

CHAPTER 1240

General Provisions and Definitions

- 1240.01 Short title.
- 1240.02 Conflict of laws.
- 1240.03 Separability.
- 1240.04 Definitions.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I; P. & Z. Ch. 1220

Subdivision and land development - see Penna. Mun. Plan. Code, Art. V; P. & Z. Ch. 1228

Application and interpretation; compliance required - see P. & Z. 1242.02

Variances - see P. & Z. 1242.03

Filing fees - see P. & Z. 1242.04

1240.01 SHORT TITLE.

This Title Four of Part Twelve, the Planning and Zoning Code, shall be known and may be cited as "The Land Subdivision Regulations of the City of Johnstown," or just the "Subdivision Regulations."

(Ord. 3703. Passed 10-27-66.)

1240.02 CONFLICT OF LAWS.

Any regulation or ordinance of the City in conflict with any of the provisions of these Subdivision Regulations is hereby repealed insofar as it affects these Subdivision Regulations.

The provisions of these Subdivision Regulations shall control wherever they impose greater restrictions than those imposed by other laws, ordinances, rules, regulations, permits, easements, agreements or covenants.

(Ord. 3703. Passed 10-27-66.)

1240.03 SEPARABILITY.

If a court declares any portion of these Subdivision Regulations to be invalid, such declaration shall not affect the validity of these Subdivision Regulations as a whole or any part thereof, other than the specific portion declared to be invalid.

(Ord. 3703. Passed 10-27-66.)

1240.04 DEFINITIONS.

Unless the context clearly indicates otherwise, as used in these Subdivision Regulations:

(a) Block. "Block" means an area of property, usually containing lots, and bounded on at least three sides (or the equivalent) by one or more streets or other definite barriers.

(b) Building Line. "Building line" means the line across a lot establishing the minimum open space to be provided between the street right-of-way line and the foremost line of a building or structure.

(c) Commission, Planning. "Planning Commission" means the Planning Commission of the City.

(d) Comprehensive Plan. "Comprehensive Plan" means the complete plan, or any of its parts, prepared by the Planning Commission to guide the physical development and redevelopment of the community, as evidenced by the minutes, actions, resolutions, maps, plans, reports and other official acts and documents of the Commission.

(e) Developer. "Developer" means a person, corporation, partnership, association or other entity or any responsible person therein or agent therefor who or which undertakes the activities covered by these Subdivision Regulations. "Developer" is intended to include, but not necessarily be limited to, the terms "subdivider," "owner" and "builder," even though the individuals involved in successive stages of the project may vary.

(f) Easement. "Easement" means a grant of the right to use a portion of a parcel of land (usually a strip) for specified purposes, to the public, a corporation, a utility or a person.

(g) Lot. "Lot" means a portion of a subdivision or other parcel of land intended as a unit for the purpose of conveyance, transfer, improvement, development or sale. Specifically:

(1) "Double frontage lot" means a lot having frontage on two nonintersecting streets.

(2) "Reverse frontage lot" means a double frontage lot having a structure facing the opposite street from the majority of structures in the block.

(h) Plan of Lots, Final. "Final plan of lots" means a complete and exact subdivision plan prepared as required by these Subdivision Regulations and other applicable statutes.

(i) Plan of Lots, Preliminary. "Preliminary plan of lots" means a tentative subdivision plan prepared as required by these Subdivision Regulations by a person qualified by training and experience as a land planner.

(j) Planning District. "Planning District" means a compact area of the community, undivided by main highways or other major physical barriers, and designated in the Comprehensive Plan for a specific use, such as a residential neighborhood, commercial district or industrial district.

(k) Street. "Street" means a right of way intended primarily for vehicular traffic which may or may not have a paved cartway, sidewalks, utilities and other improvements. A street may be designated by other appropriate names, such as highway, thoroughfare, boulevard, parkway, road, avenue, drive, lane or place. The following functional classifications are herein used:

(1) Loop, radial, cross-connector and cross-connector link streets are major streets for circulation outside of residential neighborhoods and other planning districts.

(2) Local major streets are streets for major circulation within but not through residential neighborhoods and other planning districts, and providing access to cross-connector link streets.

Within this classification there are two types: Class A designed for circulation through residential neighborhoods or planning districts and for carrying the heavier traffic volumes; and Class B designed to serve as "bleeder" streets to relieve the volumes developed on the Class A streets and to distribute the traffic to other classifications of streets.

(3) Minor streets are those streets which are used primarily for access to the abutting properties and which serve to distribute traffic to local major streets.

(4) Marginal access streets are streets located adjacent and parallel to a controlled access highway for the purpose of providing access to the properties between interchange points on the highway.

(l) Subdivision. "Subdivision" means 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, transfer of ownership or building or lot development, provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

(m) Subdivision Regulations. "Subdivision Regulations" means Ordinance 3703, passed October 27, 1966, as amended, codified herein as Title Four of Part Twelve - the Planning and Zoning Code.

(Ord. 4398. Passed 9-10-86.)

CHAPTER 1242

Administration, Enforcement and Penalty

1242.01 Consideration by Planning Commission.

1242.02 Application and interpretation; compliance required.

1242.03 Variances.

1242.04 Filing fees.

1242.99 Penalty.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I; P. & Z. Ch. 1220

Subdivision and land development - see Penna. Mun. Plan. Code, Art. V; P. & Z. Ch. 1228

Qualified Planner - see P. & Z. 1222.08

Certificates, affidavits and approvals - see P. & Z. Title Four, Appx. A

1242.01 CONSIDERATION BY PLANNING COMMISSION.

It is the intention of these Subdivision Regulations that all matters herein which require action or decision by Council shall first be referred to the Planning Commission for its detailed recommendations as to the course to be followed and furtherance of the community interest and the Comprehensive Plan.

(Ord. 3703. Passed 10-27-66.)

1242.02 APPLICATION AND INTERPRETATION; COMPLIANCE REQUIRED.

(a) These Subdivision Regulations shall apply only to the subdivision of tracts or parcels of land for the purpose of building or housing development, and also to minor subdivisions as hereinafter defined.

These Subdivision Regulations are not intended to have, nor shall they have, any application to casual sales or gifts of real estate.

(b) No person shall sell, agree to sell, transfer or otherwise convey by deed, agreement, lease or other instrument any lot or parcel of ground situated within the City limits, or for a distance of three miles outside thereof, which lot or parcel is part of a tract being subdivided, nor shall a lot or parcel of ground be subdivided in any other form or be excavated or have structures erected thereon pursuant to a subdivision plan, nor shall any permit to erect, alter or repair any building be issued, unless and until that subdivision has been approved by the Planning Commission in accordance with the requirements of these Subdivision Regulations.

(Ord. 3703. Passed 10-27-66; Ord. 5052. Passed 12-30-09.)

1242.03 VARIANCES.

No variance from or exception to these Subdivision Regulations shall be granted in whole or in part, except in the following instances:

(a) Hardship. Upon application and allegations in writing that extraordinary hardship may result from strict compliance with these Subdivision Regulations, a case may be referred to the Planning Commission for the purpose of hearing the cause and determining substitute regulations to accommodate the specific hardship. If, by adopting the substitute regulations, substantial justice may be done and the public interest may be served, the Planning Commission may adopt the substitute regulations in lieu of the regulations causing hardship, provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the spirit of these Subdivision Regulations.

(b) Large Scale Development. The standards and requirements of these Subdivision Regulations may be modified in the case of a plan and program for a new town, a complete community or a neighborhood unit, which, in the judgment of the Planning Commission and Council, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides the covenants or other legal provisions as will ensure conformity to and achievement of the Comprehensive Plan.

(c) Minor Subdivision. Upon application to the Planning Commission and submission of a professionally prepared drawing, the standards and requirements of these Subdivision Regulations shall not apply to the division of a lot containing one or more permanent structures into one or more separate lots.

(Ord. 3703. Passed 10-27-66; Ord. 5052. Passed 12-30-09.)

1242.04 FILING FEES.

A filing fee shall accompany the filing of the preliminary plan of lots. No subdivision, variance, or conditional use application shall be accepted or acted upon unless the fee is paid. The fee shall be established by ordinance of City Council and amended from time to time.

If, after application, the number of lots is changed, appropriate additional fees or refunds shall be made.

(Ord. 3703. Passed 10-27-66; Ord. 5068. Passed 5-26-10; Ord. 5146. Passed 4-24-14; Ord. 5353. Passed 5-31-23.)

1242.99 PENALTY.

Any person, partnership or corporation who or which, being the owner or agent of any lot, tract or parcel of land, lays out, constructs, opens or dedicates any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes or for the common use of

occupants of buildings abutting thereon, or who or which sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development, or who or which erects any building thereon, without a final plat having been prepared in full compliance with the provisions of these Subdivision Regulations and the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and without such final plat having been recorded as provided therein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation, shall be fined not more than one thousand dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the City. 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.

(Ord. 4398. Passed 9-10-86.)

CHAPTER 1244

Plans

- 1244.01 Plan approval generally.
- 1244.02 Pre-application procedure.
- 1244.03 Procedure for conditional approval of preliminary plan of lots.
- 1244.04 Procedure for approval of final plan of lots.
- 1244.05 Contents of plans.
- 1244.06 Recording of plan.
- 1244.07 Effect of plan approval on Official Map.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I; P. & Z. Ch. 1220

Subdivision and land development - see Penna. Mun. Plan. Code, Art. V; P. & Z. Ch. 1228

Approval of plats - see Penna. Mun. Plan. Code 508 et seq.

Completion of improvements prior to final plat approval - see Penna. Mun. Plan. Code 509; P. & Z. 1246.06

Effect of approved plans on Official Map - see P. & Z. 1226.03

Planned residential development - see P. & Z. Ch. 1232

Site plans in C1 Districts - see P. & Z. Ch. 1260

Time limit for consideration of site plans - see P. & Z. Ch. 1260

1244.01 PLAN APPROVAL GENERALLY.

Except as otherwise provided in these Subdivision Regulations, no plan of any subdivision shall be approved by the Planning Commission or Council, except in accordance with the procedure designated in this chapter and other parts of these Subdivision Regulations. Any approval of any subdivision plan not processed as hereinafter provided shall be null and void, unless such approval was made previous to the adoption of these Subdivision Regulations.

(Ord. 3703. Passed 10-27-66.)

1244.02 PRE-APPLICATION PROCEDURE.

(a) Prior to filing an application for conditional approval of the preliminary plan of lots, the developer shall submit to the Planning Commission plans and data as specified in Section 1244.05(a). This step does not require formal application, payment of fees or filing of a preliminary plan of lots with the Commission. In the case of small land subdivisions, the Commission may waive the pre-application procedure.

(b) Within thirty days, the Commission shall inform the developer that plans and data as submitted or as modified do or do not meet the objectives of these Subdivision Regulations. When the Commission finds that the plans and data do not meet such objectives, it shall express its reason therefor.

(Ord. 3703. Passed 10-27-66.)

1244.03 PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAN OF LOTS.

(a) On reaching conclusions informally as recommended in Section 1244.02, regarding his or her general program and objectives, the developer shall cause to be prepared a preliminary plan of lots, together with improvement plans and other supplementary material as specified herein.

(b) Three copies of the preliminary plan of lots and supplementary material specified shall be submitted to the Planning Commission with a written application for conditional approval at least fifteen days prior to the respective meeting at which it is to be considered.

(c) Following a review of the preliminary plan of lots and other materials submitted for conformity to these Subdivision Regulations, and negotiations with the developer on changes deemed advisable in the kind and extent of improvements to be made by him or her, the Planning Commission shall, within thirty days, act thereon as submitted or modified, and, if approved, the Commission shall express its approval as a conditional approval and shall state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

(d) The action of the Commission shall be noted on three copies of the preliminary plan of lots, referenced and attached to any conditions determined. One copy shall be returned to the developer, either personally or by mailing the same to him or her, at his or her last known address, not later than fifteen days following the decision. One copy shall be transmitted to Council, and the third copy shall be retained by the Commission. Under no circumstances shall the developer start work of any nature other than surveying and staking prior to receiving the conditional approval of the Commission upon the preliminary plan of lots.

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

Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the

prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have a like effect.

(e) Conditional approval of a preliminary plan of lots shall not constitute approval of the final plan of lots. Rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plan of lots as a guide to the preparation of the final plan of lots which will be submitted for approval of the Commission and Council and for recording upon fulfillment of the requirements of these Subdivision Regulations and the conditions of the conditional approval, if any.

(Ord. 4398. Passed 9-10-86.)

1244.04 PROCEDURE FOR APPROVAL OF FINAL PLAN OF LOTS.

(a) The final plan of lots shall conform substantially to the preliminary plan of lots as approved, and, if desired by the developer, it may constitute only that portion of the approved preliminary plan of lots which he or she proposes to record and develop at the time, provided that such portion conforms to all the requirements of these Subdivision Regulations.

(b) When an application for approval of the final plan of lots is received by the Planning Commission and such plan conforms to all the requirements of these Subdivision Regulations, the date of receipt shall be stamped or written thereon. The Commission shall take action on such application within thirty days after the date of receipt.

(c) Three copies of the final plan of lots and other exhibits required for approval shall be prepared as specified herein and shall be submitted to the Commission with written application for approval within six months after approval of the preliminary plan of lots, at least fifteen days prior to the meeting at which it is to be considered.

(d) The date of approval of the final plan of lots by the Commission shall be recorded thereon. Approval shall be void unless such plan is recorded in the office of the County Recorder of Deeds within ninety days after the date of approval.

(Ord. 3703. Passed 10-27-66.)

1244.05 CONTENTS OF PLANS.

All plans presented to the Planning Commission and Council shall be accompanied by or include the following data:

(a) Pre-Application Plans and Data.

(b) The pre-application procedure is informal in nature and may be waived in whole or in part at the discretion of the Planning Commission.

(1) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in paragraphs (a)(2) and (3) hereof. This information may include data on existing covenants, land characteristics, available community facilities and utilities, and information describing the subdivision proposal, such as the number of residential lots, typical lot width and depth, price range, commercial areas, elementary and high schools, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.

(2) Location maps shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it and shall include the development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals and churches; title; scale; north point; and date.

(3) Sketch plans on topographic surveys shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in subsection (b) hereof or such of these data as the Planning Commission determines is necessary for its consideration of the proposed sketch plan.

(b) Preliminary Plan of Lots. The preliminary plan of lots shall be at a scale of 100 feet to one inch or larger. Smaller map scales may be permissible in the case of large developments where approved by the Planning Commission.

(1) Existing conditions data shall include the following:

- A. Boundary lines with bearings and distances;
- B. The location, width and purpose of easements;
- C. Streets on and adjacent to the tract;
- D. Utilities on and adjacent to the tract;
- E. Ground elevations on the tract based on a datum plane approved by the Commission. Contours shall be at an interval of not less than five feet for land sloping more than approximately two percent, and at an interval of not more than two feet for land sloping less than two percent.
- F. Subsurface conditions on the tract if required by the Commission showing the location and results of tests made to ascertain subsurface soil, rock and ground water conditions, and the location and results of soil percolation tests if individual on-lot sewage disposal systems are proposed;
- G. Proposed public improvements, such as highways or other major improvements planned by public authorities for future construction on or near the tract; and
- H. Titles and certificates, including present tract designation according to official records in the office of the appropriate recorder; and scale, north point bench marks, date of survey and certification of survey by a registered surveyor or engineer.

(2) Proposed development data shall include the following:

- A. Street names, right-of-way and roadway widths and approximate grades and gradients;
- B. The location, width and purpose of other rights of way or easements;
- C. The location of utilities, if not shown on other exhibits;
- D. Lot lines, lot numbers and block numbers;
- E. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses;
- F. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwellings;
- G. Minimum building set-back lines;
- H. Site data, including numbers of residential lots, typical lot size and acres in parks, schools, etc.; and
- I. Title, scale, north point and date.

(c) Other Preliminary Plans.

(1) The preliminary plan of lots shall be accompanied by a profile showing the existing ground surface and proposed street grades along the centerline of each street, including the extensions for a reasonable distance beyond the limits of the proposed subdivision as necessary; a site plan showing dwellings or other structures; revised elevations and contours; proposed grading; roadways; and proposed sanitary and storm water sewers with grades and sizes indicated.

(2) A draft of protective covenants shall be submitted whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(3) When required by the Planning Commission, a report by a registered engineer demonstrating the feasibility of the proposed sewage disposal method shall be submitted.

(d) Final Plans of Lots and Data.

(1) The final plan of lots shall be drawn in black India ink on tracing cloth on sheets eighteen inches by twenty-four inches or six-inch multiples thereof and shall be at a scale of 100 feet to one inch or larger. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in continuous sections satisfactory to the Planning Commission.

(2) A final plan of lots shall show the following:

A. Primary control points, descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plan of lots shall be referred;

B. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots of other sites, with accurate dimensions, bearings or deflection angles, radii, arcs and central angles of all curves;

C. Names and right-of-way widths of each street or other right of way;

D. The location, dimensions and purpose of easements;

E. A number to identify each site or lot;

F. The purpose for which sites, other than residential lots, are dedicated or reserved;

G. Minimum set-back lines on lots and other sites;

H. The location and description of monuments;

I. Names of recorded owners of adjoining unplatted land;

J. Reference to recorded subdivision plats of adjoining platted land by record name, date and number;

K. Certification by a registered surveyor or engineer certifying to the accuracy of the survey and plan of lots;

L. Certification of title showing that the applicant is the land owner;

M. A statement by the owner dedicating streets, rights of way and any sites for public uses; and

N. Title, scale, north point and date.

(3) Cross-sections and profiles of streets showing grades shall be provided.

(4) An improvement plan showing pavement and curb lines with dimensions of all utilities properly designated and with sizes noted, lots numbered and streets identified, at the same scale as the final plan of lots, shall be provided.

(5) Evidence of approval by the City Engineer certifying that the developer has complied with one of the following alternatives shall be provided:

A. All improvements are installed as required by these Subdivision Regulations or by those regulations applicable at the time of such installation. The Planning Commission may require the improvement of previously dedicated streets in accordance with these Subdivision Regulations, plus a bond and/or other security in an amount deemed adequate to ensure completion of such improvements and the maintenance thereof for one year following completion.

B. A bond and/or such other security of such type and amount as may be determined by the City Engineer has been posted and is available to the City to ensure completion of all required improvements and the maintenance thereof for one year following completion.

(6) Protective covenants in form for recording shall be provided.

(7) Other data and such other certificates, affidavits, endorsements or deductions as may be required by the Planning Commission or Council shall be provided.

(Ord. 3703. Passed 10-27-66.)

1244.06 RECORDING OF PLAN.

(a) Upon the approval of a final plan, the developer shall, within ninety days of such final approval, record such plan in the office of the County Recorder of Deeds. The County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of Council.

(b) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan.

(Ord. 4398. Passed 9-10-86.)

1244.07 EFFECT OF PLAN APPROVAL ON OFFICIAL MAP.

After a plan has been approved and recorded as provided in these Subdivision Regulations, all streets and public grounds on such plan shall become a part of the Official Map of the Municipality without a public hearing.

(Ord. 4398. Passed 9-10-86.)

CHAPTER 1246

Design Standards and Improvements

1246.01 Conformity required.

1246.02 Streets.

1246.03 Easements.

1246.04 Blocks.

1246.05 Lots.

1246.06 Completion of improvements or guarantee thereof prerequisite to final plan approval.

1246.07 Release from improvement bond.

1246.08 Remedies to effect completion of improvements.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I; P. & Z. Ch. 1220

Subdivision and land development - see Penna. Mun. Plan. Code, Art. V; P. & Z. Ch. 1228

Improvements - see Penna. Mun. Plan. Code 509 et seq.

Conditions for acceptance of streets and alleys - see S.U. & P.S. 1020.01

Construction of streets - see S.U. & P.S. 1020.03

Construction of sidewalks - see S.U. & P.S. 1022.01 et seq.

Placement of utility wires underground in certain district - see S.U. & P.S. 1040.02

Sewers - see S.U. & P.S. Ch. 1042, Ch. 1048, Ch. 1050

Water - see S.U. & P.S. Ch. 1052

1246.01 CONFORMITY REQUIRED.

Herein set forth are the design standards to which plans of lots must conform in order to be approved by the Planning Commission and Council.

(Ord. 3703. Passed 10-27-66.)

1246.02 STREETS.

(a) The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing streets and surrounding areas;

(2) Conform to a plan for the neighborhood or planning district prepared by the Planning Commission, where topographical or other conditions exist that make continuance of or conformance to existing streets impractical; or

(3) Conform (in the case of multifamily housing projects, industrial developments, commercial districts, unit group projects, etc.) to a plan approved by the Commission.

(c) No local major street or minor street shall be laid out in such a way as to permit or encourage its use by through traffic.

(d) Where a subdivision abuts or contains loop, radial, cross-connector or cross-connector link streets, as shown on the Comprehensive Plan, the Commission may require a non-access reservation or "buffer strip" containing screen planting along the rear property line and along deep lots with rear service ways, or such other treatment as may be necessary for adequate protection of residential properties and will afford separation of through and local traffic.

(e) Where a subdivision borders along or contains a controlled access highway right of way as shown on the Comprehensive Plan, the Commission may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land. Portions of such width shall be greater where approach grades and future grade separations require additional width.

(f) Reserve strips controlling the access to streets shall be prohibited except where their control is definitely placed under the jurisdiction of the municipality in which they are located, with conditions approved by the Commission.

(g) Street jogs with centerline offsets of less than 125 feet shall be avoided.

(h) A tangent at least fifty feet long shall be introduced between reverse curves on local major streets and minor streets.

(i) When connecting street lines deflect from each other at any one point, they shall be connected by radial curves adequate to ensure a sight distance of not less than 100 feet for local major streets and minor streets and of such greater radii as the Commission shall determine for special cases or as shown on the Comprehensive Plan.

(j) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty degrees.

(k) Property lines at street intersections shall be rounded with radii of twenty feet for minor streets and forty feet for intersections of local major streets or a minor street and a local major street, or of a greater radius as may be deemed necessary.

(l) Street right-of-way widths shall be as shown in the Comprehensive Plan and as specified below:

Street Type	Pavement Width (ft.)	Right-of-Way Width (ft.)	Sidewalk
Loop, radial, cross-connector and cross-connector link	24	80	No
Local major			
Class A	36	60	Yes
Class B	20	60	No
Minor	26	50	Yes
Marginal access	20 or 22	40	Yes

(m) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these Subdivision Regulations and where the Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Where the subdivision abuts on an existing City street or Township or State road, developers shall allow a right of way from the center of such road, equal to one-half that required by the classification into which such road falls, as outlined herein.

(n) Dead-end or cul-de-sac streets shall not normally be longer than 500 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty feet and a street property line diameter of at least 100 feet. Where cul-de-sac streets exceed 500 feet, larger turnarounds and additional turnarounds may be required.

(o) No street names shall be used which will duplicate or be confused with names of existing streets. Street names shall be subject to approval by the Commission. All street names shall be made

available to the Local Postmaster for his or her approval.

(p) Street grades shall not exceed the following, with due allowance for vertical curves. (Note: The Commission, at its own discretion, may permit short segments of streets to exceed the maximum gradients where necessary for proper land utilization, but under no circumstances will grades in excess of fifteen percent be permitted.)

Street Type	Percent Grade
Marginal access	12
Minor	12
Local major - Class A	10
Local major - Class B	12
Other street types	As required by State or local officials

(q) No street grade shall be less than one percent.

(Ord. 3703. Passed 10-27-66.)

1246.03 EASEMENTS.

(a) Easements across lots or centered on rear or side lines shall be provided where necessary as determined by the Planning Commission and shall be at least fifteen feet wide.

(b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement for drainage with a right of way conforming substantially to the lines of such watercourse, and such further width for construction as will be adequate for the purpose. Parallel streets may be required in connection therewith.

(c) All easements shall be clearly identified as to purpose.

(Ord. 3703. Passed 10-27-66.)

1246.04 BLOCKS.

(a) The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) Provision of adequate building sites, suitable to the special needs of the type of use contemplated;

(2) Zoning requirements as to lot sizes and dimensions;

(3) Needs for convenient access, circulation control and safety of street traffic; and

(4) Limitations and opportunities of topography.

(b) Block lengths shall not normally exceed 1,800 feet or be less than 400 feet.

(c) Pedestrian crosswalks not less than ten feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(Ord. 3703. Passed 10-27-66.)

1246.05 LOTS.

(a) The lot size, width, depth, shape and orientation and the minimum building set-back lines shall be appropriate for the location of the subdivision and for the type of development and use

contemplated, and shall be in accordance with the Zoning Code.

(b) Lot dimensions shall conform to the requirements of the Zoning Code, or if minimum lot sizes are not so required, the following requirements shall apply:

(1) Residential lots where either or both water supply and sanitary sewage disposal are provided by individual on-lot facilities shall conform to the Minimum Requirements for Individual Water Supply and Sewage Disposal Systems, a part of the F.H.A.'s Minimum Property Requirements for the State of Pennsylvania.

(2) The depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street parking facilities and service areas required by the type of development contemplated and as outlined in the Zoning Code and Comprehensive Plan.

(c) Corner lots for residential uses shall have extra width to permit appropriate building setback from and orientation to both streets. Such additional width shall be not less than fifteen feet or as required by the Zoning Code.

(d) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory frontage and access to a public street. On cul-de-sac and curved streets each lot shall have at least thirty feet of frontage at the property right-of-way line.

(e) Double frontage and reverse frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet and across which there shall be no right of access shall be provided along the line of a lot abutting such a traffic artery or other use.

(f) Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

(Ord. 3703. Passed 10-27-66.)

1246.06 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL.

No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by these Subdivision Regulations, and until any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by these Subdivision Regulations have been installed in accordance with these Subdivision Regulations. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer may deposit with the Municipality 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. Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section. 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 that such bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one year of the date fixed in the subdivision plan for completion of such improvements. The amount of financial security shall be equal to 110 percent of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to Council or the Planning Commission of a bona fide bid or bids from the contractor or

contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the costs shall be established by an estimate prepared by the City Engineer. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure. Where development is projected over a period of years, Council or the Planning Commission 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 stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to Council, and Council shall have forty-five days from receipt of such request within which to allow the City Engineer to certify, in writing, to Council that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, Council shall authorize release by the bonding company or lending institution of an amount as estimated by the City Engineer fairly representing the value of the improvements completed or, if Council fails to act within such forty-five day period, Council shall be deemed to have approved the release of funds as requested. Council may, prior to final release at the time of completion and certification by the City Engineer, require retention of ten percent of the estimated cost of the aforesaid improvements. Where Council accepts dedication of all or some of the required improvements following completion, Council may require the posting of financial security to secure structural integrity of such improvements as well as the functioning of such improvements, in accordance with the design and specifications depicted on the final plan, for a term not to exceed eighteen months from the date of acceptance of dedication. Such financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent of the actual cost of installation of such improvements. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Municipal authority and shall not be included within the financial security as otherwise required by this section. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if such financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved 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 or buildings.

(Ord. 4398. Passed 9-10-86.)

1246.07 RELEASE FROM IMPROVEMENT BOND.

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the City Engineer. Council shall, within ten days after receipt of such notice, direct and authorize the City Engineer to inspect all of the aforesaid

improvements. The City Engineer shall, thereupon, file a report, in writing, with Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty days after receipt by the City Engineer of the aforesaid authorization from Council, and such report shall be detailed and shall indicate approval or rejection of such improvements, either in whole or in part, and if such improvements, or any portion thereof, are not approved or are rejected by the City Engineer, such report shall contain a statement of reasons for such nonapproval or rejection.

(b) Council shall notify the developer, in writing, by certified or registered mail, of the action of Council with relation thereto.

(c) If Council or the City Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

(d) If any portion of the improvements is not approved or is rejected by Council, 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 Council or the City Engineer.

(f) Where reference is made herein to the City Engineer, he or she shall be a duly registered professional engineer employed by the Municipality or engaged as a consultant thereto.

(Ord. 4398. Passed 9-10-86.)

1246.08 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

If any improvements which may be required have not been installed as provided in these Subdivision Regulations, or in accordance with the approved final plan, Council may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by such security, Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other Municipal purpose.

(Ord. 4398. Passed 9-10-86.)