

ARTICLE III

MAJOR SUBDIVISION SUBMISSION PROCEDURES, REVIEW PROCESSES, PLAN REQUIREMENTS, DESIGN STANDARDS, MANDATORY IMPROVEMENTS, AND CONSTRUCTION REQUIREMENTS

SUBMISSION AND REVIEW PROCEDURES

Section 301 General Procedures

The procedures established in this Article shall apply to all Major Subdivisions and Land Developments that require review and approval by Everett Borough Council. It shall be the subdivider's responsibility to observe and follow the procedures established in this Article and to submit all plans and documents as may be required herein.

301.1 Classification of Subdivision: Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the owner or his agent shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development, which includes a maximum of two (2) steps for a Minor Subdivision and three (3) steps for a Major Subdivision as follows:

- a. Minor Subdivision
 - (1) Sketch Plan (optional)
 - (2) Final Plan
- b. Major Subdivision
 - (1) Sketch Plan (optional)
 - (2) Preliminary Plan
 - (3) Final Plan

The requirements of this Article III address Major Subdivisions only. Article IV addresses Minor Subdivisions, Article V addresses Mobile Home Parks, Article VI addresses Land Developments, and Article VII addresses Recreational and Seasonal Land Developments. Articles VIII through X address all developments that fall under the jurisdiction of this ordinance.

301.2 Pre-Application Consultation: Prior to filing an application for approval of a subdivision or land development within the Borough, the owner or his authorized agent, may meet with the Everett Borough Planning Commission for an official classification of his proposed Subdivision or Land Development. The Everett Borough Planning Commission will determine whether the proposal shall be classified as a Minor Subdivision (or a property line change), a Major Subdivision,

or a Land Development and make advisory comments. At this time, the Local Planning Commission may advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

- 301.3 Official Filing Date: For the purpose of these regulations, the official filing date for required Plans shall be the date of the regular meeting of the Everett Borough Council next following the date the application and plans are received at the Borough Building provided that said regular meeting shall not occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth (30th) day following the day the application has been submitted, if a Borough meeting has not occurred prior to that day. On receipt of an application for major subdivision or land development approval, the Everett Borough Council shall affix to the application both the date of submittal and the official filing date.
- 301.4 Bedford County Planning Commission Review: A copy of all plans and attachments shall be submitted by the Borough to and reviewed by the Bedford County Planning Commission in accordance with its then prevailing rules and regulations. The Borough shall forward to the Applicant a copy of any report of the Bedford County Planning Commission. The Borough shall not take action on an application until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.
- 301.5 Everett Borough Planning Commission Review: A copy of all plans and attachments shall be submitted by the Borough to and reviewed by the Everett Borough Planning Commission for advisory comments at its regular meeting. The Borough Planning Commission may review the plans with engineering, planning, and/or other technical consultants to assist in the preparation of an advisory report for the Borough Council. The Borough shall forward to the Applicant a copy of any report of the Borough Planning Commission. The Borough shall not take action on an application until the Borough Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the Borough Planning Commission.

Section 302 Submission and Review of "Sketch Plan" (Optional)

It is encouraged that prior to the preparation of a "Preliminary Plan," the Applicant confer with the Everett Borough Planning Commission for the purpose of an informal discussion concerning the proposed major subdivision or land development. The subdivider may submit a "Sketch Plan" following the guidelines set forth in Article III, Section 322, of these regulations. The submission of a "Sketch Plan" is optional. When this option is chosen by the Applicant, the Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular or special meeting of the Everett Borough Planning Commission at which it is to be considered.

302.1 "Sketch Plan" Review: The Everett Borough Planning Commission will review the "Sketch Plan" with the Applicant as it related to:

- a. The Comprehensive Plan for Bedford County
- b. The Everett Borough Comprehensive Plan or any other Local Level Comprehensive Plan which may exist
- c. Other relevant ordinances which may exist
- 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, public grounds, and any other facility that may have an impact on the proposed subdivision.

Section 304 Official Submission of the "Preliminary Plan"

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional "Sketch Plan", and after reviewing the Plan requirements of this ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the "Preliminary Plan". The "Preliminary Plan" shall conform with the requirements set forth in Article III, Section 323, of this ordinance. When filing applications for review and approval of major subdivision and land development plans, the Applicant shall submit to the Everett Borough Council plans and data at two (2) stages of preparation which shall be designated as: (1) "Preliminary Plan" and (2) "Final Plan". Application forms for the submission of both "Preliminary" and "Final" Plans are available in the Borough Office.

304.1 Application Fee: The fees for the submission and review of Subdivisions and Land Developments within Everett Borough shall be established by Resolution by the Borough Council.

304.2 Number of Copies: When submitting an application for review and approval of a "Preliminary Plan", the Applicant shall submit eight (8) copies of prints of the proposed major subdivision or development plan, and supporting information along with three (3) copies of any proposed covenants to the Everett Borough Council, which will then forward copies of the "Preliminary Plan" to the Everett Borough Planning Commission, the Bedford County Planning Commission, affected water

and sewer agencies, and the Bedford County Conservation District. Copies of the letter of transmittal from the Applicant will be sent to other relevant agencies and companies such as other affected Utility Companies, Post Offices, the Everett School District, Assessors, and Fire Departments, along with a notation that the plans are available for review in the Borough Office. In addition to filing with Everett Borough, "Preliminary Plans" shall be concurrently submitted to appropriate officials of the Borough for action or information of such officials as appropriate.

- 304.3 Sewage Facilities Planning Module: When applicable, the application form shall be accompanied by Sewage Facilities Planning Module as required by and submitted to the Pennsylvania Department of Environmental Protection (PA DEP).

Section 305 Review of the "Preliminary Plan"

On receipt of the recommendations from the prints and information distributed to the Local Planning Commission, the County Planning Department, and the Borough Engineer, if the same have been received within a period of thirty (30) days of such transmittal, and on receipt of the recommendations of the other agencies noted in Section 304.2 if the same has been received within a period of ten (10) days of such transmittal, or such reasonable further time as may be requested by these agencies, the Everett Borough Council shall review the application. Based on a thorough review of the comments of the above mentioned agencies and of the details of the "Preliminary Plan" in light of this ordinance, the Borough Council shall approve, approve with modification, or disapprove the "Preliminary Plan". The Everett Borough Council shall render its decision and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the governing body next following the date of the application is filed, provided that, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

- 305.1 Changes and Modifications: The Everett Borough Council may require or recommend changes or modifications of the "Preliminary Plan" as a prerequisite for approval of the "Final Plan".
- 305.2 Action on the "Preliminary Plan": Approval or approval with conditions, revisions, or modifications as stipulated or suggested by the Everett Borough Council of the "Preliminary Plan" shall constitute approval of the major subdivision or land development as to the character and intensity of development; the arrangement; and approximate dimensions of streets, lots, and other planned features. However, approval of the "Preliminary Plan" shall not constitute acceptance of approval for final approval and recording on fulfillment of all requirements of these regulations. The action of the Everett Borough Council shall be communicated to the Applicant in writing no later than fifteen (15) days following the decision.

When the application is not approved in terms as filed, the written decision shall specify the defects found in the application, describe the requirements which have not been met, cite the provisions of the statute or ordinance relied upon, and be

communicated or mailed to the applicant not later than fifteen (15) days following the date of the decision.

Section 306 Submission of the Final Plan

After the Applicant has received official notification that his "Preliminary Plan" has been approved and recommended changes, if any, have been made, he has five (5) years in which to submit a final plan. If the applicant does not do so within a five (5) year period, his "Preliminary Plan" shall be nullified unless a written time extension is approved by Everett Borough Council. The "Final Plan" must conform to the general scheme of the "Preliminary Plan" as approved and must contain the information specified in Article III, Section 324. The "Final Plan" may be a portion of the entire subdivision shown on the "Preliminary Plan" and noted as such on the plans.

- 306.1 Provisions for "Final Plan" Approval: Before requesting "Final Plan" approval, the Applicant must submit to the Everett Borough Council either a certification by a licensed engineer that all improvements and installations to the subdivision as required by this Ordinance have been made in accordance with the specifications and approved plans, or a bond which shall be deposited with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities -- including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required by this Ordinance. No plat shall be finally approved unless the streets shown on such plat have been improved as may be required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required have been installed in accordance with this Ordinance.

In lieu of the completion of any improvements required as a condition for the final approval of a plat, this Ordinance provides for the deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater detention and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

- a. When requested by the developer, in order to facilitate financing, the governing body or the planning agency, if designated by Borough Council, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed.

The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

- b. Without limitation as to other types of financial security which the municipality may approve, which approval shall not be unreasonably withheld, a Federal or Commonwealth chartered lending institution's provision of irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- c. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Specifically, the Borough Council must be satisfied as to the reputation of the bonding company.
- d. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action or approval or accompanying agreement for completion of the improvements.
- e. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the municipality may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion.

Subsequent to said adjustment, the municipality may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.

- f. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, in accordance with applicable Prevailing Wage Rates for Pennsylvania, if applicable in this situation, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, then

the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer.

- g. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) - year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1)-year period by using the above bidding procedure.
- h. In the case where development is projected over a period of years, the governing body or the planning agency 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.
- i. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.

Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45)-day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of seven percent (7%) of the estimated cost of the aforesaid improvements.

- j. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said

improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

- k. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- l. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat.

Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

306.2 Release from Improvement Bond:

- a. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The applicant's engineer shall certify that all completed work complies with the approved plans. The municipal governing body shall, within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after

receipt by the municipal engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate acceptance or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be accepted or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such non-approval or rejection.

- b. The municipal governing body shall notify the developer and any financial institutions holding bonds within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.
- c. If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been accepted and the developer shall be released from all liability except that required under Section 306.1 (j), pursuant to its performance guaranty bond or other security agreement.
- d. If any portion of the said improvements shall not be accepted or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- e. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.
- f. Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.
- g. The Borough prescribes that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements, including resident inspection for those improvements as determined by the Borough. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applications. These fees will be estimated prior to inspections being made.

- (1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the municipality that such expenses are disputed as unreasonable or unnecessary, in which case the municipality shall not delay or disapprove a major subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expense.
- (2) If, within twenty (20) days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- (3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- (4) In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five (5) years.
- (5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, the municipality shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

306.3 Remedies to Effect Completion Improvements:

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat, the governing body of the municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 307 Review of the Final Plan

Within ninety (90) days from the submission of the "Final Plan", the Everett Borough Council shall review and act on the Plan and notify the Applicant in writing of its action. On finding the "Final Plan" application to be in accordance with the requirements of this ordinance and for compliance with the approved Preliminary Plan, the Everett Borough Council shall affix its seal on the Plan together with the certifying signature of the President. Where modifications of the "Final Plan" are requested or the Plan is disapproved, the grounds for these actions must be stated in the notification and noted in the Everett Borough Council' records.

- 307.1 Approval of the "Final Plan": Based on a thorough review of the details of the "Final Plan", the Borough shall approve; approve with conditions, revisions, or modifications; or disapprove the application; render its decision; and communicate its decision to the applicant within ninety (90) days after the date the "Final Plan" application was filed. The Everett Borough Council shall notify the applicant in writing of its decision no later than fifteen (15) days following the decision. The approval of the "Final Plan" by the Everett Borough Council shall not be deemed an acceptance of the proposed dedication and shall not impose any duty on any of the municipalities of Bedford County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until the municipality in which the subdivision is located shall have accepted or made actual appropriation of the same by use or improvement. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

Section 308 Approval of Plats: Miscellaneous Procedures

All applications for approval of a plat, whether preliminary or final, shall be acted upon by the governing body within such time limits as may be fixed in this Ordinance but the governing body shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the governing body next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90)-day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

- 308.1 The decision of the governing body shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- 308.2 When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- 308.3 Failure of the governing body to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- 308.4 Changes in the ordinance shall affect plats as follows:
 - a. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
 - b. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect

adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

- c. Where final approval is preceded by preliminary approval, the aforesaid five (5)-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- d. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5)-year limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- e. In the case of a preliminary plat calling for the installation of improvements beyond the five (5)-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such a schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.
- f. Each section in any residential major subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5)-year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.
- g. Failure of landowner to adhere to the aforesaid schedule of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the

municipality subsequent to the date of the initial preliminary plan submission.

- 308.5 Before final action on any major subdivision plat by the Council members, the applicant shall state that all rights-of-way, streets, sewer and water facilities, and other public improvements shall be certified by a licensed engineer to have been completed in accordance with the approved plans.
- 308.6 Before acting on any major subdivision plat, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

Section 309 Recording of the "Final Plan"

Within thirty (30) days after the date of the approval of the "Final Plan" by the Everett Borough Council, the Applicant shall record an original of the same in the office of the Bedford County Recorder of Deeds and file with the Borough a Recorder's Certificate that the approved Plan has been recorded with the Deed Book and page numbers indicated. If the Applicant fails to have the Plan recorded, the decision of the Everett Borough Council is voided unless the Applicant has obtained a written extension of time approved in writing by the Borough. The Applicant shall proceed with the sale of lots and structures only after the "Final Plan" has been recorded with the County Recorder of Deeds. 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 park, open space, and other public areas to public use unless reserved by the Applicant. Within sixty (60) days of the plan being officially recorded, the municipality will reflect those changes on its official map if necessary. The approval of the Final Plan shall not impose any duty on the Borough Council or the Borough concerning maintenance or improvements by ordinance or resolution.

PLAN REQUIREMENTS

Section 321 Preliminary Considerations

After the effective date of this ordinance, no person, firm, or corporation proposing to make or having made a major Subdivision or Land Development, within Everett Borough, Bedford County, shall proceed with any development such as grading of roads or alleys or any other action before obtaining approval of the proposed major subdivision or land development by the Everett Borough Council. The provisions and requirements of this ordinance shall apply to and control all land subdivision and development involving building lots or a Major Subdivision which has not been recorded in the Office of the Recorder of Deeds in and for Bedford County, Commonwealth of Pennsylvania, prior to the effective date of this ordinance.

- 321.1 Discussion of Requirements: Before preparing a Sketch Plan or Preliminary Plan for a major Subdivision or Land Development, the Applicant should discuss with the Borough the procedure for adoption of a major subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, sewerage, fire protection, and similar

matters, as well as the availability of existing services. The Borough shall also advise the Applicant, where appropriate, to discuss the proposed subdivision or land development with those officials (such as the Soil Conservationist, Borough Engineer, and Sewage Enforcement Officer) who must eventually approve these aspects of the subdivision or land development plan coming within their jurisdiction.

321.2 Conformity with Master Plan: The layout of the proposed major subdivision or land development shall be in conformity with the Comprehensive Plan for Bedford County, the Everett Borough Comprehensive Plan as periodically updated, and any local level plan which may exist within the area of the proposed subdivision.

321.3 Site Considerations: No land shall be subdivided or developed:

- a. Unless access to the land over adequate streets or roads exist, or will be provided by the Applicant; or
- b. If such land is considered by Everett Borough as unsuitable for residential use by reason of floodplain and floodway location or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, wetlands, 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.

Section 322 Sketch Plan (optional)

Prior to the official submission of the "Preliminary Plan", a major subdivision or land development "Sketch Plan" may be submitted by the Applicant or property owner to facilitate an informal discussion with the Borough Council concerning the proposed subdivision or land development. This informal discussion may be extremely valuable in guiding the Applicant on the proper course in the development of a major subdivision or land 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.

The following items are suggested for inclusion in the "Sketch Plan" presentation:

- a. Proof of Ownership;
- b. Name of Owner;
- c. General location within the Borough;
- d. Proposed name of major subdivision or land development;
- e. Tract boundary including all land which the Applicant intends to subdivide;

- f. General topographical and physical features along with water courses, streams, ponds, flood plains, and wetlands;
- g. Names of surrounding property owners;
- h. North point; approximate scale and date of original drawing;
- i. Streets on and adjacent to the tract;
- j. Proposed general street layout;
- k. Proposed general lot layout or development;
- l. Proposed use of the lots or development;
- m. Any other information which would be helpful in the preliminary discussion of what the Applicant intends to do;
- n. Statement of general availability of utilities of water and sewer, etc.; and
- o. The general location of any underground mines or undermined areas on the involved land.

Section 323 Preliminary Plan

The "Preliminary Plan" shall be accurately drawn to a scale of one (1) inch equals sixty (60) feet or larger [i.e. one (1) inch equals twenty (20) feet, fifty (50) feet, etc.] The "Preliminary Plan" shall be submitted on the following sheet sizes: (a) 18" X 24"; (b) 24" X 36"; or (c) 36" X 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 323.1.

323.1 Required Information: The "Preliminary Plan" shall contain the following information:

- a. Notes and Data
 - (1) Name of proposed subdivision or land development with identification as a preliminary plan and the name of the municipality in which it is located.
 - (2) Date of application for subdivision or land development approval.
 - (3) Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner.
 - (4) Name(s) and address(es) of developer, applicant or authorized agent if different from owner.

- (5) Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the plan.
- (6) Tax parcel number(s) of subject tracts.
- (7) Type of sewage disposal, and water supply to be utilized. If on-lot groundwater is proposed to be used, a hydrogeological analysis including data on the source and supply must be submitted.
- (8) Total acreage of the subject tracts, and total number of proposed lots or units (if applicable), total gross square footage of proposed buildings (if applicable).
- (9) North point, graphic scale, date of original plan along with date and description of revisions to the plan.
- (10) Base of benchmark for elevations on the plan.
- (11) Proposed use of property.
- (12) Number of required parking spaces (if applicable).
- (13) List of utility companies in accordance with Act 172, if project involves excavation.
- (14) Legend describing symbols used on plan.
- (15) Location map showing the proposed subdivision or land development in relation to municipal boundaries, public roads, streams, and adjoining areas.
- (16) Signed, notarized statement by the owner certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans, and authorizing recording of final plan.
- (17) Signed statement by owner listing land or facilities to be offered for dedication to the municipality and acknowledging that the owner will be responsible for maintenance of lands or facilities until they are completed and accepted by the municipality.
- (18) An 'Approved by Everett Borough Council' block for the signatures of the President and Secretary of the Borough Council, and a 'Reviewed by Everett Borough Planning Commission' block for the signatures of the Chairman and Secretary of the Borough Planning Commission. Space shall also be provided to fill in the date of the approval and review.

- (19) A 'Reviewed by the Bedford County Planning Commission' block including a space for the signature of the authorized person of the Bedford County Planning Commission along with space to fill in the date of signature.
 - (20) Evidence of submission of Sewer Planning Modules to the Department of Environmental Protection.
- b. Topographic Mapping of the subject tract showing the following information:
- (1) Exterior boundary line of the tract and all lots including bearings and distances.
 - (2) Ground elevations indicated by contours at intervals of two (2) feet for land with an average natural slope of eight (8) percent or less and at five (5) foot intervals for land with an average natural slope greater than eight (8) percent, and the location of benchmark and datum used.
 - (3) The name and deed references of all owners of immediately adjacent land.
 - (4) Existing streets on and adjacent to the tract; name, location of Right-of-Way, Right-of-Way widths, cartway widths, type of surfacing, elevation of surfacing, driveway cuts, and approximate grades.
 - (5) Existing easements, including location, width, and purpose.
 - (6) Existing utilities on or adjacent to the tract including location, type, size, and invert elevation of sanitary and storm sewers, location and size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, and power lines with utility poles, transformers, and related appurtenances. 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.
 - (7) Water courses, flood plains, wetlands, geologic features, tree masses, and other significant natural features.
 - (8) Existing manmade features including structures, railroads, bridges, and driveways.
 - (9) Buffer areas required by this or other relevant Ordinances.
 - (10) Existing underground mines or undermined areas on the involved land.

- c. If preliminary plan is proposed to proceed to a final plan with the posting of financial security, the following shall be shown on plans.
- (1) A statement that approval of the preliminary plans does not authorize construction of facilities or the sales of lots depicted on plans.
 - (2) Location of proposed streets, including Right-of-Ways, Right-of-Way widths, cartway widths, approximate grades, and the type and elevation of surfaces, sidewalks, gutters, etc.
 - (3) Schematic design of proposed sanitary sewage system (if applicable), showing approximate location of manholes, pump stations, treatment facilities, force mains, vacuum pits, vacuum lines, and sizes of mains. If the subdivision or land development is to be served by a sewer authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission.
 - (4) If on-site sewage disposal is to be utilized, show soil types, location of soil probes and percolation test sites, a listing of the test areas, with a summary of the general suitability of each test area.
 - (5) Schematic design of proposed water distribution system (if applicable) showing approximate location of fire hydrants, pumping facilities, treatment facilities, storage tanks, and sizes of mains. If the subdivision or land development is to be served by a water authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission. In cases when an on-lot water supply is to be utilized, the location of areas for proposed well sites shall be identified.
 - (6) Schematic design of proposed stormwater management system including inlets, culverts, swales, channels, and detention facilities.
 - (7) Proposed lot lines, lot numbers, approximate area of each lot, and proposed minimum front, side, and rear building setback lines.
 - (8) Areas to be reserved for parks, playgrounds or other public grounds with statement of who will eventually assume ownership and/or maintenance responsibilities of such areas.
 - (9) Proposed subdivisions, other than single family dwellings, should include buildings with ground floor area, gross square footage and height of each building, vehicular and pedestrian circulation systems, and outdoor storage facilities including bulk trash containers and material storage.

- (10) Proposed subdivisions other than single family dwellings should include: parking areas with handicap stalls, loading areas, driveways and driveway location at the street line accessing a proposed street for each lot, buffer and other landscape areas, and fire lanes.
- (11) Phasing of project and tentative time table with proposed sequence of the project (if applicable).
- (12) Proposed easements, including location, width, purpose, and information related to maintenance arrangements.
- (13) A Highway Occupancy Permit issued by the Pennsylvania Department of Transportation, if the subdivision or land development proposes access to a State road, and/or a Borough Driveway Permit issued by Everett Borough, if the subdivision or land development proposes access to a Borough road.
- (14) If a preliminary plan is proposed to proceed to construction, with a final plan submitted for approval after completion of required improvements, the following shall be shown on plans:
 - (a) A statement that approval of preliminary plan authorizes construction of facilities depicted on plans, but does not authorize sales of lots or use of facilities.
 - (b) That information required by Section 324.1 and Section 324.2 of this ordinance.
- (15) Additional information when required by the Borough in the case of special conditions may include the following:
 - (a) Profiles showing existing ground surface and proposed street grades, and typical cross sections of the roadways and sidewalks.
 - (b) Areas to be reserved for schools, shopping, churches, industries, multi-family dwellings, or any other known public use exclusive of single family dwellings.
 - (c) A draft of protective covenants in cases where the Applicant wishes to regulate land use within the subdivision or land development and otherwise regulate and protect the proposed development.
 - (d) A water and sewerage feasibility report prepared by a registered professional engineer.

Section 324 Final Plan

The "Final Plan" shall be accurately drawn to a scale of one (1) inch equals sixty (60) feet or larger [i.e. one (1) inch equals twenty (20) feet, fifty (50) feet, etc.] The "Final Plan" shall be submitted on the following sheet sizes: (a) 18" X 24"; (b) 24" X 36"; or (c) 36" X 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 324.1.

324.1 Required Information: The "Final Plan" shall contain the following information:

- a. That information required by Section 323.1(a), except that plan shall be identified as a "Final Plan," and Section 323.1(b) of this Ordinance.
- b. Boundary lines of each lot, or area to be dedicated or reserved for public or community use, completely dimensioned in feet and hundredth of feet and bearing with degrees, minutes and seconds. With an error of closure of not more than one (1) foot in two thousand (2,000). All curves shall show radii, lengths of arcs, tangents, and chord bearings with distances.
- c. The location and material of all permanent monuments and lot markers.
- d. Lot numbers, area and setback lines on each lot.
- e. All proposed easements with dimensional information and purpose.
- f. Space on lower edge of final plan for acknowledgment of receipt and recording of plan by the Bedford County Recorder of Deeds Office.
- g. Documentation concerning the location of any underground mines on the involved land.
- h. The following information regarding proposed improvements:
 - (1) Design of proposed streets including a plan showing geometry and proposed contours, typical cross section and profiles. Details of curbing, inlets or other facilities involved in street construction.
 - (2) Design of stormwater management controls in accordance with the approval of the Borough Engineer and/or the Everett Borough Stormwater Management Ordinance.
 - (3) Design of sewage collection and treatment facilities (if applicable) including plan showing location of facilities, profiles, and details, and other information required by the municipal authority or utility company that will assume responsibility for the system upon completion.
 - (4) If on lot sewage is to be utilized, show soil types, location of soil probes and percolation tests, suitable primary and replacement

absorption bed areas on each lot with provisions for their protection and reservation, and a summary of the general suitability of each test area. The following statement shall be placed on plan: "This is not a guarantee that a sewage permit will or will not be issued for any lot or parcel. The Municipal Sewage Enforcement Officer (SEO) must be contacted to conduct any further tests, as necessary, to determine permit issuance."

- (5) Design of water supply facilities (if applicable) including plans and details showing location sizing, and installation of mains, valves, fittings, fire hydrants and other appurtenances.

The following items (6-14) apply to any subdivision other than single family dwelling.

- (6) Proposed buildings indicating approximate location and plan view area and number of floors.
- (7) Proposed pedestrian circulation systems including details of construction.
- (8) Outdoor storage facilities including bulk trash containers and material storage.
- (9) Proposed parking areas showing parking stalls, handicap stalls, signage, loading areas, fire lines and driveways, with dimensional information, and details of pavement construction.
- (10) Outdoor lighting showing type of fixtures and mountings.
- (11) Landscaping plan when required by Article VI (non-residential activities), Section 602, or when buffer plantings are required.
- (12) Grading plans with proposed contours and spot elevations to depict accurately all changes to the topography within the site.
- (13) Location and details of soil erosion and sedimentation controls.
- (14) If development proposes access to a State Highway, the following shall be placed on plans: "A Highway Occupancy permit issued by

the Pennsylvania Department of Transportation is required pursuant Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law". Access to the State Highway shall be only as authorized by a Highway Occupancy Permit.

- (15) Profile and detail of "typical" driveway showing materials, profile, elevation, and connection with public street.

324.2 Supporting Documentation: If relevant to the proposed major subdivision or land development, the following documentation shall be required and submitted prior to "Final Plan" approval.

- a. A soil erosion and sedimentation control plan as required by Chapter 105 of the rules and regulations of the Department of Environmental Protection along with a letter from the Bedford County Conservation District Reviewing said plan, or an earth disturbance permit issued by the Department of Environmental Protection.
- b. Applicable permits issued by the Department of Environmental Protection for waterway obstructions, stream or wetland encroachments, and community water systems.
- c. A Sewage Planning Module and a letter of approval for such from the Department of Environmental Protection.
- d. A water quality management permit, NPDES permit, or other permits that may be required for sewage systems and/or discharges of stormwater.
- e. Documents pertaining to homeowner associations, condominium declarations, and/or restrictive covenants.
- f. Approval by the U.S. Postal Service and/or emergency dispatching agencies, of street names.

DESIGN STANDARDS

Section 351 General Intent

In all major land developments and subdivisions in Everett Borough adopted after the effective date of this ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever the Borough standards or other ordinances, resolutions, or regulations require standards that exceed these minimum standards, those Borough standards shall apply. Whenever the standards of this subdivision ordinance exceed those of the other municipal ordinances, the standards of this ordinance shall apply.

Section 352 General Standards

The following general standards shall apply to all types of development. The Borough will study the following factors affecting the suitability of a proposed major subdivision or land development:

- 352.1 Land subject to flooding and land deemed by the Borough to be uninhabitable for other reasons shall not be plated for residential occupancy, nor for such other uses as may increase danger to health, life, property, groundwater, 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, property, or further aggravate or increase the existing menace.
- 352.2 Areas characterized by steep slopes [slopes greater than twenty-five (25) percent], unsuitable geologic formations, sink holes, wetlands, or other such features which restrict the usability of the land shall not be subdivided or developed except as approved by the Borough Council on a case-by-case basis.
- 352.3 In determining the suitability of land for subdivision, the Borough shall refer to the Everett Borough Comprehensive Plan, applicable studies, plans, and reports adopted by the County Planning Commission, State, and Federal agencies including the soil survey prepared by the US Department of Agriculture, Soil Conservation Service.
- 352.4 The layout or arrangement of the subdivision or land development shall conform to the Bedford County Comprehensive Plan, the Everett Borough Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision or land development shall conform to any "Local Level" Comprehensive Plan or other applicable ordinances which may exist.
- 352.5 Where evidence indicates that the minimum lot size requirements specified in other sections of this ordinance are not adequate to permit the installation of individual on-lot water and/or sewerage disposal facilities, along with an area to be set aside for a replacement sewage absorption bed, the Borough shall require that the Borough Sewage Enforcement Officer (SEO) or the State Department of Environmental Protection (PA DEP) make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the provisions of the Pennsylvania Sewage Facilities Act 537, as amended, plus other applicable State or local regulations. The Borough shall review and shall make a final determination on the adequacy of the proposed facility.

Section 353 Streets

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

- 353.1 The location and width of all streets shall conform to the County and Everett Borough Comprehensive Plan or to such parts thereof as may have been adopted by the County or Borough.
- 353.2 The proposed street system shall extend existing or recorded streets only when said streets meet the minimum required width.
- 353.3 Where, in the opinion of the Borough Council and/or Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
- 353.4 New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major arterial and collector streets into and from adjoining properties.
- 353.5 Where a subdivision abuts or contains an existing street of improper width or alignment, the Borough shall require the dedication of land sufficient to widen the street or correct the alignment.
- 353.6 Street pavement design shall conform with the following:
- a. The Borough reserves the right to approve alternate designs for material type, depth, and width when sound engineering analysis proves the acceptability of the alternate. In no instance shall a proposed alternate design be less than the minimum requirement contained herein.
 - b. The road construction standards contained herein are minimum standards. These standards are adequate to provide safe, durable roads for all streets within the Borough. In no case should a proposed design provide for less than these standards require. Designs in excess of these standards may be required when conditions warrant. Design criteria to be used shall be Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design. Material and construction methods shall comply with the latest edition of PennDOT "Specification," Publication 408, and "Standards for Roadway Construction," PennDOT Publication 72.
 - c. Roads on the State or Federal System must be designed to the specifications required by the above mentioned agencies, these standards notwithstanding.
 - d. All pavements shall be designed for a twenty (20)-year service life.
 - e. Where it is proposed to use a road prior to the placement of the wearing course, the base course of the road must be structurally designed to support all anticipated loads.

- f. Parking lanes shall be provided where required by the Borough. Thickness requirements for parking lanes shall be the same as the thickness requirements for the cartway.
- g. Temporary turnarounds shall be provided with easement meeting the Right-of-Way requirements.
- h. All construction materials, equipment, procedures and methods shall conform to the requirements of the Pennsylvania Department of Transportation Specifications, Publication 408, most recent addition, unless specifically stated otherwise in this ordinance.
- i. Subgrade: In accordance with the latest edition of PennDOT Pub. 408, Section 210. The subgrade shall be approved by the Borough prior to placing of subbase.
- j. Subbase: In accordance with the latest edition of PennDOT Pub. 408, Section 350. Subbase shall be approved by the Borough prior to placement of base material.
- k. Bituminous concrete base course: In accordance with the latest edition of PennDOT Pub. 408, Section 305. Bituminous concrete base course shall be approved by the Borough prior to the placing of the wearing course.
- l. ID-2 bituminous wearing course: In accordance with the latest edition of PennDOT Pub. 408, Section 420. Material shall conform to the latest edition of PennDOT Pub. 408, Section 420.2 a, b, and c. A tack coat shall be applied to the surface of any pavement that has been in place for more than seven (7) days prior to placement of subsequent course.
- m. Plain cement concrete curb (where required): In accordance with the latest edition of PennDOT Pub. 408, Section 630. Curbing shall be plain cement concrete curb as shown in PennDOT standards for roadway construction, Pub. 72, RC-64.
- n. Shoulders: In accordance with the latest edition of PennDOT Pub. 408, Section 653. Shall be Type 3 as shown in PennDOT standards for roadway construction, Pub. 72, RC-25, and as specified in PennDOT, Pub. 408, Section 653.2, except bituminous surface treatment is not required. Shoulders less than 6' in width will not be required to use full depth asphalt.
- o. Pavement structures shall be as follows:

CLASSIFICATION OF STREET	DEPTH OF COURSES		
	Surface	Base	Subbase
Marginal access and cul-de-sac	2"	4"	8"
Local (Minor)	2"	6"	10"
Collector	4"*	8"	12"
Arterial	6"*	10"	18"

* Consists of wearing and binder courses.

- p. Street cross slopes shall be at a rate of 1/4 inch per foot for tangent alignments and shall be sloped in accordance with the super elevation requirements of the latest edition of the PennDOT Design Manual, Part 2. Shoulder cross slopes shall be a minimum of 1/2 inch per foot and a maximum of 3/4 inch per foot.
- q. Topsoil and subsoil maybe removed before any roads are built and replaced with approved shale and sandstone to original ground level and enough sub-base placed to establish cross-fall on the road..

353.7 Stormwater conveyance systems shall be designed in accordance with the approval of the Borough Engineer and/or the Everett Borough Stormwater Management Ordinance. All stormwater conveyance systems with in right-of-ways to be dedicated to the Borough shall conform with the following:

- a. End walls, and inlets shall be as per the latest editions of the PennDOT Pub. 408, Section 605 and PennDOT Pub. 72, RC-31 and RC-34.
- b. Pipe culverts shall be as per the latest edition of PennDOT Pub. 408, Section 371, 372 and 373. Corrugated polyethylene culvert pipe is acceptable up to and including 24" O.D. The minimum size of culvert pipes shall be 15" O.D.

353.8 Guide rail and median barrier requirements and design shall be as per PennDOT, Pub. 13, Design Manual Part Two, Chapter 12. Material and construction shall be as specified in PennDOT, Pub. 408, Section 1109 and PennDOT, Pub. 72, RC-50, 52, 53, 54, and 55.

353.9 All street construction shall be inspected by the Borough within one (1) working day of the contractor's request. The contractor shall provide a tentative time schedule for his or her construction one week in advance of the inspection, and shall notify the Borough at least forty-eight (48) hours prior to the time when inspection is required. The contractor may not, under any circumstances, proceed with subsequent stages until authorization to proceed is given by the Borough. The Borough shall respond within one (1) working day.

353.10 Width: Minimum street right-of-way and pavement widths, if not specified in the County or local level Comprehensive Plans, shall be as set forth in the following table:

STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS

STREET TYPE	STREET WIDTH	SHOULDER MINIMUM	MAXIMUM GRADE
Alley-Service Street			
Right-of-Way	50'		
Cartway	18'		
Marginal Access and Cul-De-Sac			
Right-of-way	50'		
Cartway	18'	4'	12%
Turnaround of Cul-De-Sac			
Right-of-way (min. radius)	40'		
Cartway (minimum to edge of pavement)	50'		
Length (maximum)	1,000'	4'	12%
Local (Minor)			
Right-of-way	50'		
Cartway	18'-24'	4'	12%
Collector			
Right-of-way*	60'	6'	12%
Cartway*	20'-36'		
Arterial (Major)			
Right-of-way*	70'		5%
Cartway*	36-48'	10'	

* NOTE: Borough Council retains the option to allow the determination of Right-of-Way width, cartway width, and shoulder width of Collector and Arterial Streets to be determined on the basis of a traffic study furnished by the applicant.

353.11 Alignment: Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, three (3) feet six (6) inches above grade, the minimum sight distance shall be as follows or as required by the Pennsylvania Department of Transportation:

- a. The minimum radius at the center line for horizontal curves on arterial streets shall be seven hundred (700) feet; for collector streets, three hundred fifty (350) feet; and for minor streets, two hundred (200) feet and seventy-five (75) feet for local streets.
- b. Between reverse curves, a tangent of not less than the following dimensions shall be provided:
 - (1) Arterial Streets - One hundred fifty (150) feet;
 - (2) Collector Streets - One hundred (100) feet;
 - (3) Local Streets - Seventy-five (75) feet; and
 - (4) Minor Streets - Fifty (50) feet.

(5) Private Streets - as determined

- c. When all changes of street grades occur where the algebraic difference exceeds one (1) percent, vertical curves shall be provided to permit the following minimum sight distances (for each 1% of algebraic difference between tangent grade over 3%, at least 15' of vertical curve needs to be provided):
- (1) Minor Streets - Two hundred (200) feet;
 - (2) Collector Streets - Three hundred (300) feet; and
 - (3) Arterial Streets - Four hundred (400) feet.
 - (4) Private Streets - as determined

353.12 Grades: Minimum street grade standards shall be as follows:

- a. The maximum permitted grade shall be as follows:
- (1) Arterial Streets - Five (5) percent;
 - (2) Collector Streets - Ten (10) percent; and
 - (3) Minor Streets - Twelve (12) percent, for a maximum distance of twelve-hundred (1,200) feet.
- b. Intersection shall be approached on all sides by leveling areas. Where the grade exceeds five (5) percent, such leveling areas shall have a minimum length of seventy-five (75) feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of three (3) percent.
- c. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

353.13 Intersections: The following standards shall apply to all street intersections:

- a. Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle less than seventy-five (75) degrees or more than one hundred five (105) degrees.
- b. No more than two (2) streets shall intersect at the same point
- c. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred twenty-five (125) feet between center lines measured along the centerline of the street being intersected.
- d. Street intersections shall be rounded by a tangential arch with a minimum radius of:
- (1) Twenty-four (24) feet for all intersections involving only minor streets;

- (2) Thirty (30) feet for all intersections involving only local streets;
- (3) Thirty-five (35) feet for all intersections involving a collector street;
and
- (4) Fifty (50) feet for all intersections involving an arterial street.
- (5) Street right-of-way lines shall be parallel to (concentric with) arcs at intersections.

353.14 Alleys: Alleys shall be permitted in residential subdivisions, but only if dedicated as part of the subdivision process.

353.15 Names: The subdivider may choose street names subject to the approval of the Borough, and in conformance with the Bedford County 9-1-1 Process. Proposed streets which are in alignment with others already existing and named, shall be assigned the names of the existing streets. The name of a proposed street shall not 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. See Section 372.9 Street Name Signs.

Section 354 Blocks

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

- a. Provision of adequate sites for building of the type proposed;
- b. Topography;
- c. Requirements for safe and convenient vehicular and pedestrian circulation;
and
- d. Other site constraints.

354.2 Width: Blocks subdivided into lots will be two (2) lot depths in width excepting lots along a major thoroughfare which front on an interior street, or are prevented by the site topographic conditions or other inherent conditions of the property in which case the Borough may approve a single tier of lots.

Section 355 Lots

Within the Borough, the width and area of lots shall be no less than provided in any application or ordinance. Insofar 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 inter-jurisdiction problems.

355.1 Frontage: All lots shall meet the following frontage requirements:

- a. All lots shall have direct access to a public street existing or proposed;
- b. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific topographic problems.
- c. Lots shall be laid out in order to circulate air, consider solar access and privacy of owners.

355.2 Size: All lots shall meet the following minimum requirements:

- a. In all sections of the Borough not served by sanitary sewer nor public water facilities, each lot shall have a minimum width of one hundred fifty (150) feet at the building line and a minimum area of forty-three thousand, five hundred sixty (43,560) square feet. In addition, in sections of the Borough requiring the utilization of on-lot sewage disposal, the minimum lot size shall be large enough to accommodate the original absorption bed, and a tested, preserved, and reserved area for a replacement absorption bed.
- b. In all sections of the Borough served by public sewerage, each lot shall have a minimum width of one hundred (100) feet at the building line, and an average area of at least twenty-one thousand, seven hundred eighty (21,780) square feet per single family dwelling throughout the subdivision, with no one lot being any smaller than eighteen thousand (18,000) square feet. Lots shall be no less than twelve thousand (12,000) square feet in area per family for duplex dwellings with a width of not less than seventy-five (75) feet per unit at the building line; and no less than seven thousand, five hundred (7,500) square feet in area per family for row houses and apartments.
- c. In all sections of the Borough served by both public water and sewerage, each lot shall have a minimum width of seventy-five (75) feet at the building line and a minimum area of twelve thousand (12,000) square feet.

355.3 Width: Corner lots for residential use shall have a width of at least twenty (20) percent greater than the aforementioned required widths to permit appropriate building set back from and orientation to both streets.

355.4 Setback Lines: Structures built on lots shall meet the following setback lines depending upon the availability of public water and sanitary sewer service.

- a. In all sections of the Borough, structures shall be constructed no closer than thirty-five (35) feet from the front, ten (10) feet from the side, and ten (10) feet from the rear property lines.
- b. Public utilities may apply for variance.

Section 356 Easements

The following shall apply to easements within all major subdivisions:

- 356.1 Easements with a minimum of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other public utility lines intended to serve abutting lots. Easements with a minimum of ten (10) feet shall be provided for any private utility lines. No structures or trees shall be placed within such easements.
- 356.2 Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.
- 356.3 Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, 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, improving, or protecting such drainage facilities or for the purpose of installing a stormwater system.
- 356.4 There shall be a minimum distance of one hundred (100) feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high pressure line, or electric line above thirty-four thousand, five hundred (34,500) volts which may traverse the subdivision.

Section 357 Community Facilities

In reviewing major subdivision plans, the Borough will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. The reservation of land for community facilities will be requested when appropriate; therefore, the subdivider shall give earnest consideration to reserving land for parks, playgrounds, churches, schools, and other community facilities. If a facility of this type has been planned by any group or agency in any area that is to be subdivided, the subdivider shall ascertain from such organization whether or not it plans to use the site.

Section 358 Public Utilities

All utilities are required to be located underground.

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

- 358.1 Water: Where public water lines are required in a new major subdivision, they shall be in conformity with the adopted Water Plan for Everett Borough and any

applicable water plans developed for the municipal authority or utility company providing the service to the Borough. Whenever the municipality, authority, or utility company providing the service has no standards, or has standards below those of the Department of Environmental Protection, the Standards of the Department of Environmental Protection shall apply.

Public water lines should be located between the travelway line and the property line within any street right-of-way.

358.2 Sanitary Sewer: Where public sewer lines are required in a new major subdivision, they shall be in conformity standards set by Everett Borough.

358.3 On-lot Sewage Disposal: Where it is found necessary, feasible, and in compliance with the Everett Borough Act 537 Plan to rely upon on-lot systems for sewage disposal, the on-lot sewage disposal systems shall meet the minimum requirements and standards of the Pennsylvania Sewage Facilities Act 537, as amended. Within Everett Borough, the provisions of Act 537 are administered by the Borough's SEO.

358.4 Storm Sewers: Where storm sewers are required in a new major subdivision or land development, they shall be in conformity with any applicable stormwater management ordinance, and/or any storm sewer plans developed for the Borough.

Section 359 Stormwater Drainage: Subdivision and land development plans shall include measures which direct stormwater into the natural drainage system serving the area. The following standards shall apply to stormwater drainage within Everett Borough:

359.1 Lots shall be laid out and graded to provide positive drainage away from buildings. The Borough may require a Grading and Drainage Plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

359.2 No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from Everett Borough or the Department of Environmental Protection, whichever is applicable.

359.3 Where a major subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

359.4 The adjacent landowners, or on a homeowners association, if applicable will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.

359.5 The subdivider or developer -- and each person, corporation, or other entity which makes any surface changes -- shall be required to prepare and submit a stormwater

management plan for review and approval by the Borough which addresses the following requirements.

- a. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area;
- b. Design drainage facilities to handle runoff from upstream areas; and
- c. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property, and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, or natural water course.

- 359.6 Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained;
- 359.7 Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than twenty (20) feet wide, as accepted by the Everett Borough Engineer and/or any Borough Stormwater Management Ordinance;
- 359.8 Street drainage will not be permitted to cross intersections or the crown of the road. The maximum spacing of street inlets, the construction of inlet tops, the construction of culvert ends, and the required pipe sizes will be specified by either Everett Borough or the Everett Municipal Authority.
- 359.9 All springs and sump pump discharges shall be collected so as not to flow into the streets or public sewage systems.
- 359.10 Stormwater roof drains shall not discharge water directly over a public sidewalk or into a public sewer system.
- 359.11 Stabilized outlets shall be provided for footer drains, floor drains, and downspouts. These shall not drain into a public sewer system.
- 359.12 The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture and the Rational Method are the acceptable means of estimating stormwater runoff and for designing or analyzing stormwater management facilities. The actual method for each major subdivision and land development shall be determined and directed by the Everett Borough Engineer.
- 359.13 Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared (TR-55 or the Rational Method are preferred).
- 359.14 The minimum design criteria for ditches, swales, and storm sewers shall be designed using the Rational Method and shall be sized to accommodate a ten (10)-year, five (5)-minute design storm.
- 359.15 Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities. The Analysis shall be performed for two (2)-, ten (10)-, twenty-five (25)-, and one hundred (100)-year storm frequencies.
- 359.16 Permanent control measures/facilities shall be designated to assure that the maximum rate of stormwater runoff is not greater after development than prior to development. The Stormwater facility must be designed to control post-development runoff for 2-, 5-, and 10-year frequency storms to pre-development levels.

- a. Detention basins shall have a spillway to protect the berm by precluding over topping. The spillway capacity shall, at minimum, be capable of handling the one hundred (100)-year storm while providing two (2) feet of freeboard. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.
- b. Control Facilities shall be designed to meet, as a minimum, the design standards and specifications of the requirements of the Bedford County Conservation District and/or the erosion and sedimentation control standards for Bedford County.
- c. A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.
 - (1) Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
 - (2) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Borough Council. Ownership and maintenance may be by the developer, a designated property owner, or a designated entity. In cases where permanent control facilities are owned by an entity (i.e. homeowner's association), it shall be the responsibility of that entity to maintain control facilities. In such cases, a legally binding agreement between the entity and Everett Borough shall be made providing for maintenance of all permanent control facilities by the entity, and a periodic inspection by the Everett Borough Council. In cases where permanent control facilities are retained by the developer, it shall be the responsibility of the developer to maintain control facilities. In such cases a legally binding agreement between the developer and Everett Borough shall be made providing for maintenance of all permanent control facilities by the developer, and a periodic inspection by the Everett Borough Council.

Section 360 Lot Grading

The following standards shall apply to lot grading for major subdivisions and Land Developments:

- 360.1 Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum two percent (2%) slopes away from structures shall be required.
- 360.2 A Grading and Draining Plan shall be required for all major subdivisions and land developments. Lot grading shall be:

- a. Designed as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%). These shall be sodded, planted or lined in accordance with PA DEP Erosion and Sediment Control Program Manual, April 1990, as amended or superseded.
- b. Proposed contouring shall be provided for all detention areas. Other contouring shall be provided as necessary to depict the proposed grading where typical sections and standard details are inadequate.

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

- a. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to and accepted by the Borough.

The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

- b. A retaining wall constructed according to sound engineering standards from which plans are submitted to and accepted by Everett Borough.
- c. No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) 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 from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and accepted by the Borough.
- d. A wall is constructed to support the face of the fill.
- e. All lots must be kept free of any debris or nuisances whatsoever.

Section 361 Erosion and Sediment Control

The following standards shall apply to erosion and sediment control within Everett Borough:

361.1 General Purpose.

- a. The Borough Council and/or Planning Commission finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare, and, therefore, those regulations governing erosion control and sedimentation control are necessary for the Borough.
- b. No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation, as required by Chapter 102 of the Rules and Regulations of the Department of Environmental Protection (PA DEP), has been reviewed by the Bedford County Conservation District, or if required, any NPDES Stormwater Permit has been issued.
- c. No subdivision or land development construction shall be approved unless:
 - (1) Evidence is presented showing a favorable review of the soil erosion and sedimentation control plan by the Bedford County Conservation District, or if applicable, the issuance of a NPDES Stormwater Permit, by PA DEP.
 - (2) Financial security for erosion controls has been included in the financial security for the project as required in Section 309 of this Ordinance.
- d. Where not specified in this Ordinance, measures used to control erosion and sedimentation shall meet the minimum standards contained in the "Erosion and Sediment Pollution Control Program Manual" of the Department of Environmental Protection.

361.2 Performance Principles.

- a. Stripping for vegetation, regrading or other development shall be done in such a way that will prevent all but minor erosion.
- b. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- c. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- d. The disturbed area and the duration of exposure shall be kept to a practical minimum.
- e. Disturbed soils shall be stabilized as quickly as practicable.
- f. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- g. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- h. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
- i. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

361.3 Grading for Erosion and Other Environmental Controls.

In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- a. Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a major subdivision or development.
- b. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
- c. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

- d. Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
- e. During grading operations, necessary measures for dust control will be exercised.
- f. Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.

361.4 Responsibility.

- a. Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- b. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider and contractor.
- c. It is the responsibility of any developer or subdivider, and any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the flood plain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way during the duration of the activity to return it to its original or equal condition after such activity is completed.
- d. The subdivider or land developer shall provide and install, at his expense, in accordance with Borough requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.

361.5 Compliance with Regulations and Procedures.

- a. The Borough Council and/or Planning Commission, in their consideration of all preliminary plans of major subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in Sections 361,(b) 361,(c) hereof.
- b. The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the PA DEP Erosion and Sediment Pollution Control Program Manual, April 1990, as amended or superseded.

- 361.6 Stream Channel Construction on watersheds shall conform to criteria established by the Pennsylvania Department of Environmental Protection.
- 361.7 A written permit issued by the Department of Environmental Protection shall be required prior to any construction, operation, maintenance, modification, enlargement, or abandonment of any dam, water obstruction, or encroachment. Evidence of the permit must be presented when requested prior to any approval of a major subdivision or land development which authorizes construction.

Section 362 Flood Hazard Area Regulations

362.1 The specific purposes of these special provisions are:

- a. To regulate the subdivision or development of land within any designated Regulatory Flood Elevation in accordance with the Flood Plain Management Ordinance of Everett Borough, in order to promote the general health, welfare, and safety of the community.
- b. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction;
- c. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood hazard area districts.

362.2 Abrogation and Greater Restrictions.

To the extent that this section imposes greater requirements or more complete disclosure than any other provisions of this ordinance, in any respect, or to the extent that the provisions of this section are more restrictive than such other provisions, it shall control such other provisions of this ordinance.

362.3 Disclaimer of Municipal Liability.

The grant of a permit or approval of a Plan for any proposed Major subdivision or land development to be located within any designated Flood hazard area shall not constitute a representation, guarantee or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials, employees or agents.

362.4 Application Procedures and Requirements.

a. Pre-Application Procedures.

- (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed;
- (2) Prospective developers shall consult the Bedford County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

b. Preliminary Plan Requirements.

The following information shall be required as part of the Preliminary Plan for development in a flood hazard area, in accordance with Section 323, and shall be prepared by a registered engineer or surveyor:

- (1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section;
- (2) A map showing the location of the proposed major subdivision or land development with respect to any designated Flood hazard area, including information on, but not limited to, the one hundred (100) year flood elevations, the Regulatory Flood Elevation, boundaries of the Flood hazard area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;
- (3) Where the subdivision or land lies partially or completely within any designated Flood hazard area, or where the subdivision or land development borders on a Flood hazard area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) feet, and shall identify accurately the boundaries of the Flood hazard areas;
- (4) Such other information as is required by this Ordinance, and the Flood Plain Management Ordinance.

c. Final Plan Requirements.

The following information shall be required as part of the final plan for development in a flood hazard area and shall be prepared by a registered engineer or surveyor:

- (1) All information required for the submission of the Preliminary Plan incorporating any changes requested by the Planning Commission and/or Borough Council;
- (2) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated Flood hazard area and the Regulatory Flood Elevation. All such maps shall show contours at intervals of two (2) feet within the Flood hazard area and shall identify accurately the boundaries of the flood prone areas;
- (3) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other governmental agency, or local municipality where alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community and Economic Development, and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Everett Borough Council meeting at which such plan is to be considered.

d. Design Standards and Improvements in Designated Flood hazard areas.

- (1) General.
 - (a) Where not prohibited by this or any other laws or ordinances, land located in any designated Flood hazard area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this Ordinance, the Flood Plain Management Ordinance, and any other laws and ordinances regulating such development.
 - (b) No major subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

- (c) Building sites for residences or any other type of dwelling or accommodation shall be in accordance with this Ordinance and the Flood Plain Management Ordinance.
- (d) Building sites for structures and buildings other than for residential uses, and for Land Developments, shall be in accordance with this Ordinance and the Flood Plain Management Ordinance.
- (e) If the Borough determines that only a part of a proposed plat can be safely developed in relation to the Flood Hazard Area, it shall limit development to that part and shall require that development proceed consistent with this determination.
- (f) When a developer does not intend to develop the plat himself and the Borough Council determines that additional controls are required to insure safe development, it may require the developer to improve appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(2) Drainage Facilities.

- (a) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
- (b) Plans shall be subject to the approval of the Borough Council. The Borough may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with any Borough Stormwater Management Ordinance and/or as accepted by the Borough Engineer. The facilities shall be designed to prevent the discharge of excess run-off onto adjacent properties.

(3) Other Facilities.

- (a) Streets and Driveways: The finished elevation of proposed streets and driveways shall be in accordance with this Ordinance and the Flood Plain Management Ordinance. Profiles and elevations of streets and driveways to determine compliance with these requirements shall be submitted with the Final Plan. Drainage openings shall be sufficient to

discharge flood flows without unduly increasing flood heights.

- (b) Sewer Facilities: All sanitary sewer systems located in any designated Flood hazard area whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation.
- (c) Water Facilities: All water systems located in any designated Flood hazard area, whether public or private, shall be flood proofed up to the Regulatory Flood Elevation.
- (d) Other Utilities: All other public or private utilities and facilities, including gas and electric, shall be elevated or flood proofed up to the Regulatory Flood Elevation.

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

Section 371 General

It is the purpose of this Article to set forth the required improvements in all major subdivisions and land developments, and the construction standards required. Where not set forth, they shall be in accordance with the prevailing standards as established by the Borough Engineer or Council. Alternate improvement standards may be permitted if the Borough Council deem them equal or superior in performance characteristics to the standards specified herein. Additional or higher type improvements may be required in specific cases where the Borough believes it necessary to create conditions essential to the health, safety, morals, and general welfare of the citizenry of the Borough.

Any or all of the following improvements as may be required by the Borough Council, pursuant to the authority granted in the municipal code and considering the needs of the area in which the proposed subdivision is to be located. If the improvements are not completed, then satisfactory arrangements must be made with the Borough Council to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plat.

The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or financial security has been established with the Borough.

Section 372 Required Improvements

- 372.1 Markers and Monuments: Markers shall consist of iron or steel bars, and shall be a minimum size of one (1) inch in diameter, and thirty-six (36) inches long. Monuments shall be made of stone or concrete.

- a. Markers shall be set at all points of curve tangency on all street right-of-way and property lines;
- b. Markers shall be set at all points where lot lines intersect curves, either front or rear;
- c. Markers shall be set at all of the property lines of lots;
- d. Markers shall be set at all other lot corners;
- e. Monuments shall be set so that the top of the monument is level with the top of the surrounding ground;
- f. One Monument shall be set in each new subdivision or land development; and
- g. Monuments shall be set under the direct supervision of a Registered Surveyor.

372.2 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.

- 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 as contained in Section 353 of this Ordinance.
- b. Prior to placing street surface, adequate sub-surface drainage for the streets and all utilities under the streets shall be provided by the subdivider upon the completion of the street improvements. Respective plans and profiles as built shall be filed with the Borough.

372.3 Curbs: Curbs shall be required on new streets in major subdivisions which have a typical lot width of interior lots at the building setback lines of less than one-hundred (100) feet, in all High Density Subdivisions, and for Land Developments. Curbs may also be required in any major subdivision in which the lot areas or lot widths exceed one hundred (100) feet when the centerline street grade of any street exceeds three (3) percent. In such cases curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion. The curbing requirement may be waived at the discretion of the Borough, upon the request and justification by the Applicant and after a recommendation of the Borough Planning Commission. When the requirement is waived, grass-lined swales or rock-lined ditches shall be required. Curbs shall be as specified in Section 353 of this Ordinance. All curbs shall be depressed at intersections to sufficient width to accommodate the requirements of the handicapped. The depression shall be in line with sidewalks where provided.

372.4 Sidewalks: Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having a sidewalk on one (1) or both sides. Sidewalks shall also be provided when considered necessary by the Borough Council for the protection of the public or whenever it is determined that the potential volume of pedestrian traffic or safety conditions creates the need for them, based on the recommendation of the Borough Planning Commission. Sidewalks shall be provided on all streets and parking areas located within multi-family and apartment developments, and for Land Developments as noted in Section 603 (d) (3).

When sidewalks are required, they shall meet the following standards:

- a. Sidewalks shall be located within the street right-of-way, one (1) foot from the right-of-way line, and shall be a minimum of four (4) 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 (5) feet wide.
- b. A grass planting strip should be provided between the curb and sidewalk.
- c. All sidewalks shall be at least four (4) inches thick, and shall be made of Class A air entrained concrete as specified in PennDOT, Publication 408, Section 704 and installed in accordance with PennDOT Publication 408, Section 676, except that aggregate for bed shall be a four (4) inch deep foundation, and concrete shall be broom finished.
- d. Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Borough Council may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the Borough Council, and as noted in Section 354.2.
- e. Handicap-accessible ramps shall be provided on all sidewalks at street intersections. Maximum gradient of an accessible ramp shall be 12:1 (8.33%). Depressed curb shall be installed at ramp so as to create a lip of no greater than one-half (1/2) inch. Ramps shall be concrete as specified in Section 372.5 (c) of this Ordinance with a non-slip finish.
- f. Maximum slope of banks measured perpendicular to the center line of the street should be three (3) to one (1) for fills, and two (2) to one (1) for cuts.

372.5 Sanitary Sewers: The method of sanitary waste disposal in a proposed major subdivision shall be determined by the Borough, in accordance with the Act 537 Plan. Generally, where an existing or proposed public sanitary sewer system is accessible to a High Density Subdivision and the capacity exists to serve the proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewerage system to be connected to the existing or proposed public sanitary sewerage system. The system shall be designed by a registered professional

engineer and meet the requirements of the Pennsylvania Department of Environmental Protection and the respective municipal authority.

To aid the Borough Council in making their decision upon the best method of sanitary waste disposal within a proposed major subdivision, the subdivider shall submit, accompanying the "Preliminary Plan" application, two (2) copies of the "Sewage Planning Module" and a copy of the transmittal letter to PA DEP which accompanied the Planning Module Submission. Major subdivision of five or more lots within one mile of the then existing sanitary sewer line, shall connect to the line. The Borough of Everett Area Municipal Authority shall acquire the right of way for said line.

In cases where no municipal sewer system is available under the conditions stated previously, a decision shall be made as to which of the following methods of sewage disposal best meets the needs of the proposed subdivision: a community disposal system; an interim treatment plant; individual on-lot septic tanks or other satisfactory methods of sewage waste disposal. The Borough shall recommend the most suitable type of sewage disposal in consideration of the results of the Sewage Planning Module, the individual site characteristics of the proposed subdivision, and both the short-range [five (5) to ten (10) years] water and sewer program and the long-range [twenty (20) years] water and sewer plan for Everett Borough.

Regardless of the method of sewage disposal chosen, the system must meet the requirements of the Pennsylvania Sewage Facility Act 537, as amended, and other applicable local, state, and federal regulations. Where required, a DEP Sewage Planning Module approval shall be obtained prior to Borough plan approval authorizing construction.

Upon completion of the sanitary sewer system, community disposal system, and/or interim treatment plant, two (2) copies of as-built drawings shall be filed with Everett Borough, and three (3) copies shall be filed with the respective municipal authority.

- 372.6 Water: Where an existing or proposed public water supply system is accessible to a High Density Subdivision and the capacity exists to serve the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the municipal water supply. The system shall be designed by a Registered Professional Engineer. The system design shall be approved by the municipal authority or utility company providing service. Evidence of issuance of permits from the Pennsylvania Department of Environmental Protection, when such permits are required, shall be presented to Borough Council prior to approval of plans authorizing construction.

In cases where no municipal or community water supply system is available, each lot in a major subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection. Major subdivisions greater than five (5) lots within one

(1) mile of the Borough of Everett shall connect to the municipal authority's line and the municipal authority shall acquire the right of way for said line.

The plans for installation of the mains of a water supply system shall be prepared for the subdivision with the cooperation of the Borough of Everett Area Municipal Authority. A statement of approval from the Borough of Everett Area Municipal Authority shall be submitted to the Borough Council. Upon the completion of the water supply system, two (2) copies each of the As-Built plans for such system shall be filed with the Borough, and three (3) copies with the respective municipal authority.

372.7 Stormwater Management Control: Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface run-off away from buildings and into the natural drainage system of the area. Stormwater management control improvements shall be considered for all High Density Subdivisions, all land developments, and in cases recommended by the Borough Planning Commission. The improvements shall be installed and maintained in accordance with plans submitted by the subdivider or developer and accepted by the Borough. The improvements shall be designed and constructed to the standards set forth in Section 359 of this ordinance and/or any Borough Stormwater Management Ordinance. Two (2) copies of As-Built drawings of stormwater management control systems shall be filed with the Borough. Under no circumstances shall storm sewers be connected with sanitary sewers.

372.8 Off-Street Parking: Off-street parking shall meet the following standards:

- a. Each proposed dwelling unit in a major subdivision shall be provided with two (2) off-street parking spaces. Such off-street parking spaces may be provided as an individual garage, carport, and/or driveway, preferably located behind the building line, or in a parking compound adjacent to or near the dwelling units it serves. Driveway and parking compounds shall provide two (2) usable and paved parking spaces each containing two hundred (200) square feet.
- b. Non-residential subdivisions and land developments within the scope of this Ordinance shall provide paved parking areas in conformance with Article VI, Section 603 of this Ordinance.

372.9 Street Name Signs: Street name signs shall be placed at all intersections in conformance with the specifications of the Borough. They shall be paid for by the subdivider and installed by the developer. No street name shall be permitted that is a duplicate or sounds similar to another street in Everett Borough.

372.10 Buffer Areas: All non-residential subdivisions and land developments shall include a landscaped buffer area that is approved by the Borough Planning Commission.

372.11 Street Lights: In accordance with the conditions to be agreed upon by the subdivider, the Borough Council and the appropriate public utility, street lights are

required to be installed in all major subdivisions. The subdivider shall be responsible for making the necessary arrangements with the applicable agencies, and whether or not street lights are initially installed, the subdivider shall be responsible for providing utility easements for future street lighting installations.

372.12 Shade Trees: All possible efforts should be made by the subdivider to preserve existing shade trees. When provided, shade trees of deciduous hardwood type with a minimum caliper of two (2) inches shall be planted between the sidewalk and the building line at least five (5) feet from the sidewalk. Preserved shade trees may be included in the buffer areas required under Section 372.10. Trees shall be kept safely away from all overhead utility lines.

372.13 Underground Wiring: All electric, telephone, and television cable lines shall be placed underground. Electric, telephone, and television cables and appurtenances shall be constructed in accordance with the rules, regulations, and specifications of the respective utility providers.