip is a minimum of six feet wide.
3. Fire Hydrants. Fire hydrants must be provided as an integral part of any water supply system and shall be in accordance with the specifications set forth by the National Fire Protection Association. The fire hydrants shall be placed at intervals of not more than 1,000 feet and shall contain a minimum of 2.5 inches outlets and one 4.5 inches bumper inlet.

4. **Underground Wiring.** It is strongly recommended that all electric, telephone and television cable lines be placed underground. Trench arrangements should conform to accepted standards for safety and maintenance purposes.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§604. Time Limits.**

All improvements shall be installed according to a time schedule which shall be made part of the Developer's Agreement.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§605. Guarantee of Improvements.**

1. **Performance Guarantee.**
  - A. In order to secure to the public the completion of the required improvements within the specified time limits, the applicant shall deposit with the Borough financial security in an amount sufficient to cover the costs of the improvements. The form and amount of the performance guarantee shall be approved by the Borough solicitor and comply with the requirements of the Municipalities Planning Code (§509).
  - B. In cases 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.
  - C. As the work of installing the required improvements proceeds, the party posting the financial security may request Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such release shall proceed according to the provisions of §509 of the Planning Code.
2. **Release from Improvement Bond.** When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough and request a release from the improvement bond in accordance with the procedures contained in the Planning Code (§510).
3. **Default of Performance Guarantee.** If the required improvements are not installed and completed satisfactorily in accordance with the recorded plan and Developer's Agreement, the Borough may proceed, in accordance with the provisions of the Planning Code (§511), to complete the improvements and facilities and may use whatever proceed from bonds, cash deposits, checks or securities as are required

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to meet the expense of completing such improvements. If the proceeds from the financial securities are insufficient to cover the cost of installing or making repairs or corrections to the improvements, the Borough may install such improvements and take appropriate legal or equitable action to recover the costs.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§606. Acceptance of Improvements; Maintenance Bond.**

1. Acceptance of Improvements.
  - A. Every improvement shown on a recorded plat shall, notwithstanding such recording, be deemed to be a private improvement, and the Borough shall have no responsibility with respect thereto until such time as the same shall have been offered for dedication to the Borough and accepted by it, by ordinance, or until it shall have been duly condemned by the Borough for public use.
  - B. The developer shall notify the Borough in writing upon completion of all required improvements and request dedication thereof.
  - C. The request for dedication shall be in a form approved by the Borough solicitor and shall be accompanied by: (1) as-built plans showing all improvements; (2) a receipt for all charges and fees required to be paid to the Borough; and (3) a maintenance bond complying with the requirements of this Section.
  - D. Prior to Council's decision on any dedication request, the Borough Engineer shall inspect the improvements to ensure that their construction complies with the final approved plan and Borough specifications and that such improvements are functioning properly.
2. Maintenance Bond. Upon acceptance of the required improvements, the developer shall provide the Borough with a maintenance bond to guarantee the maintenance and repair of such improvements as may be defective in material and installation. The bond shall be in form and amount approved by the Borough solicitor and in accordance with the requirements of the Planning Code (§509K).

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

## Part 7

### Administration, Amendment and Enforcement

#### **§701. Amendments to Subdivision/Land Development Ordinance.**

This Chapter may be amended according to the procedures contained in the Planning Code (§§505 and 506). (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### **§702. Modification of Requirements.**

1. Borough Council may grant a modification to the requirements of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and the purpose and intent of this Chapter.
2. All requests for a modification shall be in writing and submitted with the preliminary or final application. The request shall state fully the grounds and facts of unreasonableness or hardship, the provision or provisions of the ordinance involved, and the minimum modification necessary.
3. Council may refer the request for modification to the Planning Commission for comment. A written record of all actions on all requests for modifications shall be maintained by the Borough Secretary.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### **§703. Fees.**

Borough Council may establish by resolution, from time to time, a schedule of fees covering subdivision/land development review, inspections and legal costs incurred by the Borough in the administration and enforcement of this Chapter. Any disputes regarding the amount of fees shall be resolved in the manner prescribed by the Planning Code (§§503 and 510(G)). (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

#### **§704. Appeals.**

All appeals and challenges to these regulations shall be made in accordance with the procedures contained in the Municipalities Planning Code. (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

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### **§705. Preventive Remedies.**

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violation, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building or premises.
2. In accordance with the Planning Code (§515(1)), the Borough may refuse to issue any permit or grant approval to further improve or develop any property which have been developed in violation of this Chapter.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

### **§706. Enforcement Remedies.**

1. Any person, who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a fine of not less than \$50 and not more than \$500 plus court costs, including reasonable attorney fees incurred by the Borough. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice.
2. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to applicable rules of civil procedure.
3. Each day that a violation continues shall constitute a separate violation unless the district justice further determines that there was a good faith basis for the person violating this Chapter to have believed that there was no such violation. In such case there shall be deemed to have been only one such violation until the fifth day following the date of the district justice's determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.
4. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.
5. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
6. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)



**§707. Repeal of Conflicting Ordinances.**

All other ordinances or parts of ordinances which are contrary to or conflict with the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect. (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)

**§708. Validity.**

Should any section or provision of this Chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Chapter as a whole or any other part hereof; the Parts or Sections remaining shall remain in effect as if the part of the Section declared unconstitutional had never been a part of this Chapter. (Ord. 598, 3/8/1982; as amended by Ord. 648, 10/9/1989)



## Part 8

### Borough Inspection Policy

#### §801. Inspection Services.

All inspection services of required improvements shall be provided by the Borough. The cost of inspection services shall be the direct cost of such services to the Borough as charged to the Borough by its Consulting Engineer. To further guarantee the proper installation of required facilities, the developer will be required to post a performance guarantee for an amount equal to 110% of the estimated costs of material, installation and inspection for the required facilities. This figure shall be provided by the developer, and verified by the Borough Engineer who will also provide an estimate of inspection fees to developer for inclusion in the performance guarantee. (Res. 97-32, 5/15/1997)

#### §802. Basis of Inspection.

Inspection will be required on a full time basis for all facilities that will be offered to the Borough for dedication. If the required improvements will not be offered to the Borough for dedication, part time inspection will be required at the following key stages of construction.

A. Streets.

- (1) Upon completion of the roadway rough grading.
- (2) Prior to and during drainage facility burial.
- (3) Once the roadway subgrade preparation is complete and prior to subbase (stone) placement. Compaction of the roadway subgrade should be tested via nuclear density gauge or other approved means.
- (4) During placement of the roadway subbase and prior to the construction of bituminous concrete base course (BCBC).
- (5) During BCBC construction and prior to placing the ID-2 wearing course.
- (6) During placement of the ID-2 wearing course.

B. Curbs. After all forms have been set and ready for review and during the placement of the cement concrete.

C. Sidewalks. After all formwork is ready for review and during placement of the cement concrete.

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### D. Sanitary Sewer Systems.

- (1) During installation of all pipe, manholes and other associated appurtenances. When these facilities are located within an existing or future Borough roadway, complete backfilling of the trench should be observed as well. Outside Borough roadways, backfilling operations should be observed to at least one foot above the top of the pipe.
- (2) Borough representation shall also be provided during pipe leakage and deflection testing of sewer main lines and when conducting manhole leakage testing.

### E. Water System.

- (1) During installation of all pipe and associated appurtenances. When facilities are located within an existing or future Borough street, complete trench backfilling should also be observed. Outside Borough roadways, backfilling should be observed until at least one foot of cover is provided over the top of the pipe.
- (2) Borough representation shall be provided during hydrostatic and leakage testing of water lines.
- (3) The Borough shall also oversee bacteriological testing before the water main is placed into service.

### F. Stormwater Management Facilities.

- (1) Prior to and during facility burial (for underground facilities) or after embankment construction (for ponds).
- (2) During installation of outlet control devices.
- (3) After any remaining required improvements have been installed (fencing of ponds, etc.).

### G. Street and Stop Signs. During placement of the signs (to insure proper heights and distances from intersections, etc., are provided).

### H. Other Required Improvements. Street lights, shade trees, recreational areas and other underground utilities within Borough easements or rights-of-way shall be observed on a "spot-inspection" basis.

(Res. 97-32, 5/15/1997)