

ARTICLE I

GENERAL PROVISIONS

Title, Purpose, Authority, and Jurisdiction

- Section 101 Title: This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Borough of Everett."
- Section 102 Purpose: The Purpose of this Ordinance is to provide for the maintenance of a rural community with complimentary orderly and harmonious development, and to protect, promote, and create conditions favorable to the health, safety, morals, and general welfare of the Borough's Citizenry by:
- 102.1 Insuring that all future development is consistent with the Comprehensive Plan for Bedford County, the Everett Borough Comprehensive Plan, and other plans developed through local level planning programs.
 - 102.2 Providing for the orderly development of appropriate non-agricultural acreage in concert with environmental and natural capacities and limitations.
 - 102.3 Assuring uniform and equitable processing of all Subdivision Plans by providing uniform standards and procedures.
 - 102.4 Establishing requirements, standards, and specifications to aid in guiding elected Public Officials, Planners, Planning Commissions, Sub-dividers, Developers, Land Surveyors, Landscape Architects, Architects, Engineers, and others in the design and development of Subdivisions and Land Developments throughout the Borough.
 - 102.5 Assuring a coordination of proposed streets, parks, and other features in and bordering a proposed Subdivision or Land Development, as to such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, with the existing street and highway system of the Borough thereby facilitating the rational movement of local traffic.
 - 102.6 Providing for adequate oversight of subdivision and land development to assure that public concerns with accessibility, stormwater management, on-lot sewage disposal, water supply, and other factors are taken into account.
 - 102.7 Providing for adequate open spaces for traffic, recreation, light and air, and for proper distribution of the population.

- 102.8 Encouraging and providing for innovations in new Residential Developments such as planned mixed use 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 usable space in relation to new dwellings; savings on energy, water use, infrastructure, and paving; and integration of slope and other undevelopable areas into the total Development Plan for use as open space.
- 102.9 Protecting the character and the social and economic stability of Everett Borough, by promoting a harmony between existing development, existing villages, future development, and the natural environment.
- 102.10 Protecting and conserving the value of land throughout Everett Borough, and the value of buildings and improvements upon the land and minimize the conflicts among the uses of land and buildings.
- 102.11 Guiding public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, stormwater management, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 102.12 Maintaining the viability of existing Village Centers in the Borough and the village concept in general, and encouraging this concept for future development.
- 102.13 Preventing the pollution of air, streams, and ponds; to assure the adequacy of drainage of facilities; to safeguard the groundwater resources; and to encourage the wise use and management of the natural resources in order to preserve the community and value of the land.
- 102.14 Preserving the natural beauty and topography of Everett Borough and to ensure appropriate development with regard to these natural features.
- 102.15 Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic within Everett Borough, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and building lines.
- 102.16 Providing for the logical and orderly addition and extension of the community facilities and public utilities systems to developing areas while minimizing impacts on agricultural land, and insuring that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- 102.17 Upgrading the quality of land records through creation and filing of accurate and legible subdivision plans with the County Recorder of Deeds for future information and use by municipal officials and the general public.

- 102.18 Generally, insuring that the future orderly growth and development of Everett Borough is well-planned and accompanied by adequate public facilities without negatively affecting the environment.
- 102.19 Insuring that minimum setback lines and minimum lot sizes be applied throughout Everett Borough based on the availability of water and sewage.
- 102.20 Permitting Everett Borough to minimize developmental and related problems as may exist or which may be foreseen, by encouraging development on land exhibiting the appropriate soils, slope, and other physiographic and environmental characteristics.

When development throughout the Borough is guided by the foregoing and incorporated into the general context of the Everett Borough Comprehensive Plan, a mutual benefit will be derived by the developer, the buyer, the adjacent local municipalities, the Borough, the County, and the general public.

Section 103 Creation, Authority, and Jurisdiction:

- 103.1 Subdivision Control: The Everett Borough Council has the jurisdiction, powers, and authority as particularly and specifically set forth in Article 501 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and specifically the said Everett Borough Council shall have the jurisdiction and control of all Subdivision of Land located within the limits of Everett Borough. All Plans shall be submitted to the Everett Borough Council for review and approval. This includes all plans, plots, or re-plots of land as well as grading and filling activities. No Subdivision or Land Development of any lot, tract, or parcel of land within Everett Borough shall be made; no street, sanitary sewer, storm sewer, water main, 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 provisions of these Regulations. No plat shall be accepted for recording by the Bedford County Recorder of Deeds unless such plat officially notes the approval of the Everett Borough Council.
- 103.2 Land Development Control: Land development must comply with the regulations contained in this Ordinance. Such compliance shall include, but not be limited to: the filing of Preliminary and Final Plans, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Borough Council. Land development plans shall indicate each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way.
- 103.3 Enforcement: For any person or persons violating this ordinance the following enforcement actions should be applied: A letter sent to the violator stating the violation to the ordinance and that a reply is required within twenty (20) days of the mailing date. If within the twenty (20) day reply period no reply is given then a

letter written by the Borough Solicitor will be sent to the violator and a new twenty (20) day reply period will be given. If a reply is not received within the reply period a final letter stating that legal action may be enforced shall be sent to said violator and given a final twenty (20) day time period to reply before legal action may be enforced. Penalties may be enforced under Article X, Section 1005 of this ordinance, or similar type action may be enforced.