

PORTAGE TOWNSHIP

**SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

Amended August 15, 2012

June 5, 2012

Prepared By:

Portage Area Regional Planning Commission
Portage, Pennsylvania 15946

Prepared For:
Portage Township
416 Miller Shaft Road
Portage, Pennsylvania 15946

Subdivision and Land Development Ordinance
Ordinance No. 1

Amendment Ordinance # 2012-5

An Ordinance regulating the Subdivision and Development of Land within Portage Township, Cambria County, Pennsylvania by: Providing procedures for the preparation and processing of subdivision plans; establishing design standards governing lot and street design, public use and service areas; provision of required improvements such as streets, curbs, storm drainage, sewage disposal, water supply, and other improvements; land development standards; provisions regarding mobile home parks; administration, fees, remedies, enforcement, and jurisdiction pursuant to the Authority set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended.

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ARTICLE I
SHORT TITLE AND PURPOSE

SECTION 101 SHORT TITLE

This Ordinance shall be known, and may be cited as, the Portage Township Subdivision and Land Development Regulations of 2012.

SECTION 102 PURPOSE

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

- A. Encouraging and promoting flexibility, economy, and ingenuity in the layout and design of subdivisions and land development including the provisions authorizing the Municipality to alter site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning and development.
- B. Assuring sites are suitable for building purposes and human habitation.
- C. Providing for the harmonious development of the Municipality as outlined in the Township's Comprehensive Plan.
- D. Assuring coordination of existing streets and highways with proposed streets, parks, or other features of the official plan or map of the Township.
- E. Providing for adequate open spaces for traffic, recreation, light, and air and for proper distribution of population.
- F. Assuring equitable and just processing of subdivision plans by providing uniform procedures and standards for the observance of both the sub-divider and Municipal officials.
- G. Planning and managing storm water runoff in each watershed by regulating subdivisions, land development, and mobile home parks in a manner consistent with the Pennsylvania Storm Water Management Act, No. 167.
- H. Utilizing and preserving the desirable existing natural drainage system.
- I. Encouraging recharge of ground waters.
- J. Maintaining the existing flows and quality of streams and water courses in the Township and the Commonwealth.
- K. Preserving and restoring the flood carrying capacity of streams.
- L. Providing for proper maintenance of all permanent storm water management structures which are constructed in the Municipality.
- M. Guiding public and private policy and action in order to provide adequate and efficient transportation, water supply, and other public requirements.

- N. Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic within the Township.
- O. Protecting and conserving the value of land throughout the Township, and the value of buildings and improvements upon the land.
- P. Protecting and providing for the public health, safety, and general welfare of Township citizens.

SECTION 103 APPLICATION OF ORDINANCE

I. Subdivision Control

No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this ordinance. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded; and until the improvements required by the Township in connection therewith have either been constructed or guaranteed as directed by the Township in accordance with this ordinance.

II. Land Development Control

- A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to: the filing of preliminary and final plats, the dedication and improvement of right-of-ways, streets and roads, and the payment of fees and charges as established by the Township.
- B. Land development plans shall indicate the location of each structure, where applicable, and clearly define each unit and shall indicate public easements, common areas, and improvements; all easements appurtenant to each unit, and improvements to public right-of-way space. Developments are subject to zoning regulations, if present, as they apply to use and density requirements, setbacks, parking, and other features, and shall be indicated on the land development plans.

SECTION 104 INTERPRETATION AND CONFLICTS

I. Interpretation

In interpreting and applying the provisions of this ordinance, the provisions shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

II. Conflict with Public and Private Provisions

- A. Public Provisions – Where any provision of this ordinance imposes restrictions different from those imposed by any other provision of this ordinance or any other ordinance, rule, or regulation, or other provision of law; whichever provisions are more restrictive or impose higher standards shall control.

- B. Private Provisions – This ordinance is not intended to abrogate any easement, covenant or any other private agreement or restriction; provided that where the provisions of this ordinance are more restrictive or impose higher standards or regulations than such private ordinance; then this ordinance shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or of higher standards than the requirements of this ordinance, or the determinations of the Township in approving a subdivision or in enforcing this ordinance, and such private provisions are not inconsistent with this ordinance or determinations thereunder; then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

SECTION 105 MODIFICATIONS

- I. The Township may grant relief from or a modification of the requirements of one (1) or more provisions of this ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this ordinance is observed.
- II. All requests for modification shall be in writing and shall accompany and be part of the application. The request shall state the full modification necessary.
- III. The request for modification shall be presented and discussed at a public meeting of the Township.
- IV. The Township's decision shall be given to the developer in writing and shall be made a part of the minutes of the meeting at which such decision was made.
- V. If the requested relief or modification is granted, the reason for the relief or modification and any restriction placed upon the land as a condition for such relief shall be set forth on a plot recorded in the office of the Recorder of Deeds for Cambria County.

ARTICLE II DEFINITIONS

SECTION 201 TENSE, GENDER AND NUMBER

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense; words used in the masculine gender include the feminine and neuter.

SECTION 202 GENERAL TERMS

The words "person", "sub-divider", and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof". The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

SECTION 203 TERMS OR WORDS NOT DEFINED

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

SECTION 204 SPECIFIC TERMS

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural process alone.

Application: Every (request for Subdivision/Land Development) application whether preliminary or final is required to be filed and approved prior to start of construction or development.

Block: A tract of land, a lot, or group of lots, bounded by streets, public parks, railroad right-of-way, water courses, boundary lines of the Municipality, unsubdivided land or by any combination of the above.

Buffer Area: A planted visual barrier which shall be provided and maintained on any property in commercial or industrial use which is contiguous to any residential use, and certain residential uses as defined in Article V; except where natural or physical barriers exist which are deemed to provide an adequate buffer by the Planning Commission. The purpose is to maintain a high quality of life in the affected areas.

Building: A structure having a roof supported by columns or walls, for the shelter of persons, animals, chattels, or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered a separate building. It shall include any overhang, projection, or roof extending beyond a wall or support. This includes sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, or terraces.

Building Reserve Line (Setback): The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way, paved or unpaved, intended for vehicular use.

Cistern: An underground reservoir or tank for storing rainwater.

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

Corner Lot: Lot abutting on two (2) Township, Borough, or State roads.

County: Cambria County, Commonwealth of Pennsylvania.

County Planning Commission: The Cambria County Planning Commission.

Crosswalk (Interior Walk): A publicly or privately owned Right-of-Way for pedestrian use extending from a street into a block or across a block to another street.

Culvert: A structure with appurtenant works which carries surface water under or through an embankment or hill.

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

Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence eg: (100 year storm) and duration eg: (24 hour), and used computing storm water measurement control systems.

Detention Basin: A basin designed to retard storm water runoff by temporarily storing and runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water.

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

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

Dwelling Unit: Any structure or part thereof, designed to be occupied as living quarters for a single housekeeping unit.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the grantor shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Enforcement Officer: The agent or official designated by the Township to administer and enforce Municipal Ordinances.

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

Erosion: The removal of soil particles by the action of water, wind, ice, or other geological agents.

Infiltration Structures: A structure designed to direct runoff into the ground leg, French drains, seepage pits.

Improvements: Those physical additions, installations and changes required to render land suitable for the use intended including but not limited to grading, paving, curbing, street lights, signs, fire hydrants, water mains, electric service, gas service, sanitary sewers storm drains, sidewalks, crosswalks, driveways, culverts.

Land Development:

- a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.
- b. A subdivision of land;
- c. Exempting:
 - i. The conversion of an existing single-family detached or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - ii. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;
 - iii. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Lot: A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

Lot Area: The area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Lot of Record: A lot described in a deed or shown on a plan of lots which has been recorded in the office of the recorder of Deeds, Cambria County, Pennsylvania.

Marker: A metal pipe or pin of at least one-half inch (1/2") in diameter and at least twenty-four inches (24") in length.

Minor Subdivision: Any subdivision containing not more than five (5) lots (including the residual lot) fronting on an existing street, and not involving the extension of sanitary water and/or sewer lines, or the creation of any public improvements, and which does not adversely affect the natural resources of the Municipality, and does not adversely affect the remainder of the parcel or adjoining property, and does not adversely affect the present or future development of the Municipality. Any subdivision/resubdivision in excess of five (5) cumulative lots becomes a major subdivision.

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

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

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

Monument: At a minimum, each monument shall consist of an iron or steel pin at least 1/2" in diameter and 24" in length. This monument shall be encased in concrete with a flat top of at least 6" in diameter.

Municipality: Township of Portage, Cambria County, Pennsylvania acting through its Board of Supervisors.

Municipal Governing Body: The Supervisors of Portage Township.

Municipal Officials: Portage Township Supervisors.

Municipal Planning Commission: The Portage Area Regional Planning Commission (PARPC).

Official Plans: The Comprehensive Development Plan and/or Official Map and/or Topographical Survey and/or such other Plans, or portions thereof, as may have been adopted by the Municipality pursuant to statute, for the area of the Municipality in which the subdivision is located.

Paved or Pavement: An all-weather permanent surface composed of bituminous or concrete material applied over a base of stone or slag and used to convey motor vehicles.

Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a storm.

Pennsylvania Municipalities Planning Code, 1928, July 31, P.L. 805, art. I, [101, et seq. Reenacted 1988, Dec. 21, P.L. 1329, No. 170, [2, effective in 60 days, 53 P.S. [10101, et seq.

Planning Commission or Planning Committee: The Portage Area Regional Planning Commission (PARPC).

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

Public Grounds: Includes:

1. Parks, playgrounds, trails, paths, and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
3. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under 65 PA C.S. CH. 7 (relating to open meetings).

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Resubdivision: Any replatting or resubdivision of land, limited to changes in lot lines on the approved Final Plan or Recorded Plan as specified in Article III, Section 311, of these regulations. Other platting shall be considered as constituting a new subdivision of land. See "Subdivision". Any subdivision/resubdivision in excess of five (5) cumulative lots becomes a major subdivision.

Record Plan: The copy of the Final Plan which contains the original endorsements of the Planning Commission, and/or Township, and which is intended to be recorded with the County Recorder of Deeds.

Reverse Frontage Lot: A lot extending between and having frontage on two (2) generally parallel streets, (excluding service streets) with vehicular access solely from one street.

Review: Whenever the County Planning Commission possesses such review jurisdiction, the action of review shall not limit the appropriate authorities of the Municipality in their ultimate and final decisions.

Right-of-Way (ROW): The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

Roadway: See "Cartway".

Runoff: That part of precipitation which flows over the land.

Sanitary Sewage Disposal, On-Lot: An individual sewage system which uses a system of piping, tanks, or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field, into the waters of the Commonwealth or by means of conveyance to another site for final disposal. (Private)

Sanitary Sewage Disposal, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and/or disposal facility, generally serving a neighborhood area. (Private)

Sanitary Sewage Disposal, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Septic Tank: A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Sewage Enforcement Officer: An official of the Municipality or County, who reviews permit applications and sewage facilities planning modules, issues permits as authorized by Act 537 (sewage enforcement) and conducts investigations and inspections that are necessary to implement the Act and the regulations thereunder.

Side Lot Addition – A parcel planned and dedicated to adjoin and to become part of a currently existing lot through the process of a minor subdivision.

- A. No residential structure may be erected on a side lot without approval of a new subdivision application.
- B. No residential structure may be erected on a side lot without a legal right of way to the side lot. Lots without a legal ROW may not be further developed.
- C. Lots separated by any existing, planned, or dedicated roadway/cartway will not be considered as side lots. They cannot be considered as part of or as adjoining an existing lot which is across the roadway/cartway.
- D. A statement noting “This plan is for a change in lot lines between two (2) existing lots of record and not for the creation of any new lot” is required.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point four and one-half feet (4-1/2') above the centerline of the road surface to a point one-half foot (1/2') above the centerline of road surface.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for an on-lot sanitary sewage disposal system by measuring the absorptive capacity of the soil at a given location and depth.

Soil Probe: An excavation into the soil to allow for the evaluation of individual soil horizons to support the establishment of soil suitability for any lot where the installation of an on-lot sewage disposal system is proposed.

Solicitor: The solicitor appointed by the local Municipality.

Storm Water Management Plan: The Portage Township Act 167, Little Conemaugh River Stormwater Management Plan. The plan for managing storm water runoff within Cambria County as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Storm Water Management Act."

Street: A strip of land, including the entire right-of-way not limited to the cartway), intended for use by the general public as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, thoroughfare, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further defined as follows:

1. Minor Street: A street used primarily to provide access to abutting properties.
2. Cul-de-sac Street: A minor street intersecting another street at one end and terminating at the other end by a permanent vehicular turn-around.
3. Half (Partial) Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
4. Marginal Access Street: A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.
5. Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial and commercial subdivisions shall generally be considered collector streets).
6. Major Street (Minor Arterial): A street serving a large volume comparatively high speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
7. Service Street: A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

All streets, of any nature, shall be constructed according to the design standards, as included in Article V, Section 502, and approved in writing by the Municipality and the Municipal Engineer.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit (or agent authorized thereby) which undertakes the subdivision of land, as defined by these regulations as the owner, equitable owner (or agent authorized thereby) of the land being subdivided. Subdivider can also be defined as a land developer.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantially Completed: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.

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

Top Soil: Surface soils and subsurface soils which normally are fertile and soil material ordinarily rich in organic matter of humus debris.

Township: Portage Township; Cambria County; Pennsylvania.

Township Engineer: A registered professional engineer in Pennsylvania designated by the Township as the Township Engineer.

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

Water Distribution System, On-site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Distribution System, Community: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Zoning Officer: The agent or official designated by the Municipality to administer and enforce the Municipal Zoning Ordinance. In the absence of zoning regulations and/or a zoning officer, the Township Supervisors and/or the Enforcement Officer will act in said capacity.

ARTICLE III
SUBMISSION AND REVIEW PROCEDURES

SECTION 301 PROCEDURE (General and Phased Development)

A. General

Hereafter all plans for the subdivision or development of land within the limits of the Municipality shall be reviewed by the Portage Area Regional Planning Commission and other Municipal, State, or County officials as deemed necessary and shall be approved or disapproved by the Township in accordance with procedures specified in these regulations. The provisions and requirements of these regulations shall apply to and control all land subdivisions which have not been recorded in the office of the Recorder of Deeds in and for Cambria County, Commonwealth of Pennsylvania, prior to the effective date of these regulations provided, however, that any change in a recorded plan, except as noted in Article III, Section 31l, shall constitute a resubdivision and shall make said plan subject to any and all of these regulations. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this Ordinance.

B. Phasing Development

If a developer proposes a large-scale development (10 acres or more) he may desire to construct said development in steps or phases. As the Pennsylvania Municipal Planning Code (Act 247) allows for such phased developments, the Municipality shall grant preliminary approval for the entire project, or for that portion of the project that can be completed within five (5) years of preliminary approval. The developer shall then submit an application for final plan approval in phases, as delineated on the preliminary plan. As so submitted, site improvements would also be constructed in phases and not all at once. The developer shall construct in any other phase not under development any sanitary sewer, stormwater sewer, or water facilities deemed necessary by the Township engineer for servicing of the phase under construction. The performance guarantees for such facilities shall be posted at the time of posting for the improvements within the current phase. As each phase is completed, the developer shall submit an application for final approval of the next phase of development. This process shall continue until all phases of the project (development) are complete. If, however, no development takes place within five (5) years from date of plan approval, the developer shall comply with any change in local ordinances that have been enacted since his preliminary plan was approved. Applicants are urged to consult the Cambria County Conservation District for assistance in determining the most effective storm water management measures to be utilized on the development site both during and after construction. The applicant is also urged to submit a sketch plan with a narrative description of these measures.

SECTION 302 SUBMISSION OF SKETCH PLAN (Voluntary)

A. Plan to be Filed with Municipality:

A Sketch Plan for the proposed subdivision or land development is encouraged to be submitted to the Municipal Secretary by the subdivider or developer or his/her representative authorized in writing to submit the plan.

B. Number of Copies:

Four (4) legible black-line or blue-line paper prints of the Sketch Plan shall be required.

C. Distribution of Sketch Plan:

The Municipal Secretary (or his/her representatives) shall immediately (next business day) refer the Sketch Plans to the following:

- (1) One (1) copy to the County Planning Commission.
- (2) One (1) copy to the Municipal Planning Commission.
- (3) One (1) copy to the Municipal Officials.
- (4) One (1) copy to the Municipal Engineer.

SECTION 303 REVIEW OF SKETCH PLAN (Voluntary)

A. A Sketch Plan shall be considered as a submission for informal discussion between the subdivider/developer and the Municipality. Submission of a Sketch Plan shall not constitute official submission of a plan to the Municipality.

B. Review by the Municipal Planning Commission:

- 1) Whenever a Sketch Plan has been submitted to the Municipal Secretary, the Secretary shall notify and distribute all Sketch Plan materials to the Municipal Planning Commission as required by Section 302 above. The Chairman of the Municipal Planning Commission shall then schedule a meeting to review the Sketch Plan within thirty (30) days of its receipt.
- 2) Within twenty (20) calendar days after the meeting at which the Sketch Plan is reviewed by the Municipal Planning Commission, the Commission shall send written notice of the Municipal Planning Commission's comments, including changes or modifications, if any, required or recommended that it deems necessary or advisable, to the following:
 - a) All Municipal Officials
 - b) The County Planning Commission
 - c) The subdivider/developer or his agent
- 3) If no Municipal Planning Commission or Committee exists at the time of Sketch Plan submission, then the Municipal Officials shall act in lieu of this Commission, following each of the above cited subsections.

SECTION 304 SUBMISSION OF PRELIMINARY PLAN

A. Plan to File with the Municipality:

Copies of the Preliminary Plan and all required supporting data (such as Department of Environmental Protection, PennDOT, or Cambria County Conservation District) shall be officially submitted to the Municipal Secretary by the subdivider/developer or his representative authorized in writing to submit the plan.

- 1) Eight (8) completed copies of the Application for Review of Preliminary Subdivision Plan. (See Appendix.)
- 2) Eight (8) legible black-line or blue-line paper prints of the Preliminary Plan which shall fully comply with the requirements of Article IV, Section 402 of these regulations. Nine (9) copies required if a State road abuts or traverses subdivision.
- 3) Four (4) completed copies of the DEP Sewage Facilities Planning Module for Land Development or Exemption Card and a DEP letter of approval for same whenever on-lot sewage disposal are proposed. This may be deferred until building actually takes place.
- 4) Three (3) copies of all other required information (DEP, Cambria County Conservation District, and PennDOT).

C. Filing Fee:

The Municipal Secretary (or his/her representative) shall collect a filing fee as established by the Municipality, by Resolution, for all subdivisions and land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions/ developments. The subdivider/developer shall pay the fee at the time of application for review of a preliminary plan. There shall be no refund or credit of any portion of the fee.

D. Review Fees:

- 1) Review fees shall include the reasonable and necessary charges by the Township's professional consultants or engineer for review and report to the Township, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer, Solicitor or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer, Solicitor or consultant to the Township for normal services. These and all such fees will be paid by the subdivider, developer, or applicant...
- 2) In the event the applicant disputes the amount of any such review fees, the applicant shall, within (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- 3) In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. In the case of a

dispute involving legal fees the same shall be submitted to the appropriate committee of the Cambria County Bar Association. The estimate certified by the appointed engineer or the Bar Association, as the case may be, shall be presumed fair and reasonable and shall be the final estimate. These review fees will be paid by the subdivided, developer, or applicant.

- 4) An applicant shall, by filing a plan, be then obligated to pay all of the fees herein provided. The engineering fees and legal fees shall be paid by the applicant directly to the professional rendering the service and shall be paid within fifteen (15) days after receipt of the statement for services. If the applicant or developer shall fail to pay bills when due, the Township shall direct that all work on the project shall cease until obligations of the applicant or the developer have been satisfied. The payment procedure provided herein is for the convenience of the parties and shall not be construed to make the professional an employee or agent of the applicant or developer. The professional is deemed that of the Township and owes his professional obligation only to the Township.

E. Distribution of Preliminary Plan:

The Municipal Secretary (or his/her representative) shall immediately (next business day) Forward the Preliminary Plan, after required fees have been collected, to the following:

- 1) One (1) copy of the plan to the Municipal Planning Commission, including one (1) copy of the application form and other required reports.
- 2) One (1) copy of the plan to the County Planning Commission and one (1) copy of all required supporting documents.
- 3) One (1) copy of the plan to the Municipal Officials (plus Municipal File Copy) including one (1) copy of the application form and other required reports.
- 4) One (1) copy of the plan, and sewage facilities planning module to the Municipal Engineer.
- 5) One (1) copy of the plan to the Municipal Zoning Officer, if any.
- 6) One (1) copy of the plan to the District Office of PA DOT (if applicable).
- 7) One (1) copy of the plan to the Municipal Water Authority (if applicable).
- 8) One (1) copy of the plan to the Municipal Sewer Authority (if applicable).

SECTION 305 REVIEW OF PRELIMINARY PLAN

A. Review by the Municipal Engineer:

The Municipal Engineer shall review the Major Subdivision Preliminary Plan to determine its conformance to the Municipal Subdivision Regulations. The Municipal Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Municipal Engineer shall be in writing and shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary

Plan is to be considered by the Municipal Planning Commission. The engineer's report must be submitted within twenty (20) days after submission. When requested/required the report shall include an estimate of the cost of construction of all improvements as required by this Ordinance. In the event that no Municipal Planning Commission exists, then all information requested above shall be sent to the Municipal Officials.

B. Review by the Municipal Zoning Officer:

The Municipal Zoning Officer shall review the Preliminary Plan to determine its conformance to the Municipal Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Article IV, Section 402, to determine if information shown is in accordance with latest amendments to the Zoning Ordinance. If no Zoning Officer exists, the Municipal Officers will review the application. The report from the Municipal Zoning Officer as to the accuracy of the information shown shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Planning Commission. The Zoning Officer's report must be submitted within twenty (20) days after receipt. In the event no Municipal Planning Commission exists, then all requested information stated above shall be sent to the Municipal Officials.

C. Review by the Pennsylvania Department of Transportation (PA DOT):

If a proposed subdivision abuts or is traversed by a State road, the Municipal Secretary shall require one (1) additional copy of the Preliminary Plan and shall transmit this copy to the district office of the Pennsylvania Department of Transportation for its review and comments. This is an advisory review by PADOT. Some of the items that shall be reviewed by PADOT will include accessibility and sight distance.

D. Review by the Municipal Planning Commission:

- 1) Whenever a Preliminary Plan has been submitted to the Municipal Secretary, the Secretary shall notify and distribute all Preliminary Plan materials to the Municipal Planning Commission as required by Section 302 above. The Municipal Planning Commission shall consider the plan at their regularly scheduled meeting or at a special meeting within thirty (30) days of its receipt by the Planning Commission.
- 2) No official action shall be taken by the Municipal Planning Commission with respect to a Preliminary Plan until the Commission has received the written report of the County Planning Commission and the Pennsylvania Department of Transportation, provided, however, that if these reports are not received within thirty (30) days after transmittal to these agencies then the Municipal Planning Commission may officially act without having received and considered such report. In any event, the Municipal Planning Commission shall take official action no later than five (5) days after the expiration of the aforesaid thirty (30) day period.
- 3) During review of the Preliminary Plan, the Municipal Planning Commission shall consider the written reports of the Municipal Engineer and the Municipal Zoning Officer, if any, before making its final decision.
- 4) If review by the Municipal Planning Commission is favorable, or unfavorable because the requirements of this Ordinance have not been met, or the Municipal Planning

Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore (citing specific provisions of this Ordinance) shall be given in written form by the Municipal Planning Commission within ten (10) days after the meeting at which the Preliminary Plan is review to the following:

- a) All Municipal Officials
- b) The County Planning Commission
- c) The subdivider/developer or his agent

In addition, the Municipal Planning Commission shall forward to the Municipal Officials copies of all reports received from the County Planning Commission, Department of Transportation, Municipal Zoning Officer, and Municipal Engineer.

E. Review by the Municipal Officials:

- 1) When a Preliminary Plan has been officially referred to the Municipal Officials by the Municipal Planning Commission together with its recommendations, such Plan shall be reviewed at the regularly scheduled meeting of the Municipal Officials, or at the discretion of the Chairman/President at a special meeting, which may be held prior thereto.
- 2) In any event, the Municipal Officials shall render their decision and communicate it to the applicant no later than ninety (90) days following the date of the regular meeting of the Municipality or the Municipal Planning Commission (whichever first reviews the application) next following the date the application is filed. Failure of the Municipal Officials to render a decision and communicate it to the applicant within the time and in the manner required (as outlined in subparagraph (4) below) shall be deemed an approval unless the applicant has agreed, in writing, to an extension of time.
- 3) The Municipal Officials shall review the Preliminary Plan and the written reports and recommendations thereon of the Municipal Planning Commission, the County Planning Commission, (if same has been received), the Municipal Engineer, and by any other interested parties of the Municipality to determine the Preliminary Plan conformance to the standards contained in these regulations. Prior to these reports and recommendations, the Municipal Officials may hold a public hearing thereon after public notice to receive comments from the general public. After all desired input is received, the Municipal Officials may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.
- 4) The action of the Municipal Officials, either approving or disapproving the Preliminary Plan, shall be noted with the date of such action and the signature of the Chairman/President on two (2) sets of plans. The findings and reasons upon which the action is based and cited provisions of the statute or ordinance relied upon shall be stated with conditions acceptable to the developer and accepted by him in writing or if disapproved, the Township shall specify in their notice the conditions which must be met and/or defects found in the plan, and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled. Subject to the requirements of subparagraph (2), within fifteen (15) days after the meeting at which the preliminary plan is reviewed, the Secretary of the Municipality

shall send written notice of the findings, action taken, and reasons thereof to the following:

- a) The subdivider/developer or his agent
- b) The Municipal Planning Commission
- c) The County Planning Commission

One (1) copy of the Plan shall be maintained for permanent records of the Municipality, and one (1) copy shall be sent to the subdivider/developer or his agent.

- 5) Approval of the Preliminary Plan shall not constitute acceptance of a subdivision for recording. Approval is only an expression of approval of a general plan to be used in preparing the Final Subdivision for final approval and recording upon fulfillment of all requirements of these regulations.
- 6) When a Preliminary Plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

F. Review by Water and/or Sewer Authority

The local water and/or sewer authority having jurisdiction in the area of the proposed subdivision shall review the Preliminary Plan to determine its conformance with the Authority's water and/or sewer requirements. It is recommended that the subdivider review the Authority's water and/or sewer requirements prior to the preparation of the Preliminary Plan. This review shall be conducted at the expense of the subdivider.

- G. Approval of the Preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the subdivider or developer to the general scheme of the subdivision shown, unless a revised preliminary plan is submitted, and permits the subdivider to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots or the recording of the preliminary plan.

SECTION 306 SUBMISSION OF FINAL PLAN

Within four (4) years of the Municipal Officials' approval of the Preliminary Plan, a Final Plan must be officially submitted to the Township. However, an extension of time may be granted by the Municipality upon written request. Final Plans submitted after this expiration of time for which no time extension has been granted may be considered as a new Preliminary Plan. The Final Plan must be submitted in accordance with provisions of section 508 of the Municipal Code.

The Final Plan shall conform in all respects to the Preliminary Plan as previously reviewed by the Municipal Planning Commission and the Municipal Officials and shall incorporate all modifications required by the Municipality in its review of the Preliminary Plan.

The Township may permit submission of the Final Plan in sections, or phases, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed Preliminary Plan.

A. Plans to be Filed with the Municipal Officials:

Copies of the Final Plan and all required supporting data shall be officially submitted to the Municipal Secretary by the subdivider/developer or his representative authorized in writing to submit the plan.

B. Official Submission of Final Plan Shall Comprise:

- 1) Eight (8) completed copies of the Application for Review of Final Subdivision Plan.
- 2) All requisite materials for compliance with the approved Preliminary Plan.
- 3) Eight (8) legible black-line or blue-line paper prints and two (2) prints on mylar of the Final Plan which fully comply with Article IV, Section 403 of these regulations.
- 4) Two (2) copies of all other required information including the following, if applicable:
 - a) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Solicitor of the Municipality as to their legal sufficiency.
 - b) Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of restrictions previously imposed which may affect the title of the land being subdivided.
 - c) Whenever a subdivider proposed to establish a street which is not offered for dedication to public use, the Municipal Planning Commission or Municipal Officials may require the subdivider to submit, and also to record with the Municipality on behalf of his heirs, successors and assigns and approved by the Solicitor of the Municipality and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:
 - 1) The street shall conform to Municipal specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Municipal Engineer, to restore the street to conformance with the Municipal specifications.
 - 2) An offer to dedicate the street shall be made only for the street as a whole.
 - 3) The method of assessing repair costs must be stipulated.
 - 4) Agreement by the owners of fifty-one percent (51%) of the front footage thereon shall be binding on the owners of the remaining lots.

- d) Whenever approval by the Pennsylvania Department of Environmental Protection, the Cambria County Conservation District, or the Pennsylvania Department of Transportation is required for the water supply or sanitary sewage disposal system (s), erosion and sedimentation control, or a highway occupancy permit for a proposed subdivision, the Municipal Planning Commission or Municipal Officials shall require that two (2) copies of such certification of approval shall be submitted with the Final Plan.

C. Filing Fees:

The subdivider/developer shall pay a filing fee for the review of a Final Plan. This fee shall be established by the Municipality by resolution. There shall be no refund or credit of any portion of the fee should the subdivider/developer fail to receive final approval. All Final Plan fees/review fees shall be subject to the filing fees terms outlined in section 303.

D. Distribution of Final Plan:

The Final Plan shall be distributed in accordance with the requirements of Article III, Section 304 for Preliminary Plan. In addition, the Municipal Secretary shall retain one (1) mylar print of the Final Plan for safe-keeping in the Municipal files. The other mylar print shall be given to the subdivider/developer for filing with the County Recorder of Deeds.

SECTION 307 REVIEW OF FINAL PLAN

A. Review by the Portage Township Engineer:

The Final Plan shall be reviewed if required and a written report submitted as required under Article III, Section 305 for Preliminary Plans.

B. Review by the Municipal Zoning Officer (if applicable):

The Final Plan shall be reviewed and a written report submitted by the Municipal Zoning Officer as required under Article III, Section 305 for Preliminary Plans.

C. Review by the Portage Area Regional Planning Commission:

The Final Plan shall be reviewed, in accordance with the procedure required under Article III, Section 305 of these regulations for Preliminary Plans. In addition:

- 1) If all requirements of this Ordinance are met and the review is favorable, the Planning Commission shall authorize its Chairman, or Vice Chairman to endorse the Final Plan "Reviewed and Approved by the Municipal Planning Commission," together with the date of such action.
- 2) The Final Plan with the Planning Commission's endorsement shall be forwarded to the Portage Township Officials.

D. Review by the Portage Township Officials:

- 1) Before acting on a Final Plan, the Township Supervisors may arrange for a public hearing. The public hearing may be held by the Township Officials after the Final

Plan has been submitted to the Municipality and before the review required by Section 307A, B, and C. If a public hearing has been held upon a Preliminary Plan, no public hearing is required unless the Final Plan departs substantially from the Preliminary Plan.

- 2) If the Portage Township Supervisors approve the Final Plan, the Final Plan shall be signed by the Chairman/President, together with the date of action and municipal seal.
- 3) A performance guarantee or a certificate of satisfactory installation, as required under Article III, Section 309, shall be required before the Final Plan is released for recording.
- 4) The Final Plan with the Portage Township Supervisors ' approval and the Municipal seal, shall be forwarded to the subdivider for recording.

SECTION 308 RECORDING OF FINAL PLAN

- A. After approval by the Planning Commission and the Township Supervisors and with all endorsements indicated on the Final Plan, the subdivider shall record his plan. No subdivision plan shall be legally recorded unless it bears the Portage Township approval and seal. This action shall constitute the changing of the Final Plan to the Record Plan.
- B. After the Final Plan has been approved by the appropriate Township authorities, but within thirty (30) days, the Township Supervisors shall require that the developer supply one (1) reproducible mylar copy of the Final Plan, and four (4) prints as approved, for their permanent files.
- C. The Record Plan shall be a clear and legible black-line print on mylar. In addition to the mylar copy, an electronic copy (PDF) of the final plan shall also be given to the Township.
- D. The subdivider shall file the Record Plan with the Cambria County Recorder of Deeds within ninety (90) days of the date of final approval by the Municipality. If the subdivider fails to record the Record Plan within such period, the action of the Portage Township Supervisors and Planning Commission shall be null and void unless an extension of time is granted in writing by the Municipality after written request to do so by the subdivider. The Final Plan must be recorded before proceeding with the sale of lots or with construction.
- E. See Appendix I for the subdivision recording requirements as per the Office of the Recorder of Deeds.
- F. After recording the plan with the County Recorder of Deeds, a receipt of the final action must be returned to the Municipal office for attachment to the plan.
- G. 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 reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided. The approval of the Final Plan shall not impose any duty upon the Township concerning maintenance or improvements to the streets or other areas of public use.

SECTION 309 PERFORMANCE GUARANTEE

Prior to final approval of the Final Plan, the subdivider shall guarantee the installation of all required improvements by one of the following methods:

- A. By installing the improvements required by Article VI of these Subdivision Regulations to the satisfaction of the Municipal Engineer and the Portage Township Supervisors and obtaining a certificate from the Municipal Engineer that all improvements have been installed in accordance with the standards and requirements contained in these regulations or required by the Township.
- B. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the applicant or subdivider shall provide for deposit with the Municipality of financial security in an amount sufficient to cover the costs of any improvements or common amenities, including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. When requested by the developer, in order to facilitate financing, the Municipality shall furnish the developer with a signed copy of a resolution indicating approval of the Final Plan contingent upon the developer obtaining a satisfactory financial security. The Final Plan 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 Township; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, the following shall be deemed acceptable financial security for the purpose of this section:
 - 1) Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions. 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.
 - 2) 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 of approval or accompanying agreement for completion of the improvements.
 - 3) 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 110%. Any additional security shall be posted the developer in accordance with this subsection. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and

prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The 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 Township 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.

- 4) If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as re-established on or about the expiration of the preceding one (1) year period by using the above bidding procedure.
- 5) In the case where development is projected over a period of years, the Municipality may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stage of development as it finds essential for the protection of any finally approved section of the development.
- 6) As the work of installing the required improvements proceeds, the party posting the financial security may request the Municipality 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. Such requests shall be in writing, addressed to the Municipality, and shall have forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify, in writing; to the Portage Township that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Municipality 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 Municipality fails to act within said forty-five (45) day period, the Municipality shall be deemed to have approved the release of funds, as requested. The Municipality may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- 7) Where the Municipality accepts dedication of all or some of the required improvements following completion, the Municipality 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 plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial securities shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- 8) Where the Municipality accepts dedication of all or some of the required improvements following completion, the Municipality 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 plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial securities shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

9) If financial security has been provided (in lieu of completed improvements), the issuance of building, grading, or occupancy permits for any building or buildings to be erected shall not be withheld provided:

- a) The improvement of streets providing access to and from existing public roads to such building (s) to a mud-free or otherwise permanently passable condition is complete; and
- b) All other improvements, as depicted on the approved plan, either upon the lot or lots, or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building (s) have been completed.

SECTION 310 RELEASE OF PERFORMANCE GUARANTEE

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Municipality, in writing, by certified or registered mail, of the completion of the aforesaid improvements and the Municipality shall send a copy thereof to the Municipal Engineer. The Municipal Officials shall, within ten (10) 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 Municipality, and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of the aforesaid authorization from the Municipal Officials; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
- B. The Municipality shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing, by certified or registered mail of their action.
- C. If the Municipality or the Municipal Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to his performance guarantee.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Municipal Officials, 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 Municipality or the Municipal Engineer.

SECTION 311 RE-SUBDIVISION PROCEDURE

Any revision or re-subdivision of land which includes changes to a recorded plan shall be considered a subdivision and shall comply with all regulations of this Ordinance, except that:

- A. Lot lines may be changed from those shown on a recorded plan, provided that in making such changes.
 - 1) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by this Ordinance and/or a zoning ordinance.
 - 2) Easements or rights-of-way reserved for drainage shall not be changed.
 - 3) Street locations and block sizes shall not be changed.
 - 4) No lot shall be created which does not abut an existing or proposed street.
- B. In every case wherein lot lines are changed as permitted by the above, the subdivider shall prepare a new Final Plan and shall submit the Final Plan to the Municipality for the endorsements of the Municipal Planning Commission, Municipal Zoning officer, and approval by the Township Supervisors (the new Final Plan shall specifically identify the previous Record Plan superseded and shall also contain the record reference if the previous Record Plan has been recorded). The subdivider shall then record the new plan in accordance with Article III, Section 308, of this Ordinance.

SECTION 312 DEDICATION AND MAINTENANCE GUARANTEE

All streets, parks, or other improvements shown on the subdivision plan, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the Municipality and accepted by resolution of the Municipal Officials. Where the Municipality accepts dedication of all or some of the required improvements following completion, the Portage Township Supervisors 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 plan 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 Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

ARTICLE IV
PLAN REQUIREMENTS

SECTION 401 SKETCH PLAN (Voluntary)

- A. The Sketch Plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50') except that:
1. If the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100')
 2. If the subdivision proposes lots with an average frontage of less than fifty feet (50'), the plan shall be drawn to a scale of one inch (1") equals twenty feet (20').
 3. If the subdivision contains more than two hundred (200) acres, the plan may be drawn to a scale of one inch (1") equals two hundred feet (200').
- B. The Sketch Plan and all submitted prints thereof shall be made on sheets either:
1. Eighteen inches (18") by twenty-four inches (24"), or
 2. Twenty-four inches (24") by thirty-six inches (36"), or
 3. Thirty-six inches (36") by forty-two inches (42").
- C. If the Sketch Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
- D. The Sketch Plan should contain at least the following information, but not necessarily showing precise dimensions.
1. Tract boundaries accurately labeled.
 2. Name of the Municipality in which the subdivision is located and a general location map.
 3. Name of proposed subdivision or other identifying title.
 4. Type of development proposed for the subdivision (Residential, Commercial, Industrial, etc.).
 5. North point, scale (written and graphic), and date.
 6. Significant topographical and physical features.
 7. General street and lot layout, (existing and/or proposed).

SECTION 402 PRELIMINARY PLAN

- A. The Preliminary Plan of a proposed subdivision shall include all information as required for the Sketch Plan under Article IV, Section 401, in these regulations and shall be drawn to the

same sheet sizes as required for the Sketch Plan. In addition, the following information shall be shown:

- 1) Date, including the month, day, and year that the Preliminary Plan was completed and the month, day, and year that the Preliminary Plan was revised, for each revision.
- 2) Name of Proposed Development.
- 3) Name of recorded owner and subdivider.
- 4) Name, address, license number, and seal of the registered surveyor or engineer responsible for the subdivision plan.
- 5) Names of all owners of all abutting unplatted land and the names of all abutting subdivisions, if any, with the book and page number where recorded.
- 6) A key map for the purpose of locating the property being subdivided drawn at a scale not less than one inch (1") equals two thousand feet (2000') and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses, and any areas subject to flooding.
- 7) Total tract boundaries of the property being subdivided showing bearings and distances and a statement of total acreage of the property.
- 8) Include all of the following zoning data:
 - a) Existing Municipal zoning regulations, including district designations, requirements for lot sizes and front yards, and any zoning district boundary lines traversing the proposed subdivision.
 - b) Any changes in the existing zoning to be requested by the subdivider.
 - c) Any Municipal regulations other than zoning governing lot size and/or front yard requirements.
- 9) Contour lines at vertical intervals not more than five feet (5') for land with average natural slope of four percent (4%) or less and at intervals of not more than twenty feet (20') for land with average natural slope exceeding four percent (4%).
- 10) Locations and elevation of the data to which contour elevations refer; where reasonable practicable, datum used shall be a known and established bench mark. It is suggested that USC&G datum be used where possible, at a scale of 1" = 2000'.
- 11) All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, flood plain area, wetlands, wells and other significant man-made or natural features within the proposed subdivision and fifty feet (50) beyond the boundaries of the proposed subdivision.
- 12) All existing buildings or other structures and the approximate location of all existing tree masses, rock out-crops, water courses within the proposed subdivision or other significant features.

- 13) All existing streets on the Official Map or Plans of the Municipality (including unpaved streets), including streets of record (recorded but not constructed), easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within the subdivision or within four hundred feet (400') of any part of the tract.
- 14) The full plan of proposed development, including:
 - a) Location and width of all streets, easements, and rights-of-way, with a statement of any conditions governing their use.
 - b) Suggested street names and utility easement locations.
 - c) Building reserve (setback) lines along each street.
 - d) Lot lines with dimensions in feet and hundredths of a foot.
 - e) Lot numbers and statement of number of lots and parcels.
 - f) A statement of the intended use of all non-residential lots and parcels.
 - g) Sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities.
 - h) Parks, playgrounds, and other areas proposed to be dedicated or reserved for public use with any conditions governing such use.
 - i) The following data shall be shown for the cartway right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii of curved lines. The length of all arcs (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes, and seconds).
 - j) At a minimum, each lot that abuts another lot and does not front on a side street (side lot) shall have 15 foot utility easement.
- 15) Any trees to remain in the street ROW shall be indicated. Planting of trees is encouraged and will be listed along with the trees remaining in the street right-of-way.
- 16) If on-lot sewage disposal is proposed, the following information shall be included:
 - a) Location of all soil probes and percolation test holes
 - b) Soil Types
 - c) Suitable primary system sites with site slope identified

- d) Suitable replacement system sites with provisions for their protection and reservations, if required by Department of Environmental Protection regulations. Identify slope.

17) The following storm water management information shall be included:

- a) Runoff calculations for the proposed project except where the watershed storm water management plan (if any) has determined no hydrologic effect will occur downstream.

- b) A description of proposed storm water control measures and devices.

- c) Maps showing:

- i - The location of the proposed subdivision, land development, or mobile home park within the designated watershed (consult the Cambria County Planning Commission or Conservation District for the appropriate Stormwater Management Plan.

- ii - The one hundred (100) year flood plain for pre and post development conditions.

- iii - Streams, swales, and drainage patterns (existing and proposed).

- iv - Storm water management control measures and devices (temporary and permanent).

- v - Areas subject to special deed restrictions affecting storm water management.

- vi - Contours of existing and proposed development elevations at intervals of five (5) feet. In areas of steep slopes (greater than 15%), 20-foot contour intervals may be used.

- vii - Show floodway boundaries if the subdivision is located in a detailed FEMA Study Area or included on a FEMA Insurance Rate Map.

18) The Preliminary Plan shall be accompanied by the following supplementary data as applicable:

- 1) Typical street cross-section drawing (s) for all proposed streets. Cross-section drawings may be shown on either the Preliminary Plan or on separate profile sheets: Tentative profiles along the street centerline or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

- a. One inch (1") equals ten feet (10') horizontal, one inch (1") equals two feet (2') vertical

- b. One inch (1") equals twenty feet (20') horizontal and one inch (1") equals four feet (4') vertical

- c. One inch (1") equals forty feet (40') horizontal and one inch (1") equals eight feet (8') vertical
 - d. One inch (1") equals fifty feet (50') horizontal, and one inch (1") equals ten feet (10') vertical
- 2) In lieu of the separate profile sheets required, the tentative finished cartway edge or top of curb grades for both sides of each street may be labeled on the Preliminary Plan.
 - 3) Where deemed necessary by the Municipal Planning Commission or the Municipal Officials, a plan for the surface drainage of the tract to be subdivided shall be shown. Such plan shall include storm water runoff calculations for the entire property being subdivided and shall show the proposed method, subject to Municipal approval, of accommodating the anticipated runoff.
 - 4) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Department of Environmental protection and/or the Pennsylvania Department of Transportation. Calculations for waterway opening shall be included. All designs shall be subject to approval by the Municipality.
 - 5) Where a Preliminary Plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Municipal Planning Commission or Municipal Officials may, based on existing natural or man-made features, delimit the area for which a prospective street system shall be sketched.

SECTION 403 FINAL PLAN

- A. The Final Plan shall be of a size drawn to scale, and show all information as required for Preliminary Plans under Article IV, Section 402 in these regulations. In addition, the Final Plan shall show the following:
 - 1) Name of recorded owner (and subdivider) of the tract, and the source(s) of title to the land being subdivided, as shown by the County Recorder of Deeds.
 - 2) Subdivision name or title.
 - 3) The total tract boundary lines of the area being subdivided with accurate distances to hundredths of foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot (1') in ten thousand feet (10, 000'); provided, however, that the boundary(s) adjoining additional unpiloted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property

being subdivided. Also, there shall be at least one elevation bench mark recorded for each subdivision. In addition, the surveyor shall certify, to the accuracy of the survey, the drawn plan, and the placement of the monuments.

- 4) The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.
- 5) The following data shall be shown for the cartway and, if required, the right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii and curved lines. The length of all arcs (in feet, to the nearest hundredths of a foot) and the central angle (in degree, minutes and seconds).
- 6) All straight lot lines shall be dimensional (in feet, to the nearest hundredths of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes, and seconds). Curved lot lines shall show length arc (in feet, to the nearest hundredths of a foot) and in central angle (in degrees, minutes and seconds).
- 7) A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for lots contained in the subdivision and, if covenants are recorded, including the book and page number.
- 8) The proposed building reserve (setback) line for each lot, or the proposed placement of each building.
- 9) The location (and elevation, if established) of all existing and proposed required street monuments.
- 10) All easements of rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.
- 11) Locations, size, and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).
- 12) Lots within the subdivision shall be numbered on their area shown within the lot boundaries.
- 13) Names of adjoining subdivisions shall be shown.
- 14) If the subdivision proposes a new street intersection with a State Traffic Route, the intersection's Highway Occupancy Permit number(s) shall be indicated for all such intersections.
- 15) A Certification of Ownership, Acknowledgment of Plan, and Offer of Dedication shall be lettered on the plan, and shall be duly acknowledged and signed by the owner(s) of the property, and notarized.
- 16) A blank space for approval of the Plan by the Municipal Officials and a space for the

Municipal Planning Commission approval.

- 17) A blank space measuring three and one-half inches (3-1/2") square shall be left, preferably adjacent to the Municipal certification, in which the endorsement stamp of the County Planning Commission may be applied, if required.
- 18) A blank space measuring three inches (3") square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the Plan when it is presented.
- 19) The following storm water management information shall be included:
 - a. All information pertaining to storm water management from the preliminary plan along with any changes.
 - b. All required permits (or letters of intent to issue such permits pending final Municipal approval) from the Department of Environmental Protection, Pennsylvania Department of Transportation, Public Utility Commission, or any other agency if appropriate.
 - c. All deed restrictions, easements, and rights-of-way.
 - d. The ownership and maintenance responsibilities for storm water management control devices. The identity of the responsible individual corporation, association, or other specific entity and the specific maintenance responsibility must be detailed.
 - e. Where the applicant is proposing the dedication of permanent storm water management control facilities to the Municipality, such request must include:
 - Easements to all facilities; and
 - A financial guarantee (acceptable to the Municipality) to insure that the control facilities are properly installed and functioning satisfactorily
- 20) Permanent reference monuments shall be shown on the plan and designated existing or proposed.
- 21) An appropriate statement signed by owner un-equivocally indicating his intention either: (a) to dedicate for public use all streets, roads, easements and right-of-way so intended and designated; or (b) to reserve as private any streets, roads, easements or rights-of-way intended not to be dedicated for public use.
- 22) A statement of acknowledgment in legal form, executed by a notary, stating that the subdivider is the Owner or equitable Owner of the land proposed for subdivision, and that the subdivision as shown on the final plan is the act and deed of the subdivider and it is desired to record the same.

- 23) A copy of the sewer "Planning Module for Land Development" or other equivalent documentation approved by the Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act.
- 24) Water supply. If water is to be provided by means other than private wells owned and maintained by individual owners of lots within the subdivision or development, applicants shall present evidence to the Township that the subdivision is to be supplied by a certified public utility, a bona fide co-operative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of public convenience from the Pennsylvania Public Utility Commission of an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate shall be acceptable.
- 25) A proposed soil erosion and sedimentation control plan shall be submitted.
- 26) When required, the time limitation shall be placed upon the plan.
- 27) Land development plans shall show building locations and parking areas.
- 28) An appropriate statement signed by the owner acknowledging the storm water management system to be a permanent fixture which can be altered or removed only after approval of a revised plan by the Township Supervisors.
- 29) The following signature block for the applicant's Design Engineer: have reviewed the attached plans and specifications and hereby certify that the storm water management plan meets all design standards and criteria of all Federal and Commonwealth Statutes and regulations and the Township Subdivision Ordinance.
- 30) An appropriate statement signed by the owner unequivocally indicating that he will as a condition for final acceptance of the Subdivision by the Township, furnish the Township with the following Certification from a professional engineer registered in the Commonwealth of Pennsylvania:

I, _____, have inspected the storm water management and storm water drainage facilities installed by the Owner and hereby certify that the said facilities were constructed in conformance with the final plan for the subdivision approved by the Portage Township Board of Supervisors.

- B. The Final Plan shall be accompanied by such applicable supplementary data as is required in Article IV, Section 402 in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
- 1) Existing (natural) profiles along both cartway edges or along the centerline of each street.
 - 2) Proposed finished grade of the centerline, and proposed finished grade at the top of both curbs, or proposed finished grade at both cartway pavement edges.
 - 3) The length of all vertical curves.

- 4) Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.

SECTION 404 MINOR SUBDIVISIONS AND LAND DEVELOPMENTS AND NON- BUILDING LOTS

A. Definition of Minor Subdivision - in the case of any proposed subdivision, land development, or other division of land, the Plan Requirements of this Ordinance may be waived and the proposal deemed to be a Minor Subdivision/Development, or non-building lot, provided that the following criteria are met:

- 1) The proposal does not involve the extension of any public facilities including:
 - a) New Streets
 - b) Paving or other improvements
 - c) New or improved water lines, sewer lines, on-lot sewage disposal system sites, or storm drainage lines.
 - d) New or improved public facilities or services.
- 2) The proposal does not adversely affect the natural resources of the Municipality, or have the potential to adversely affect the health or safety of the residents of the Municipality.
- 3) The proposal does not adversely affect adjoining property.
- 4) The proposal does not adversely affect the present or future development of the Municipality.
- 5) The proposal is compatible with the existing Zoning Ordinance (if any).

If the subdivision or land development contains not more than four (4) lots, sites, or other divisions of land, and such subdivision or land development meets with all of the five (5) criteria as stated above, then the Municipal Officials shall have the authority, at their discretion, to classify such subdivision or land development as "Minor" provided that the Municipality has received documents, guarantee, or proof of improvements installation as they may require. The Supervisors shall also have the authority to approve a variation from stated minimum lot size for a "Minor" Subdivision as elsewhere noted in this Ordinance, if the subdivider produces evidence satisfactory of such need to the Planning Commission.

B. Plan Requirements for Minor Subdivisions, Land Developments, and Non-Building Lots

- 1) Plans shall be clearly and legibly drawn to an appropriate scale, showing all properties and names of property owners of abutting properties. The size of the plan drawing shall meet the requirements in Article IV; Sketch Plan.
- 2) Plans shall be accompanied by that portion of the most current USGS (7-1/2 minute) quadrangle which covers the subject property.

- 3) All information or accompanying documentation required by Article IV, Section 401 and Section 403 shall be submitted as part of the application, only if applicable, except that the filing fee shall be established by the Municipality, by Resolution.
- 4) A survey prepared by a surveyor registered to practice in the Commonwealth of Pennsylvania.
- 5) An approved/executed "Non-Building Waiver" from the Pennsylvania Department of Environmental Protection is required for all proposed non-building lots in an on-lot sewage disposal service area. A non-building declaration must be included on the plan.

C. Submission and Review Procedures for Minor Subdivision or Land Developments

The submission and review procedures for all minor subdivision and land developments shall comply with the applicable requirements of Article III, Sections 306, 307, and 308 (submission of Final Plan, Review of Final Plan, and Recording of Final Plan) except that Section 307 D(1) may be excluded (public hearing) at the discretion of the Municipality.

D. Non-Building Waiver

1. A non-building declaration shall waive the requirements of Sections 401, 402, and 403 of this Ordinance for the non-building lot, provided that the Municipality has received all documentation as they may require for such determination.
2. All non-Building lots shall be subject to the requirements listed in paragraph B above excluding sub-paragraph (3).

E. Submission and Review Procedures for Non-Building Lots

- 1) All documents for non-building lots shall be submitted through the Township Secretary to the Municipal Planning Commission for review.
- 2) The Municipal Planning Commission shall review the above submission within thirty (30) days of the receipt of all necessary documents.
- 3) The Municipal Planning Commission shall then submit their recommendation to the Municipal Officials for their review.
- 4) If the Municipal Officials approve the non-building lot, the survey shall be signed and dated by the appropriate Municipal Officials and forwarded to the subdivider for recording. If building is to occur later, all ordinances and requirements shall be followed.
- 5) If the Municipal Officials do not approve the non-building lot, then the Officials shall state the reasons for refusal and submit them to the subdivider in writing.
- 6) One (1) signed copy of the survey shall remain with the Municipality for their records.

ARTICLE V
DESIGN STANDARDS

SECTION 501 GENERAL STANDARDS

- A. The standards and requirements contained in Articles V and VI are intended as the minimum for the promotion of the public health, safety, and general welfare, and shall be applied as such by the Municipal Planning Commission and Municipal Officials in reviewing all subdivision plans.
- B. Whenever other Municipal Ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other Ordinances and/or regulations shall be observed; otherwise, the standards and requirements of these regulations shall apply.
- C. Land shall be suited to the purposes for which it is to be subdivided or developed.
- D. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land included as having unsuitable characteristics would be the following:
 - 1) Land subject to flooding or which has a high ground water table.
 - 2) Land which, if developed, will create or aggravate a flooding condition upon other land.
 - 3) Land containing significant areas of slopes greater than 10%.
 - 4) Land which, because of topography or means of access, is considered hazardous by the Township.
- E. The subdivision shall be so designed that streets in and bordering the subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
- F. Land subject to hazards to life, health, or property, such as may arise from underground fires, floods, diseases, subsidence, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- G. Subdivision plans shall conform to the Comprehensive Plan of the Municipality and of the County or to such parts thereof as may have been adopted pursuant to statute.
- H. Where literal compliance with standards herein specified is clearly impractical, the Township may modify or adjust the standard to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance.

SECTION 502 STREETS

A. General Standards

- 1) The locations and width of all streets shall conform to the "Official Plan" or to such parts thereof as may have been adopted by the Municipality.
- 2) The proposed street system shall extend existing or other streets on the "Official Plans" at the same width or larger but in no case as less than the required minimum width.
- 3) Where, in the opinion of the Municipal Planning Commission or Municipal Officials, it is desirable to provide for street access to adjoining properties, street stubs shall be extended by dedication to the boundary of such property.
- 4) New minor streets shall be so designed as to discourage through traffic through the implementation of traffic calming devices, but in the interest of public safety and convenience of future residents, the subdivider shall connect new streets with existing or recorded streets of similar function, to form continuations thereof.
- 5) Where a subdivision abuts or contains an existing street of improper width or alignment, the Municipal Planning Commission or Municipal Officials may require the dedication of land sufficient to widen the street or correct the alignment.
- 6) Private streets (streets not to be offered for dedication) are prohibited unless they meet the design standards of these regulations and provision is made for their maintenance.

B. Partial and Half Streets:

New half or partial streets shall be prohibited except where essential for reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

C. Street Widths:

Minimum street right-of-way and pavement widths shall be as shown on the "Official Plans" or if not shown on such plans shall be as follows. Refer to PennDOT publication on the construction of local streets.

D. Restriction of Access:

- 1) Whenever a subdivision abuts or contains an existing or proposed street with a right-of-way of eighty feet (80') or more, the Municipal Planning Commission or Municipal Officials may require reconstruction of access to said street by:
 - a) Provision of reverse frontage lots.
 - b) Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets.

- c) Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Municipality under an agreement meeting the approval of the Municipality's Solicitor.

2) Except as specified under Paragraph c above, reserve strips shall be prohibited.

E. Street Grades:

- 1) There shall be a minimum centerline grade of three-quarters percent (3/4%).
- 2) Centerline grades shall not exceed the following:
 - a) Minor Street – twelve percent (12%)
 - b) Collector Street – twelve percent (12%)
 - c) Major Street – five percent (5%)
 - d) Street Intersection – five percent (5%)
- 3) Grades up to twelve percent (12%) may be permitted on a through Minor Street where access to the street is possible over streets with grades of ten percent (10%) or less.

F. Horizontal Curves:

- 1) Whenever street lines are deflected in excess of five degrees (5°), connection shall be made by horizontal curves.
- 2) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 - a) Minor Street – One hundred fifty feet (150')
 - b) Collector Street – Three hundred feet (300')
 - c) Major Street – Five hundred feet (500')
- 3) A tangent of at least one hundred feet (100') shall be introduced between all horizontal curves on collector and major streets.
- 4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

G. Vertical Curves (Dip):

At all changes of street grades where the algebraic difference exceeds one percent (1 %), vertical curves shall be provided to allow an easy or smooth transition.

H. Intersections:

- 1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty degrees (60°) or more than one hundred twenty degrees (120°).
- 2) No more than two streets shall intersect at the same point.
- 3) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty feet (150') between centerlines measured along the centerline of the street being intersected.
- 4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five percent (5%) within fifty feet (50') of the intersection of the nearest right-of-way lines.
- 5) Intersections with major streets shall be located not less than one thousand feet (1,000') apart measured from centerline to centerline along the center line of the major street.
- 6) Intersections with major streets shall be located not less than one thousand feet (1,000') apart measured from centerline to centerline along the center line of the major street.
- 7) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

I. Sight Distance at Intersections:

- 1) Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty inches (30") and below ten feet (10') measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:
 - a) Seventy-five feet (75') from the point of intersection of the centerline, except that:
 - b) Clear sight triangles of one hundred fifty feet (150') shall be provided for all intersections with Major Streets. (See Appendix.)
- 2) Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the Final Plan of the subdivision and shall be considered a building setback (reserve) line.

J. Cul-de-Sac Streets:

- 1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

- 2) Any dead-end street for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turn-around within the subdivision, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
- 3) Cul-de-Sac streets, permanently designed as such, shall not exceed six hundred feet (600') in length and shall not furnish access to more than twenty (20) dwelling units.
- 4) Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street in full width.
- 5) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turn-around. The minimum radius to the pavement edge or curb line shall be forty feet (40') and the minimum radius of the right-of-way shall be fifty feet (50').
- 6) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.
- 7) The centerline grade on a cul-de-sac shall not exceed twelve percent (12%), and the grade of the diameter of the turn-around shall not exceed five percent (5%).
- 8) All cul-de-sac street widths shall follow the same minimum street widths as prescribed for minor streets.

K. Street Names:

- 1) Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
- 2) In no case shall the name of a proposed street be the same as or similar to an existing street name in the Municipality and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.
- 3) All street names shall be subject to the approval of the Township Supervisors.

L. Service Streets (Alleys):

- 1) Service streets may be permitted, provided that the subdivider produces evidence satisfactory to the Municipal Planning Commission or the Municipal Officials of the need for such service Streets.
- 2) Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turn-around or equal with a minimum radius of the outer pavement edge of forty feet (40').
- 3) Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

M. Testing:

Surface: Prior to final approval of the subdivision/land development plan, the Township may direct the developer to complete core borings, inspection pits and/or other excavations along proposed roadway centerlines to determine the condition of the subgrade material. If the Township Engineer determines that the existing subgrade material will not support the construction of the proposed roadway, the plans shall include provisions for mitigating the unsuitable subgrade conditions.

- N. Traffic Control and roadway signs shall be constructed and lettered in accordance with Township or PennDOT standards, where applicable. Signs shall be placed at all locations as directed by the Township. Signs shall be paid for by the developer and installed by the Township.

O. Driveways:

- 1) Private driveways on corner lots shall be located at least forty (40') feet from the point of intersection of the nearest street right-of-way lines.
- 2) In order to provide safe and convenient means of access, grades on private driveways shall not exceed seven percent (7%). Entrance should be rounded at a minimum radius of five feet (5'), or should have a flare construction that is equivalent to the radius at the point of intersection with the cartway edge.

SECTION 503 BLOCKS

A. Layout:

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

- 1) Provision of adequate sites for buildings of the type proposed.
- 2) Zoning requirements.
- 3) Topography.
- 4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

B. Length:

- 1) Blocks shall have a maximum length of one thousand six hundred feet (1,600') and a minimum length of five hundred feet (500'). However, the Municipal Planning Commission or Municipal Officials may decrease the maximum and/or minimum lengths of blocks if in the opinion of either body, topography of the land in question and/or surface water drainage condition warrant such a decrease.
- 2) In the design of blocks longer than one thousand feet (1,000'), special consideration shall be given to the requirements of satisfactory fire protection.

- 3) Where practicable, block along Major and Collector Streets shall not be less than one thousand feet (1,000') long.

C. Crosswalks:

- 1) Crosswalks shall be required in blocks of over one thousand feet (1,000') or wherever necessary to facilitate pedestrian circulation and to give access to community facilities.
- 2) Such crosswalks shall have a right-of-way width of not less than ten feet (10') and a paved walk of not less than five feet (5').

D. Depth:

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where prevented by the size, topographical conditions, or other inherent conditions of property, in which case the Municipal Planning Commission or Municipal Officials may approve a single tier of lots.

E. Commercial and Industrial Blocks:

Blocks in commercial and industrial areas may vary from the element of design detailed above as required by the nature of the use.

F. Curbs:

Curbs are required on new streets in major subdivisions that have a typical lot width of interior lots at the building setback lines of less than one hundred (100) feet and for all land developments. Curbs may also be required in any major subdivision in which the 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 Township Supervisors upon the request of the applicant after proper justification and after recommendation by the PARPC. When/If the requirements is waived, grass lined swales or rock lined ditches are required. Curbing is preferred. Requirements of persons with a handicap. The depression shall be in line with sidewalks where provided.

G. 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 provider.

H. Buffer Areas:

- 1) All business and/commercial subdivisions and land developments shall include a landscaped buffer area that is approved by the Planning Commission.
 - a) Screening is a visual barrier or landscape buffer which shall be provided and maintained on any commercial or industrial location which is contiguous to any residential land use. An exception shall be noted where natural or physical

barriers exist which the Planning Commission deems to provide an adequate buffer.

- b) The buffer shall be composed of native plants and trees arranged to form a low level and a high level screen or an equivalent design planned by a registered landscape architect. The high level screen shall consist of trees planted with specimens no younger than three (3) years of age and planted in intervals of not more than ten (10) feet. The low level screen shall consist of shrubs planted at an initial height of not less than two (2) feet and placed in alternating rows to produce a dense visual barrier. Any plant not surviving three (3) years after planting shall be replaced. The landscape screen shall be planted within the growing season and shall be a minimum of thirty (30) feet wide where it abuts a residential area and fifteen (15) feet wide at all other borders.
- c) Where mature existing woody vegetation sufficient to serve as a visual screen already occurs along the perimeter and no development is proposed within fifty (50) feet of the lot line, a twenty (20) foot preservation strip may be substituted as may any topographic conditions such as embankments or berms; in lieu of the site perimeter buffer plantings pending, the approval of the Planning Commission.

No portion of the buffer area shall be paved except for access drives, internal streets, and sidewalks to access the site or connect to adjacent developments.

- d) Storage of any article of material temporally outside of an enclosed building as an incidental part of the primary commercial or industrial operation, shall be screened by opaque ornamental fencing, walls, or evergreen planting so that it cannot be seen from adjoining public streets or adjacent lots when viewed from a six (6) foot high position.
- e) Landscaping will be done to any portion of the site which is not used for buildings, other structures, loading, parking spaces, aisles, sidewalks, or designed storage areas shall be planted with all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscaping plan and shall be in keeping with natural surroundings. Any off street parking with five (5) or more spaces shall have a landscaped and maintained perimeter for the parking area of not less than five (5) feet in width, in order to prevent vehicle access except at approved points.
- f) Lighting for all uses shall be provided with a lighting system for all parking areas, driveways, loading areas, entryways, and pedestrian paths which shall furnish an average minimum of 0.5 foot candles within such areas during hours of operation. All lighting shall be shielded from traffic on any public right-of-way and from any residential areas.
- g) The interior circulation of traffic in commercial areas shall be designed so that no driveway or access lane providing parking spaces shall be used as a through street. If parking spaces are indicated by lines with angles other than ninety (90) degrees, traffic lanes shall be restricted to one way.

- h) Where parking, interior drive aisles, loading areas, building service entrances, trash enclosures, or loading docks in a commercial or industrial (non-residential) area adjoin a residential area, they shall be set back a minimum of one hundred (100) feet from the residential area.
 - i) Where existing conditions are present (natural or man-made) such as structures of an historical nature, ruins, fencerows, hedgerows, or aesthetic structures/features; efforts shall be made to incorporate them into the buffer area in an engaging and interesting manner. This must be approved by the Planning Commission prior to development of said buffer area.
 - j) Where trees already exist within the buffer area, every effort shall be made to retain the trees. Diseased and dead material shall be removed from the area.
 - k) Stormwater management facilities and structures may be maintained within the buffer area, but their existence shall not be a basis for a failure to meet the planting requirements.
 - l) Other areas requiring accommodation include but are not limited to power line right-of-ways, transmission towers, utility easements, drainage ways, floodplains, wetlands, and water bodies. Prior planning with the Planning Commission will govern these.
- 2) Residential subdivisions shall also include landscaped buffer areas where indicated. When designed properly, the visual impact of new residential development as observed from surrounding streets and adjoining/surrounding lots can be substantial with significant natural features both manmade and historical, being protected from development.
- a) Efforts shall be made to design residential developments which will group lots and dwellings in a way so as to preserve open space and natural resources while incorporating naturally occurring features into the lot and dwelling development. The purpose is to provide an aesthetically pleasing environment with access to open recreational areas. Please refer to the CONSERVATION SUBDIVISION OVERVIEW guideline in the Appendix. The developer is not bound by the Conservation Overview, but should consider and discuss with the Planning Commission at least some portions thereof. The Conservation Subdivision approach is most feasible when sewer and water are not on-lot, and requires some type of public or community system(s). As an incentive for using Conservation Subdivisions, the PARPC and the Township Officials may reduce the minimum lot size and minimum lot widths, meaning smaller and narrower lots. This however must be approved by the PARPC and the Township Officials.
 - b) Buffer areas shall be required to perimeter developments occurring along any two-lane or larger roads regardless of who maintains the road. As noted above, a buffer is required separating a residential development and a commercial/industrial site. That buffer is the responsibility of the commercial/industrial business.

- c) A buffer area shall/may also be used to divide a residential area from agricultural, recreational, public works, and utility right-of-way areas.
- d) Any screening that may be required in a residential subdivision shall be composed of native plants and trees to form a higher level and a lower level screen or an equally appropriate design planned by a registered landscape architect. The high level shall consist of trees planted with specimens no younger than three years in age and planted at intervals of not more than ten (10) feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet and placed in alternating rows to produce a dense visual barrier. Any plant or tree not surviving three (3) years after planting shall be replaced. The landscape screen shall be planted within the growing season and shall be a minimum of fifteen (15) wide.
- e) Where mature existing vegetation sufficient to serve as a visual screen occurs along the perimeter of any residential subdivision where screening is required, it may be substituted in lieu of the buffer plantings with Planning Commission approval.
- f) Landscaping will occur on all portions of all residential sites not used for buildings, other structures, sidewalks, or designated storage areas. It shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and keeping with the natural surroundings.
- g) Where existing conditions are present (either natural or man-made) such as structures of historical status, ruins, fencerows, hedgerows, or aesthetic structures/features; efforts shall be made to incorporate these into the buffer area in an engaging and interesting manner.
- h) Stormwater management facilities may be maintained within the buffer area, but their existence shall not be the basis for failure to follow the planting requirements.
- i) Other areas requiring accommodations may include but are not limited to power lines, right-of-ways, transmission towers, utility easements, drainage ways, flood plains, wetlands, and bodies of water. Prior meetings with the Planning Commission will govern these.

I. 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 installed when considered necessary by the Planning Commission and the Township Supervisors for the protection of the public or where it is determined that the potential volume of pedestrian traffic or safety conditions creates a need for them as determined by the Planning Commission. Sidewalks are preferred. Sidewalks shall be provided on all streets and parking areas located with multi-family and apartment developments.

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 streets and in the vicinity of shopping centers, schools, and other community facilities where they shall be five (5) feet wide.
- b) A grass planting strip should be provided between the curb and sidewalk.
- c) All sidewalks shall be constructed of material approved by the Township Supervisors and the Township Engineer, and will conform to any design standards as required by Penn Dot, and shall conform to all ADA standards. As an alternative to ordinary concrete construction of sidewalks, designs may include brick, stone pavers, or other materials that may be appropriate for sidewalk construction and approved by the Portage Township Supervisors.
- d) Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Portage Township Supervisors may require different standards of improvement than those set forth above. Crosswalks may be required when deemed necessary by the Township Supervisors.
- e) Handicap-accessible ramps shall be provided on all sidewalks at street intersections. The maximum gradient of an accessible ramp shall be 12:1 (8.33%). Depressed curbs shall be installed at the ramp so as to create a lip of no greater than one-half (1/2) inch. Ramps shall be concrete 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.

J. Watercourse Drainage:

Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be a drainage easement provided conforming with the line of such watercourse, drainage-way, 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 or for the purpose of installing a storm water system.

SECTION 504 LOTS AND PARCELS

A. General Standards:

- 1) Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- 2) Where feasible, lot lines should follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.
- 3) Generally, the depth of residential lots should be not less than one (1) times their width.

- 4) Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
- 5) If, after subdividing, there exists remnants of land, they shall be either:
 - a) Incorporated in existing or proposed lots, or
 - b) Legally dedicated to public use, if acceptable to the Municipality

B. Lot Frontage:

- 1) All lots shall have direct access to a public street, existing or proposed, or to a private street; if it meets the requirements of these regulations.
- 2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- 3) All residential reverse frontage lots shall have, within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least ten feet (10') in width, across which there shall be no right of access.

C. Lot Size and Setback:

Lot dimensions, areas, and setbacks shall not be less than specified:

- 1) The minimum lot area for residential buildings with access to public water or on-lot water and public sewage collection and treatment shall be twenty three thousand square feet (23,000 sq. ft.), and a width at the building line of not less than one hundred fifty feet (150 ft.).
- 2) The minimum lot area for residential buildings without access to public water and public sewage collection and treatment shall be one (1) acre, and a width at the building line of not less than two hundred feet (200 ft.).
- 3) The minimum lot area for residential buildings with public water and without public sewage collection and treatment shall be one (1) acre, and a width at the building line of not less than two hundred feet (200 ft.).
- 4) The minimum lot area of one (1) acre may be waived if the lot being subdivided lies within a developed residential area containing ten (10) or more developed lots; all with access to public sewer and public water. Lots dedicated for a residential structure must have at least one hundred fifty (150) foot width at the building line and the depth must be at least one (1) times the width; both allowing for the proper setbacks.
- 5) The minimum building setback from any right-of-way (ROW) shall be forty feet (40').
- 6) The minimum building setback from any property line shall be fifteen feet (15'). No construction of permanent structures is permitted within the setback lines.

SECTION 505 SANITARY SEWAGE DISPOSAL

- A. Sanitary Sewage and sewage Disposal: The Township shall determine the method of sanitary sewage disposal in a subdivision or land development. It shall comply with the standards of Pennsylvania's Department of Environmental Protection (DEP)

1. Public Sanitary Sewage System: Where a public sanitary sewage system is within one thousand (1,000) feet, or a distance as required by either one of the following: the Township Engineer, the Township Officials, the PARPC, of the proposed subdivision or land development, and capacity exists to serve the proposed subdivision or land development, the developer shall provide the subdivision or land development with a complete sanitary sewer system to be connected to the existing public sanitary sewage system. A professional engineer licensed by the Commonwealth of Pennsylvania shall design the sanitary sewer system. The design and construction of the sanitary sewer system shall conform to the minimum standards set forth in the Township's specifications for sanitary sewer system construction, as amended and supplemented to date. The developer shall provide to the Township all required permits from DEP for the proposed sanitary sewer system.

The above is subject to the developer being able to secure suitable rights-of-way.

- B. Sanitary sewers shall be designed and constructed in strict accordance with Department of Environmental Protection Standards of the Commonwealth of Pennsylvania and Municipal construction standards.
- C. Sanitary sewers shall not be used to carry storm water.
- D. Where it is necessary and feasible to rely upon on-lot sewage disposal systems, said systems must meet all minimum requirements and standards of the Pennsylvania Sewage Facilities 537, the Pennsylvania Code, Title 25 Environmental Protection, Chapters 71-73; the Municipal Zoning Ordinance, if one exists; and any amendments or supplements thereto or any regulations adopted pursuant thereto. Within the Municipality, the provisions of the Act/Code are administered by the Municipal Sewage Enforcement Officer(s).
- E. If sanitary on-lot sewage disposal facilities are to be utilized, the Municipality may require that the subdivider submit an Economic Feasibility Report. Such Report shall compare the cost of providing on-site facilities and the cost of connecting to a public sanitary sewer system with a temporary sewage treatment plant. The temporary treatment plant will have to be abandoned when public trunk sewers are installed in the area in accordance with the laws of Pennsylvania.

SECTION 506 SOIL TESTING REQUIREMENTS FOR ON-LOT SEWAGE DISPOSAL SERVICE AREAS

- A. Soil tests shall be performed for all subdivisions wherein residential buildings and/or other buildings requiring sewage disposal, at the time of construction, will not be connected to a public or community sanitary sewage disposal system.
- B. Soil tests shall be performed in accordance with the procedures required by the Pennsylvania Department of Environmental Protection, by the Municipal Sewage Enforcement Officer.

- C. The results of the soil tests shall be analyzed by the Municipal Planning Commission and Municipal Officials in conjunction with the Pennsylvania Department of Environmental Protection in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided and the Final Plan lot layout shall be based on this analysis.
- D. If the analysis of the soil test results reveals that the site is unsuitable for the intended use at the lot size proposed, the Municipal Planning Commission or the Municipal Officials may require that the lot size(s) be increased in accordance with the test results or that additional tests be made on each proposed lot at the location of the contemplated disposal facilities, and the data submitted for review.
- E. Individual Wells: If individual wells are proposed for the water supply for each lot, the following minimum specifications shall be used for construction of all wells.
1. Wells shall be constructed with a grouted well casing. The well casing shall be installed in a rock socket that allows the grout curbing to have a thickness of at least one and one-half (1-1/2) inches, i.e., a six (6) inch diameter well casing shall be installed in a ten (10) inch nominal diameter borehole.
 2. The grout shall be placed with a grout pump and a Tremie pipe system.
 3. Well casings shall be installed to a minimum depth of forty (40) feet.
 4. The land surface surrounding the well site shall be graded so that surface water runs away from the wellhead in all directions.
 5. A minimum isolation distance of fifty (50) feet shall be maintained between the wellhead and the following features.
 - a) Storm water detention/retention basins.
 - b) Roof drain sumps and other storm water infiltration systems.
 - c) Sanitary and storm sewers.
 - d) Natural watercourses and springs.
 - e) Above and below ground heating oil tanks.
 6. The following minimum isolation distance shall be maintained between the wellhead and the following features:
 - a) Property lines- ten (10) feet.
 - b) Driveways- ten (10) feet.
 - c) Principal structures/dwellings- twenty (20) feet.

SECTION 507 WATER SUPPLY

- A. Where a public water supply system is within one thousand (1,000) feet, or a reasonable distance, of the proposed subdivision or land development and the capacity exists to serve the proposed subdivision or land development, the developer shall provide a complete water supply system to be connected to the existing public water supply system. A professional engineer licensed by the Commonwealth of Pennsylvania shall design the water system. The design and construction of the water supply system shall conform to the specifications of the owner of the existing public water supply system and/or DEP. The developer shall provide to the Township copies all required permits from DEP for the proposed water supply system. The above is subject to the developer being able to secure suitable rights-of-ways.
- B. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Municipality that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or other utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- C. Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall be placed uphill from sewage disposal systems and shall not be within one hundred feet (100') of any part of the absorption field of any on-site sanitary sewage disposal system, nor within fifty feet (50') from lakes, streams, ponds, quarries, etc.

Where individual on-site water supply system(s) are to be utilized, it is recommended that the subdivider provide at least one (1) test well for each ten (10) proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bedrock at least fifty feet (50') deep, having a production capacity of at least five (5) gallons per minute of safe potable drinking water as certified by State or Municipal health officer.

SECTION 508 STORM WATER DRAINAGE

Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics including building of a structure, shall implement such measures consistent with the provisions of the applicable watershed storm water management plan as are reasonably necessary to prevent injury to health, and of person's safety and/or damage to adjacent property. Such measures shall include actions as are required:

- I. to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or
- II. to manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.

A. General Criteria

- 1. The storm water management plan must consider all the storm water runoff flowing over the project site.

2. All storm water runoff easements and detention controls shall be located and designed by a person qualified and/or experienced in the location and design of such structures.
3. The method used in calculating storm water runoff shall be the method designated in the Municipal Stormwater Management Ordinance, or as computed in Section 508, paragraph B, of this Ordinance.
4. Storm water roof drains and pipes shall discharge water into cisterns, French drains (where soils are suitable), sheet drains or other storm water runoff dispersion and absorption control device and not into storm sewers unless recommended in the watershed storm water plan.
5. No discharge of toxic materials into any storm water management system is permitted.
6. Flow velocities from any storm drain may not result in a deflection of the receiving channel.
7. Developers are encouraged to consult the following storm water management and erosion sedimentation control publications in preparing their plans.
 - a) Chapter 102. Erosion Control, Title 25, Rules and Regulations of the Department of Environmental Protection.
 - b) Chapter 105. Water Obstructions and Encroachments, Title 25, Rules and Regulations of the Department of Environmental Protection.
 - c) Engineering Field Manual for Conservation Practices, 1975, U.S. Department of Agriculture, Soil Conservation Service.
 - d) Guidelines for Storm Water Management, Department of Environmental Protection, Bureau of Dams and Waterway Management.
 - e) Soil Erosion and Sedimentation Control Manual, Department of Environmental Protection, Bureau of Soil and Water Conservation and Bureau of Water Quality Management.
 - f) Urban Hydrology for Small Watersheds, Technical Release No. 55, Soil Conservation Service, U.S. Department of Agriculture, January, 1975.
 - g) Chest Creek Watershed Act 167 Stormwater Management Plan, Cambria County Conservation District, Ebensburg, Pennsylvania.
 - h) PennDOT Design Manual II (Publication 13), Section 10.
 - i) Guidelines as set forth by the Cambria County Conservation District; Cambria County, Pennsylvania.

B. Specific Criteria

1. Storm water runoff rates shall be computed as outlined in the appropriate Municipal Stormwater Management Plan, or as follows:
 - a) Sites up to 5 acres shall use the rational method of calculating run-off as detailed in PA DOT Publication 13, Section 10. Pipes, ditches, and swales shall be designed accordingly.
 - b) Sites over 5 acres shall use the rational method to design pipes, swales, and ditches. Storm water detention shall be designed using the SCS method detailed in Urban Hydrology for Small Watersheds, Technical Release 55. Detention shall be designed using 5 and 25 year storm events.
2. Water quality for the specific watershed must comply with the appropriate Municipal Stormwater Management Plan.
3. Erosion and Sedimentation - All activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the standards of the Cambria County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

SECTION 509 PUBLIC USE AND SERVICE AREA

A. Public Open Spaces:

- 1) In reviewing subdivision plans, the Municipal Planning Commission and Municipal Officials should consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision.
- 2) In reviewing major subdivision plans, Portage Township will consider the adequacy of existing or proposed community facilities to serve additional dwelling units proposed by the subdivider. The reservation of land for community facilities will be required when found appropriate; therefore subdividers shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields, shopping and local business centers. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use of the proposed facility. Parks and /or playfields shall be provided in all major subdivisions agreed to by subdividers of the Township. Prior to the preparation of plans, subdividers of large tracts should review with the Municipal Planning Commission or Municipal Officials the minimum standards for various community facilities applicable to the tract being subdivided.
- 3) In subdivisions which are intended to provide housing, the Municipal Planning Commission or Municipal Officials shall consider the need for suitable open areas for recreation and shall make a recommendation thereon. However, if

the Municipality has a formally/adopted a recreation plan, then the land area to be dedicated, or the fees to be paid in lieu thereof, shall conform to said recreation plan and shall be a condition precedent to Final Plan approval.

B. Community Assets:

Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.

C. Utility Easements:

1. A temporary construction easement of thirty (30) feet and a permanent maintenance easement of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.
2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
3. There shall be a minimum distance of fifty feet (50'), measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products, or natural gas transmission line, high pressure line, or electric line above thirty four thousand five hundred (34,500) volts, which traverses the subdivision.
4. Subdividers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.
5. Utility service for residential development is recommended to be provided through the use of underground facilities in accordance with the standards and approval of the utility company having appropriate jurisdiction.

D. Erosion and Sediment Control

1. General Purpose.

- a) The Township 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 Township.
- b) No changes shall be made in contour of the land, no grading, excavating, removal or destruction to the top soil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Township Engineer and the Cambria County Conservation District, or until there has been a determination by the above entities that such plans are not necessary.
- c) No subdivision or land development plan shall be approved unless; (1) there has been an Erosion and Sedimentation Control Plan approved by the

Cambria County Conservation District that provides for minimizing erosion and sedimentation consistent with this section, and an improvement bond or other acceptable securities are deposited with the Township, in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (2) there has been a determination by the Township that a plan for minimizing erosion and sedimentation is not necessary.

- d) Where not specified in this ordinance, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the Cambria County Conservation District. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Conservation District.
2. Performance Principles- The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in control plan:
- a) Stripping of 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 and duration of exposure be kept to a practical minimum.
 - e) Disturbed soils shall be stabilized as quickly as practical.
 - 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 possible in the development.
 - h) Provisions shall be made to effectively accommodate the increased run off caused by changed soil and surface conditioning 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.
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 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.

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 or 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.
- 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 pendency of the activity is completed.
- d) The subdivider or land developer shall provide and install, at his expense, in accordance with the Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.
- e) Compliance with Regulations and Procedures.
- f) The Township in its consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as herein described.
- g) The installation and design of the required erosion and sediment control measures shall, at a minimum, be in accordance with standards and specifications of the Cambria County Conservation District.

5. Utilities

- a) Easements for utilities and drainage shall have a minimum width of twenty (20) feet.
- b) All utilities and drainage shall be contained within utility and drainage easements defined herein.
- c) Telephone, electric, T.V. cable and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Township and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving. All such utilities shall have a least four (4) feet of cover.
- d) Except for service connections, utilities shall not be placed under the cartway.
- e) Sanitary sewer system manholes shall not be placed within the cartway when possible.
- f) All utility lines crossing the roadway/cartway and/or shoulder, or installed within the roadway shoulder shall be completed and backfilled with properly compacted PennDOT No. 2B coarse aggregate. It is further understood that a highway occupancy permit must be obtained from the Township before entering any Township street right-of-way.
- g) Off-site utility extensions within Township roadway right-of-way shall be installed as follows:
 - i. Saw cut the existing pavement structure to the bottom of the base course to a neat straight line.
 - ii. Completely backfill the utility trenches with properly compacted PennDOT No. 2B coarse aggregate.
 - iii. Back-cut or over-cut the utility trench a minimum of one (1) foot on each side of the trench.
 - iv. Install the pavement structure in accordance with the standards set forth in this Ordinance.
 - v. Pour hot bitumastic joint sealant on all pavement joints in accordance with PennDOT Publication 408, Section 469.

ARTICLE VI IMPROVEMENT REQUIREMENTS

SECTION 601 GENERAL REQUIREMENTS

Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the Record Plan, in accordance with the requirements of these regulations, or other Municipal Ordinances or Regulations.

- A. As a condition to approval of a Final Plan by the Municipal Planning Commission or Municipal Officials, the subdivider shall agree with the Municipality as to the installation of all improvements shown on the Plan and required by these or other Municipal Ordinances or Regulations.
- B. All improvements installed by the subdivider shall be constructed in accordance with the design specifications of the Municipality.

Where there are no applicable Municipal Design Specifications, improvements shall be constructed in accordance with specifications furnished by the Municipal Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, or such other State agency as applicable. If there are no applicable Municipal or State regulations, the Municipality may authorize that specifications be prepared by the Municipal Engineer or an Engineering Consultant.

- C. Supervision of the installation of the required improvements shall in all cases be the responsibility of the Municipal Engineer, water and/or sewer authority, or of the appropriate state regulatory agency.

SECTION 602 REQUIRED IMPROVEMENTS

The following improvements shall be installed by the subdivider or a guarantee suitable to the Municipality shall be provided by the subdivider which shall ensure the provision of the improvements at the standards set forth in these regulations.

A. Street Grading:

All streets shall be graded at full right-of-way width.

B. Cartway Paving:

All streets intended to be dedicated to public use shall be paved to full cartway width (as shown on the Final Plan) in accordance with Municipal specifications.

C. Curbs:

Curbs are to be installed when deemed necessary by the Municipal Engineer or the Planning Commission based on the need to control storm water runoff and/or on-street parking and approved by the Municipality.

D. Sewers:

1. Storm Sewers:

Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Article V of these regulations.

2. Sanitary Sewage Disposal System(s):

- a. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Article V of these regulations.
- b. Whenever a subdivider proposes that individual on-lot sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.
- c. In all other cases, the subdivider shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Pennsylvania Department of Environmental Protection and such system shall be further subject to satisfactory provision for the maintenance thereof.

E. Water Supply:

1. Water supply system(s) shall be installed consistent with design principles and requirements contained in Article V of these regulations.
2. Where the subdivider proposes that individual on-site water supply system shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.
3. Wherever economically feasible, the subdivision shall be provided with a complete public or community water distribution system.

F. Fire Hydrants:

Wherever a public or community water supply system is provided, fire hydrants shall be installed as required by the local water supplier of all existing and proposed structures, measured by way of accessible streets.

G. Monuments and Markers:

Permanent reference monuments of pre-cast concrete or poured on-site concrete shall be installed by a professional land surveyor, as that term is defined by Act No. 367 of 1945, as amended. Pre-cast monuments shall be at least six (6) inches square at the top and bottom

and at least thirty (30) inches in depth, with a steel dowel. Poured on-site monuments shall be at least six (6) inches in diameter and at least thirty (30) inches in depth with a steel dowel. Monuments shall be set at all corners and angle points of the boundaries of the original tract to be subdivided prior to approval of the Plan. Markers shall be installed at all lot corners and shall consist of iron or steel bars at least twenty-four (24) inches long, and not less than one-half (1/2) inch in diameter.

H. Street Signs:

Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Municipality.

I. Street Lights:

In accordance with the conditions to be agreed upon by the subdivider, the Municipality, and the appropriate public utility, street lights are required to be installed in all subdivisions. However, whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street and lighting installation upon consultation with the public service utility company involved.

J. Recreational Facilities:

As a condition precedent to final plan approval, the subdivider, upon agreement with the Municipality, shall construct recreational facilities, pay fees in lieu thereof, or reserve private land, or a combination thereof, for park or recreational purposes. The standards for determining the proportion of a development to be dedicated and/or the amount of any fee to be paid in lieu thereof shall be indicated in Section 509 of this Ordinance, if applicable.

SECTION 603 RECOMMENDED IMPROVEMENTS

The following improvements, intended to enhance the sales value and public safety of the subdivision as well as to benefit the Municipality are recommended: All improvements shall be made at the expense of the developer.

A. Shade Trees:

Every effort must be made by the subdivider to preserve existing shade trees and, in addition, deciduous hardwood trees with a minimum caliber of one and one-half inches (1-1/2") should be provided in accordance with conditions to be agreed upon by the Municipality. Where provided, such trees should be planted between the sidewalk and the building reserve (setback) line at least five feet (5') from the sidewalk or between the curb and the sidewalk provided the planting strip is a minimum of six feet (6') wide. If no curb or sidewalk is provided, trees shall set back a minimum of ten feet (10') from the street ROW. Preserved shade trees may be included in the buffer area. All trees shall be kept safely away from overhead utility lines.

B. Sidewalks:

1. When required by the Municipality, sidewalks with a minimum width of four feet (4') shall be installed on both sides of all streets except that no sidewalks shall be required along service streets.

2. All sidewalks, curbs, and gutters shall be installed in accordance with these regulations and with curb, gutter, or sidewalk ordinances of the Municipality.

ARTICLE VII
LAND DEVELOPMENT STANDARDS

SECTION 701 DEFINITION AND EXCLUSIONS

Developments defined as land developments under the Pennsylvania Municipalities Planning Code (Act 247, as amended) are regulated under this Ordinance. The definition of land development includes any improvement to the land involving two or more residential buildings, or any non-residential building. Therefore, the construction of a single-family residential building is excluded from this definition and from these regulations. Also excluded is the leasing (or selling) of land for agricultural purposes in parcels of ten (10) or more acres (not involving any new streets or easements or residential dwelling units). Typical land developments include, but are not limited to, multi-family residential buildings, commercial centers, and industrial developments. It shall be unlawful for an applicant to construct land developments as defined herein without complying with these additional requirements.

SECTION 702 PROCEDURES AND EXCEPTIONS

- A. In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory); Preliminary Plan, and Final Plan stages. Land developments shall be processed, and submission requirements shall be the same as that required for subdivisions. The Final Plan shall be recorded in the Cambria County Recorder of Deeds Office.
- B. The Municipality of Portage Township may exempt a land development from preparing a Preliminary Plan if the following provisions are met:
 - 1. It meets the criteria for a Minor Subdivision and Land Development
 - 2. It does not involve earth disturbance of more than five (5) acres
 - 3. It does not involve a building of greater than twenty thousand (20,000) square feet gross leasable area, or in excess of two (2) stories in height.

SECTION 703 FINAL PLAN REVIEW

In addition to other Final Plan requirements (see Article IV of this Ordinance for Final Plan Subdivision Review), the following items shall be included for Final Plan review for all land developments, as applicable:

- A. The applicant shall prepare and submit a Site Plan. Site Plans, as required in this Article, detail the construction of all required improvements and contain information establishing compliance with the Design Standards of this Ordinance.
- B. In cases of multi-owner or multi-tenant developments, proof of organization and means for management and maintenance of common open space, parking, and other improvements must be shown. Legal documents demonstrating creation of an association or other means of assuring continuing maintenance shall be required.

SECTION 704 SITE PLAN

- A. In lieu of a subdivision plan (plot plan), the developer shall submit a Site Plan. For land developments having a total developed area of less than 15,000 square feet, the Site Plan shall be prepared at a scale of one inch equals fifty (50) feet. Where the total developed area is over 15,000 square feet but less than five (5) acres, the Site Plan shall be prepared at a scale of one inch equals one hundred (100) feet. Where the total developed area is over five (5) acres, the Site Plan shall be prepared at a scale of one inch equals two hundred (200) feet.
- B. Where building and parking lot development will cover an area in excess of one (1) acre (43,560 square feet), topographic data at two (2) foot contour intervals shall be required. For developments of less than one acre, topographic data at ten (10) foot contour intervals shall be required.
- C. All land developments must comply with Preliminary and Final Plan requirements (as applicable) as set forth within this Ordinance.
- D. Building elevations, while not required, are strongly encouraged as part of a Site Plan submission.

SECTION 705 GENERAL DEVELOPMENT STANDARDS

- A. All land developments must comply with all applicable standards as contained in Article V, Design Standards, of this Ordinance.
- B. All land developments must comply with all applicable requirements as contained in Article VI, Improvement Requirements, of this Ordinance.

SECTION 706 MULTI-FAMILY DWELLING DEVELOPMENT STANDARDS

- A. A multi-family dwelling development involving not more than three (3) dwelling units shall be considered a Minor Land Development. As such, this Minor Land Development will be exempt from submission and review of Preliminary Plans. Such Minor Land Development may proceed directly with Final Plan requirements as contained in this Ordinance. All multi-family dwelling developments containing four (4) or more dwelling units shall be considered a Major Land Development and will follow both Preliminary and Final Plan submission and review procedures.
- B. All multi-family dwelling land developments shall comply with the lot dimensions, areas, and setbacks specified by the Municipal Zoning Ordinance. If no municipal zoning exists, then the following areas, dimensions, and setbacks shall prevail:
 - 1. The maximum density of multi-family land developments without public water and without public sewage collection and treatment shall be three (3) units per acre, and a width at the building line of not less than one hundred (100) feet plus three (3) feet per unit.
 - 2. The maximum density of multi-family land developments with public water and without public sewage collection and treatment shall be six (6) units per acre, and a width at the building line of not less than fifty (50) feet plus three (3) feet per unit.

3. The maximum density of multi-family land developments with public water and with public sewage collection and treatment shall be twelve (12) units per acre, and a width at the building line of not less than fifty (50) feet plus three (3) feet per unit.
4. Multi-family dwelling land developments shall have a minimum building setback from any right-of-way (road or street) of twenty-five (25) feet plus three (3) feet per unit.
5. Multi-family dwelling land developments shall have a minimum building setback from any property line of fifteen (15) feet plus three (3) feet per unit.

SECTION 707 COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS

- A. All commercial and industrial land developments shall comply with the provisions contained within the Municipal Zoning Ordinance. If no municipal zoning exists, then the following design standards shall prevail:
 1. The total land area for such developments shall be sufficient to provide adequate space for off-street parking and loading, water and sewage facilities, landscaping, and property line setbacks. At a minimum, there shall be not less than four (4) square feet of off-street parking for each one (1) square foot of building use.
 2. Front property line setback shall be not less than fifty (50) feet.
 3. Side property line setback shall be not less than twenty-five (25) feet.
 4. Rear property line setback shall be not less than fifty (50) feet.
 5. Any side or rear property line abutting a residential property shall have a landscape area of ten (10) feet in width containing evergreen and deciduous plantings.
 6. Parking spaces, sizes, and number shall comply with ADA standards.
 7. Parking stalls shall not be less than ten (10) feet wide and twenty (20) feet long.

SECTION 708 ACCEPTANCE, MAINTENANCE, AND COMPLETION OF IMPROVEMENTS

- A. If the land development involves the lease or rental of buildings or space on the site and site improvements (streets, parking areas, and stormwater drainage devices) which are to be privately maintained or maintained by an entity created by the developer, then there is no need for municipal acceptance of the site improvements. However, in these instances, streets and stormwater drainage shall be designed and built to the standards contained in this Ordinance, and the Municipality shall affirm that these improvements are, in fact, built to such standards.
- B. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for the maintenance of such facilities. This document will be legally enforceable and clearly establish the maintenance responsibility. Any proposed improvement to be offered for public dedication will follow the requirements as specified by this Ordinance.

- C. Prior to final approval of the Final Site Plan, the land developer shall guarantee the installation of all applicable Required Improvements (Article VI, Section 602) by one of the methods contained in Article III, Section 309 Performance Guarantee of this Ordinance.

ARTICLE VIII MOBILE HOME PARKS

SECTION 801 MOBILE HOME PARK REGULATIONS

No person, firm, or corporation shall construct, maintain, or operate a mobile home park within the Municipality without obtaining a mobile home park plan approval from the Municipal Officials. No contiguous placement of mobile homes shall be permitted on land that has been subdivided and subsequently sold by said subdivider or corporation without the formal development and the Township's acceptance of a mobile home park plan. The procedures for reviewing mobile home park plans shall be the same as for subdivision and land development plans in accordance with the provisions of this Ordinance. Unless specified in this Article, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the provisions of this Ordinance.

A. Plan Requirements

Prior to plan approval of a mobile home park, plans shall be submitted to and approved by the Portage Planning Commission and the Municipal Officials in accordance with the requirements and procedures of this Ordinance. In addition to the plan information required elsewhere in this Ordinance, the following information shall be provided on the plans:

1. The location and use of proposed buildings or structural improvements.
2. The location and design of all uses not requiring structures such as recreation areas and landscaping.

B. Register

It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of person or head of family occupying each said mobile home, showing date of entry on said land, make, and size of the mobile home, and the names of all persons living in said mobile home. This should be updated every two (2) years.

C. Density

1. The minimum tract area for mobile home parks shall be five (5) acres.
2. The gross density per park shall not exceed eight (8) mobile home units per acre.

D. Lot Requirements

1. Individual mobile home lots located in a mobile home park shall contain at least five thousand (5,000) square feet of lot area and shall not be less than fifty (50) feet wide at the building setback line exclusive of easements or rights-of-way.
2. All mobile home lots shall be given street numbers and all park streets shall be given names.

E. Setback Requirements

1. All mobile homes shall be located at least thirty-five (35) feet from any street right-of-way which abuts a mobile home park boundary and at least twenty-five (25) feet from any other boundary of the park.
2. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.
3. All mobile homes and patios on a mobile home lot shall not be located closer than ten (10) feet to a lot line.
4. Minimum park frontage shall be one hundred (100) feet.

F. Park Street System

1. Streets. All streets within any mobile home park shall be designed in accordance with the design standards of this Ordinance.
2. Intersections. Not more than two (2) streets shall intersect at any point and a distance of at least one hundred and fifty (150) feet shall be maintained between center lines of offset intersecting streets.

G. Required Off-Street Parking

1. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each mobile home lot.
2. Each off-street parking space shall contain at least two hundred (200) square feet and shall not exceed a distance of three hundred (300) feet from the mobile home lot that it is intended to serve.

ARTICLE IX
ADMINISTRATION, AMENDMENT, SEVERABILITY

SECTION 901 REVISION AND AMENDMENT

- A. The Municipal Governing Body may, from time to time on their own motion revise, modify, or amend this Ordinance in order to increase its effectiveness or to expedite the approval of subdivision plans.
- B. Any revisions, modification, or amendments to these regulations shall be made in accordance with the procedures as provided in Act 247, Article V, Section 505, after a public hearing on the proposed revisions, modifications, or amendments.

SECTION 902 MODIFICATIONS

- A. The Municipal Governing Body may grant a modification or waiver from the requirements of one or more of the provisions within this Subdivision and Land Development Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
- B. All requests for a modification or waiver shall be in writing and shall accompany and be part of the application for subdivision or land development review. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance involved, and the minimum modification necessary.
- C. The Municipal Governing Body shall keep a written record of the action on all requests for modifications and/or waivers.
- D. In reviewing the sub-divider's request for a modification/waiver from these regulations, the following criteria should be used:
 - 1. An unnecessary hardship should be established upon a finding of fact.
 - 2. The particular hardship must stem from these regulations.
 - 3. The situation must be unique, not one shared similarly by other properties in the neighborhood.
 - 4. The hardship cannot be self-created by the property owner.
 - 5. Hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a modification/waiver.
 - 6. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the sub-divider or by the community as a whole.
 - 7. If these regulations were in existence at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of the purchase. The changed condition must have a unique bearing on the parcel under question.

- E. In granting modifications/waivers, the Municipal Governing Body may impose such condition, as will, in its judgment, secure substantially the original objectives of the now modified requirements.
- F. In order to encourage flexibility, economy, and ingenuity in the layout and design of subdivision and land developments, and to encourage the provision of amenities not otherwise required by this Ordinance or other applicable regulations, the Municipal Governing Body may waive, modify, reduce, or otherwise alter the standards and requirements of this Ordinance, provided, that such actions do not conflict with the purposes of this Ordinance.

SECTION 903 MEDIATION AND APPEALS

- A. The Municipality may offer a mediation option as an aid in completing proceedings authorized by Article V, Section 508 of Act 247: "Approval of Plats." In exercising this option, the Municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.I of Act 247, as re-enacted and amended.
- B. Any sub-divider aggrieved by a finding, decision, or recommendation of the Municipality may appeal such finding, decision, or recommendation to the Court of Common Pleas.
- C. All subdivision and land development appeals shall be filed not later than thirty (30) days after issuance of notice of the decision or report of the Municipality. All appeals shall be in accordance with the provisions of Article V of Act 247.

SECTION 904 FEES

- A. The Municipal Officials shall establish by resolution a collection procedure and Schedule of Fees to be paid by the sub-divider at the time of filing a Preliminary Plan.
- B. The Schedule of Fees shall be posted in the Municipal Secretary's office or in such other place as the Municipal Officials may designate.
- C. In the event the sub-divider is required to pay additional fees at the filing of the Final Plan, such fees shall be collected by the Municipal Secretary prior to distributing the Final Plan. There shall be no refund or credit of any portion of the fees should the sub-divider fail to apply for final approval within the required period of time or if the Final Plan covered only a section of the subdivision for which Preliminary Approval has been obtained.
- D. No Final Plan shall be approved unless all fees and charges have been paid in full to the Municipality and the Planning Commission.

SECTION 905 REMEDIES, ENFORCEMENT, AND JURISDICTION

- A. In addition to other remedies, the Township may issue stop work orders to insure compliance with ordinance.
- B. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved Final Plan, the Municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate

legal and equitable remedies to effect completion of said improvements. 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 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 monies 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.

- C. In addition to other remedies, the Municipality may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violation, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- D. The Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
- E. Any person, partnership, or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$750.00 plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event

there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continued shall constitute a separate violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

- F. The district justices shall have initial jurisdiction in proceedings brought under enforcement remedies.

SECTION 906 KEEPING OF RECORDS

The Municipal Planning Commission and the Municipal Officials shall keep a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review.

SECTION 907 RESPONSIBILITY

The sub-divider shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

SECTION 908 CONFLICTS

- A. Whenever there is a difference between the minimum standards specified herein and those included in other Municipal Ordinances or regulations, the more stringent requirements shall apply.
- B. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

SECTION 909 SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the municipality that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION 910 EFFECTIVE DATE

This Ordinance shall become effective immediately or as soon as legally permissible and shall remain in effect unless and until subsequently repealed or amended.

ORDAINED and ENACTED at a duly assembled public meeting by the Township of Portage, Cambria County, Pennsylvania, this 15th day of August, 2012.

PORTAGE TOWNSHIP

Richard Delasky, Supervisor
BY

Edward Selgunk, Supervisor
BY

_____, Supervisor
BY

ATTEST

Ruby Moore, Secretary

RESOLUTION # 2012-12
SCHEDULE OF FEES

WHEREAS, Ordinance No. 2012-5, entitled Portage Township Subdivision and Land Development Ordinance, was adopted by the Township of Portage on August 15, 2012; and

WHEREAS, Article III, Sections 304 and 310, and Article VIII, Section 804, authorize Portage Township to adopt, by resolution, certain fees for the filing of plans, and for the inspection of improvements; and

WHEREAS, the fees outlined in this resolution shall be in the form of either a bank certified check or postal or bank money order, and made payable to the Municipality of Portage Township.

NOW THEREFORE BE IT RESOLVED by Portage Township, Cambria County, Pennsylvania as follows:

FILING FEES

1. Sketch Plans
No Charge
2. Preliminary Plans- Township Review
Minor Subdivision- \$35.00 plus \$10.00 per lot
Major Subdivision- \$100.00 plus \$20.00 per lot
3. Preliminary Plans- Planning Commission Review
Minor Subdivision- \$35.00 plus 10.00 per lot
Major Subdivision- \$100.00 plus \$20.00 per lot
4. Final Review- Township
Minor Subdivision- \$35.00 plus \$10.00 per lot
Major Subdivision- \$100.00 plus \$20.00 per lot
5. Final Review- Planning Commission
Minor Subdivision- \$35.00 plus \$10.00 per lot
Major Subdivision- \$100.00 plus \$20.00 per lot
6. Engineering Fee- current prevailing rate per hour
(Sub-divider will be billed by the Municipality after review).
7. Inspection Fee- \$-current prevailing rate per hour
(Sub-divider will be billed by Municipality after improvements are installed).

Adopted this 15 day of August, 20 12.

ATTEST:

Ruby Moore
Secretary

Richard DeRose
Chairman