

ORDINANCE NO. 390

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
OF THE BOROUGH OF FOREST CITY

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ORDINANCE NO. 390

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OF THE BOROUGH OF FOREST CITY

ARTICLE I

TITLE, PURPOSE AND AUTHORITY

Section 101. TITLE

These regulations shall be known and may be cited as the "Forest City Borough Subdivision and Land Development Ordinance."

Section 102. PURPOSE

102.01 The purpose of these regulations is to regulate the subdivision and development of land and to promote public health, safety and general welfare; to further the orderly layout and use of the land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide for safe ingress and egress; to avoid hazards of soil or topographical conditions; to manage the drainage hazards for the proposed development and surrounding properties; and to promote proper monumenting of land, proper subdividing and accurate conveyancing by legal description.

102.02 In addition, this ordinance is adopted in order to insure the development of the Borough in conformity with officially adopted regional, county, and local municipal plans and policies.

Section 103. AUTHORITY

103.01 Grant of Power - The Forest City Borough Council has jurisdiction and control of the subdivision and land development of land within the Borough limits, as specified in Article V, Section 501, of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

- 103.02 Adoption of Regulations - The Forest City Borough Council by authority of this ordinance adopted on the _____ day of _____, pursuant to Article V of Act 247, before cited, hereby adopts the following regulations governing the subdivision and development of all land located within the borough limits.
- 103.03 Delegation of Approval Power - The Forest City Borough Council, pursuant to Article V of Act 247, before cited, hereby delegates the authority necessary to review, approve and/or disapprove subdivision and land development plans and maps for those lands located within the Borough limits to the Forest City Borough Planning Commission. The Commission may delegate all or part of the review, approval or disapproval authority to an administrator. The scope of the delegation of authority shall be noted as a written record in the minutes of the Forest City Borough Planning Commission.
- 103.04 Powers - The Forest City Borough Planning Commission shall have all powers necessary to administer and enforce the provisions of these regulations without limitations by reason of enumeration, including, but not limited to the following:
1. To prohibit the development of any land found to be unsuitable as defined by these regulations.
 2. To require that improvements to the land be made as defined by these regulations.
 3. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
 4. To require adherence to these regulations and their standards.
 5. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
 6. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of these regulations.

Section 104. APPLICATION OF REGULATIONS

104.01 Application to Subdividers and Land Developers - Any person intending to develop or subdivide land as defined herein, shall prepare a preliminary and final plan in accordance with Article III. The plan shall be prepared and submitted to the Borough Planning Commission for either review, approval and/or disapproval.

1. In accordance with the Pennsylvania Municipalities Planning Code, Article V, Section 502, Act 247, as amended, plans of proposed subdivisions and land developments located within a borough or within a township having legally adopted land subdivision regulations shall be submitted to the County Planning Commission for review and report together with a fee sufficient to cover the cost of review and report which fee shall be paid by the applicants, (Act 194 passed in 1974), PROVIDED, that such municipality shall not approve such applications until the county report is received or until the expiration of forty-five (45) days from the day the application was forwarded to the County Planning Commission.
2. Pursuant to the Pennsylvania Municipalities Planning Code, Section 513, Article V, of Act 247, as amended, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Commission.
3. Subdivision or land development plans recorded with the County Recorder of Deeds prior to the date of adoption of this ordinance are exempt from the provisions of these regulations.

104.02 Notification of County Planning Commission - A certified copy of these regulations shall be filed with the County Planning Agency. All amendments to these regulations shall in like manner be filed with the County Planning Agency.

104.03. Interpretation - The provisions of these regulations shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Borough and shall not be deemed a limitation or repeal of any power granted to the Borough by the Commonwealth of Pennsylvania.

104.04 Compliance and Violations

1. Compliance - No person shall divide or develop land within the Borough which results in a subdivision, or land development, or a replat as defined herein; nor shall a subdivision or land development or replat be recorded and no street shall be laid out, no lot shall be rented or leased, nor shall improvements be made to the land without compliance with all requirements of these regulations, the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, the rules and regulations of the Pennsylvania Department of Environmental Resources, and the Pennsylvania Department of Transportation, if the land abuts on a state primary or secondary highway or connecting street, nor shall any subdivision or land development conflict with an adopted plan or policy, a zoning ordinance, official map, or any other borough ordinance.
2. Violations - It shall be unlawful to build upon, install improvements, divide, convey, lease, rent, record or monument any land in violation of these regulations or statutes of the Commonwealth of Pennsylvania. The Borough may institute appropriate action or proceedings to enjoin violators of these regulations or take other action according to applicable statutes of the Commonwealth of Pennsylvania.

104.05 Abrogation, Greater Restrictions, Severability and Repeal

1. Abrogation and Greater Restrictions - These regulations do not repeal, abrogate, annul, impair, or interfere with any existing easements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.

However, wherever these regulations impose greater restrictions, the provisions of these regulations shall govern unless expressly prohibited by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

2. Severability - Each section, paragraph, sentence, clause, word and provision of these regulations

is severable, and if any provision shall be held unconstitutional or invalid for any reason, such decisions shall not affect the remainder of these regulations nor any part thereof other than that affected by such decision.

ARTICLE II
DEFINITIONS

201. INCLUSIONS

201.01 General Terms - As used in these Regulations, words in the singular included the plural and those in the plural include the singular. The word "person" includes a corporation, sole proprietorship, unincorporated association, and a partnership, as well as an individual. The word "street" includes avenue, boulevard, court, expressway, highway, lane, arterial, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The word "may" is permissive; the words "shall" and "will" are mandatory.

202. DEFINITIONS

202.01 Specific Terms - As used in these Regulations, terms or words shall be defined as follows:

1. Alley. A public or private way affording only secondary means of access to abutting property.
2. Block. An area bounded by streets.
3. Building. Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property.
4. Cartway. Means the graded or paved portion of a street used for vehicular travel, excluding shoulders.
5. Clear sight triangle. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.
6. Commission. The Forest City Borough Planning Commission, unless otherwise noted.

7. Commission engineer. The engineer or other qualified person designated by the Commission to perform all administrative and/or supervisory duties required of the Commission Engineer by the provisions of these Regulations.
8. Commonwealth. The Commonwealth of Pennsylvania, unless otherwise noted.
9. County Planning Commission. The Susquehanna County, Pennsylvania, Planning Commission, unless otherwise noted.
10. Cul-de-sac. A minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.
11. Dedication. The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
12. Developer. (See "Subdivider.")
13. Development. (See "Subdivision and Land Development.")
14. Double Frontage Lot. Means a lot fronting on two generally parallel streets or highways.
15. Easement. A right-of-way granted for limited use of private land for a public, quasi-public, or private purpose.
16. Flood Plain. Means the area of inundation which functions as a storage or holding area for flood water or as defined by municipal plan policy, or as identified on the HUD FIA Flood Hazard Boundary Maps.
17. Industrial. Type of land use dealing with manufacturing, warehousing, and/or protection of a product.
18. Interior Walk. Means a right-of-way for pedestrian use extending from a street into a block or across a block to another street.

19. Land Development. (See "Subdivision and Land Development.")
20. Lot or Zone Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open space as required by this Ordinance, and having frontage on a public street.
- a. Lot, Corner. A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.
 - b. Lot, Depth. The mean horizontal distance between the front and the rear lot lines.
 - c. Lot Lines. The property lines bounding the lot.
 - (1) Lot Line, Front. The property boundary line separating the lot from the street legal right-of-way line.
 - (2) Lot Line, Rear. The lot line opposite and most distant from the front lot line.
 - (3) Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
 - (4) Lot Line, Street or Alley. A lot line separating the lot from a street or alley.
 - d. Lot Width. The average horizontal distance as measured between the side lot lines and parallel to the front lot line.
 - e. Lot Area. The computed area contained within the lot lines.

21. Major subdivision. Means any subdivision involving a new street or streets or the extension of municipal facilities, or the creation of any public improvements.
22. Minor subdivision. Means any subdivision fronting on an existing street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines, and not involving the creation of any public improvements.
23. Mobile home. Means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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.
24. Mobile home park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.
25. Motor home. Means a self-contained recreational vehicle that moves under its own power.
26. Municipality. Shall be construed to mean the political subdivision known as the Borough of Forest City, Susquehanna County, Pennsylvania, unless otherwise noted.
27. Pavement. The portion of a street or alley intended for vehicular use.
28. Plan, final. Means complete and exact graphic description or map drawn to scale, prepared for official recording as required by the Pennsylvania Municipalities Planning Code, Act 247, as amended, to define property rights and proposed streets or other improvements.

29. Plan, preliminary. Means a tentative graphic description or map drawn to scale, in lesser detail than a final plan, showing approximate locations of streets, and lot layout as a basis for consideration prior to preparation of a final plan.
30. Plan, record. Means an exact signed copy of the approved final plan, prepared as for official recording, to define property rights and proposed streets and other improvements.
31. Plan sketch. Means an informal graphic description or map drawn generally to scale, indicating salient or existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development as further defined in these regulations.
32. Public improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street street parking area, lot improvement, or other facility for which the local government does assume the responsibility for maintenance and operation at the time of the subdivision submission.
33. Registered professional engineer. A person registered and licensed to practice engineering within the Commonwealth of Pennsylvania.
34. Replat. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot lines, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
35. Reserve strips. A right-of-way reserved for use as a street, alley, interior walk or for other public purposes.
36. Reserve frontage. Means a lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

37. Right-of-way. Any road, street, alley, sidewalk, passageway, porch or entrance intended, regardless of ownership, to serve as an area to be utilized by the general public, either vehicular or pedestrian, providing that this area is not enclosed within the main sidewalls and roof of a structure.
38. Setback, building line or front yard line. The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, property line or any easement line providing a reservation for the future widening of the roadway.
39. Sewer permit. Permit issued by the appropriate Municipal Authority allowing public sewage service.
40. Sight distance. The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.
41. Street. A public or private thoroughfare which affords the principal means of vehicular access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other such thoroughfare except an alley. Classes of streets are as follows:
- a. Major traffic streets are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania State Highway Department.
 - b. Collector streets are those which, in addition to giving access to abutting properties, intercept minor streets and provide routes, carrying considerable volumes of traffic, to community facilities and to major traffic streets.
 - c. Minor streets are those used primarily to provide access to abutting property.

- d. Marginal access streets are minor streets parallel to major traffic street that provide access to properties but controlling access to the major street.
- 42. Street, public. A right-of-way dedicated or open to public use.
- 43. Subdivider. The owner, or authorized agent of the owner, of a subdivision.
- 44. Subdivision and land development.
 - a. 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, transfer of ownership or building or lot development: Provided, however, that the division of land for commercial agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.
 - b. Any development of land (including but not limited to, seasonal recreation developments, campsites, camping grounds, multiple dwelling units, industrial land developments, shopping centers and other developments intended to be used for commercial or industrial purposes) even though any streets or rights-of-way may not be dedicated to public use; and lots, tracts, or parcels, may not be divided for the purpose of conveyance, transfer or sale, even though the owner does not transfer legal title or equitable title (for example, structures for rental purposes).
 - c. Land development is the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose by means of, or for the purpose of streets, common area, leaseholds, condominiums, building groups, or other features,

involving either (a) a group of two or more buildings, or (b) a division or allocation of land or space between or among two or more existing or prospective occupants.

- 45. Tract. Means an area of land identified as a single plot for tax purposes prior to a land division which creates a lot or parcel.
- 46. Trailer. Means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is, or may be mounted on wheels and used as a conveyance on highways, roads, or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracts.
- 47. Trailer coach. (See Trailer.)
- 48. Travel trailer. (See Trailer.)
- 49. Travel trailer park. Means any park, trailer park, trailer court, court, camp, site, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the travel trailer park and its facilities or not. "Travel Trailer Park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purposes of inspection and sale.

ARTICLE III

PROCEDURE

Section 301. PROCEDURES

- 301.01 Sketch Plan - Prior to submitting a formal preliminary plan the applicant may, at his option, present the Commission with a sketch plan for discussion purposes. This step is particularly recommended for major subdivisions.
- 301.02 Plans to be filed with Commission - Eight (8) copies or a number less than eight (8) copies, as specified by the Commission, of the preliminary and final plans and required supplementary data shall be officially submitted to the Commission through the Borough Zoning Officer by the subdivider or his agent.
- 301.03 Review of Plans - The Borough Planning Commission shall review and shall take action to approve or disapprove all plans, except sketch plans where no action is necessary, render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Borough Planning Commission next following the date the application is filed with the Commission, providing that should the said next regular meeting of the Borough Planning Commission occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed with the Commission.
- 301.04 Action on Major Subdivision Plans and All Other Land Development Plans - The initial plan filed with the Commission shall be considered to be the preliminary plan. However, the Commission may proceed to final action at the first consideration of a plan provided that the plan and supporting data comply in all respects with the requirements for major final plans as per Article IV of these regulations.
- 301.05 Action on Minor Subdivision Plans - In the case of a proposed minor subdivision, the Commission may grant preliminary and final approval on the basis of plans submitted in conformity with Article V of these regulations.

- 301.06 Notification to County Planning Commission - Upon receipt of a subdivision or land development plan for review, the Commission shall notify the County Planning Commission and furnish a copy of the plan for its review and comment.

Section 302. PROCEDURES FOR PRELIMINARY AND FINAL PLANS

- 302.01 Notification of Action - No more than fifteen (15) days after the meeting at which a plan is reviewed, the Borough Planning Commission shall notify the developer of the action taken on the plan. When the application is not approved as filed, the decision shall specify the defects found in the application or supporting data and describe the requirements which have not been met and shall, in each case, cite the provisions of these regulations which have not been complied with.

Section 303. ADDITIONAL PROCEDURES FOR PRELIMINARY PLANS

- 303.01 Changes and Modifications - The Borough Planning Commission may require or recommend changes and modifications of the preliminary plan, prior to approval of the final plan.
- 303.02 Acceptance of Public Street and Areas - Prior to final approval by the Borough Planning Commission, the developer shall secure by written letter, evidence that the Borough will take responsibility for streets and other areas normally associated with being dedicated to public use, or, the Borough shall indicate its intent to accept and/or specify its conditions of accepting the lands proposed to be dedicated to the public by the subdivider.
- 303.03 Fee - To defray a portion of the expense of review, a fee as follows shall be payable to order of the Borough Planning Commission upon the filing of the preliminary plan.
1. For major subdivisions and all other land developments, one hundred dollars (\$100.00) plus twenty dollars (\$20.00) per lot within each residential, recreational, commercial, or industrial development or other land development.
 2. For minor subdivisions, a fee of fifty dollars (\$50.00) plus twenty dollars (\$20.00) per lot or parcel.

3. Copies of this Subdivision and Land Development Ordinance shall be provided at a nominal cost set by the Borough.

303.04 Engineering Costs - The cost of engineering or surveying work required by the Commission to ensure compliance with these regulations shall be borne by the developer.

Section 304. ADDITIONAL PROCEDURES FOR FINAL PLANS

304.01 Final Plan to be Submitted - Within one (1) year after favorable action by the Borough Planning Commission on the preliminary plan, a final plan with supporting data shall be submitted to the Borough Planning Commission for review. Otherwise, the plan submitted shall be considered as a new preliminary plan.

304.02 Final Plan Shall Conform with Preliminary Plan - The final plan shall conform in all respects to the preliminary plan as previously reviewed by the Borough Planning Commission and shall incorporate revisions and modifications specified by the Borough Planning Commission in its conditional approval of the preliminary plan. All approved final plans must bear signatures of the authorized representatives of the Borough Planning Commission and the effective date of approval.

Section 305. RECORDING FINAL PLAN

305.01 Required Time to Record - No more than ninety (90) calendar days after a final plan or section thereof has been approved by the Borough Planning Commission, the final plan or a reduced photo copy, shall be filed by the developer for recording with the County Recorder of Deeds. If the plan is not recorded within ninety (90) days from the final approval date, the action of the Borough Planning Commission shall become null and void.

305.02 Dedications - Recording of the final plan shall have the effect, unless otherwise agreed to by the Borough Planning Commission, of an offer to dedicate all streets, public ways, parks, school sites, or other such areas. However, such offer to dedicate shall place no responsibility upon the Borough concerning the improvement or maintenance of any streets, way, or area, until the actual appropriation of the same by legal action of the Borough.

Section 306. SUMMARY OUTLINE OF TYPICAL SUBDIVISION AND
DEVELOPMENT REVIEW PROCEDURES

- STEP 1 Subdivider meets informally with Commission to determine general conformance with Regulations, and to review sketch plan.
- STEP 2 Subdivider submits preliminary plan with supporting data to Commission.
- STEP 3 Commission reviews preliminary plan at a regular meeting after having notified County Planning Commission.
- STEP 4 After final review, Commission notifies subdivider either that the plan has been approved, approved with modifications, or disapproved. Subdivider revises plan if necessary for further Commission review.
- STEP 5 Within one (1) year from date of Planning Commission approval of preliminary plan, subdivider prepares and submits final plan for Commission review. Subdivider may submit only a portion of entire proposed plan as shown on approved preliminary plan.
- STEP 6 Commission reviews final plan at regular meeting after having given proper notice as required for preliminary plan. After review Commission notifies subdivider of its action on the final plan.
- STEP 7 No more than ninety (90) calendar days after favorable Commission action on the final plan, the subdivider files his final plan for recording with the County Recorder of Deeds.

NOTE: The above table summarizes the subdivision review and approval procedures in Article III, but in no way alters the detailed requirements in Article III.

ARTICLE IV

MAJOR SUBDIVISION: APPLICATION, PLAN REQUIREMENTS AND SUPPORTING INFORMATION

Section 401. SUBMISSION

401.01 Application - The developer shall submit to the Commission directly or Zoning Officer a signed Application for Review of Subdivision Plan on a form provided for that purpose by the Commission. The application shall be submitted at least thirty (30) days prior to the formal review meeting of the Commission. The application shall specify:

1. The name of the subdivision or land development.
2. The exact location of the subdivision or land development by road.
3. The name, address, and telephone number of the subdivider.
4. The name, address, and the phone number of the surveyor and/or engineer who may be working on the development.
5. The type of subdivision proposed (i.e., residential, seasonal recreation development or other land development as defined in Article II, Section 202.01, No. 44.
6. The type of structures proposed for the subdivision or land development.
7. The type of water supply proposed.
8. The type of sewer system proposed.
9. The size of the property and the number of lots proposed.
10. The lineal feet of any proposed streets and a statement indicating whether or not the proposed streets will be dedicated to the municipality.

11. The amount of land proposed for recreational use or other community facilities.
12. The number of acres of adjoining land in the same ownership.
13. A statement from the developer stipulating the proposed method of maintenance of street, water supply, and services to be provided.
14. The existing zoning requirements.
15. A preliminary plan shall accompany the application.

Section 402. INFORMATION TO BE SHOWN ON BOTH PRELIMINARY AND FINAL PLANS

- 402.01 Scale - Preliminary and final plans shall be at a scale of not more than one hundred (100) feet to the inch. Match line data shall be shown if there is more than one (1) sheet. The size of the plan shall be not less than 8 1/2" by 11" nor more than 24" by 48".
- 402.02 Information - By use of standard symbols when appropriate, preliminary and final plans shall show, and be accompanied by the following information:
1. Subdivision or land development name or identifying title.
 2. Preliminary plans shall show the boundaries of all land owned by the developer contiguous to the proposed development. The plans shall also identify the owners of contiguous land.
 3. Layout of proposed lots, parcels, and streets for all the contiguous property owned by the developer. The Commission may waive this requirement, if, with a letter of intent, the developer shows that an overall layout is unreasonable in light of the land use capabilities of the contiguous land or if he does not intend further development. In the case where a complete preliminary plan for all contiguous property has been waived by the Commission, provision for future access roads to the interior of the property may be required to be shown on the plan.
 4. North point, scale, legend and date.

5. Name of the developer.
6. Name and seal of engineer, surveyor, architect or other person responsible for the plan.
7. The proposed building setback lines for each street.
8. Tract boundaries and total tract acreage; and, where applicable, true meridian bearings and distances.
9. Dimensions, lot and parcel numbers, and total areas of each lot and parcel shall be shown in square feet.
10. All existing watercourses, tree masses, and other significant natural features.
11. A copy of planned erosion and sediment control, storm water management measures, as required by the Department of Environmental Resources. These requirements shall be considered a minimum and more stringent standards may be required.
12. All existing or proposed streets on or adjacent to the tract, including name, right-of-way width, and route number.
13. All existing or proposed property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
14. Location, dimensions and areas of all proposed playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public use including outbuildings, lakes, etc.
15. Copies of the proposed deed restrictions or by-laws of property owners' association.
16. A statement as to whether the coal and mineral rights are to be conveyed with fee title to the property.
17. The adopted flood plain line or two foot contour interval maps or data may be required to evaluate the proposed subdivision in relationship to adopted flood plain policies or ordinances.

Section 403. INFORMATION TO BE SHOWN ON PRELIMINARY PLANS

403.01 Information - In addition to the requirements of Section 402, preliminary plans shall show or be accompanied by the following information:

1. Contours are required at recommended vertical intervals of five (5) feet. In developments requiring no new streets, the Commission may specify a larger vertical interval or may waive the requirements for contours.
2. Datum to which contour elevations refer, shall be to known elevations as established by the U.S. Coast and Geodetic Service, the U.S. Geological Survey or the Pennsylvania Department of Transportation.
3. All existing gas, water, sewer, utility or petroleum product lines, hydrants, and other significant man-made features such as buildings, culverts, and fire hydrants.
4. Vicinity map showing location and use of land adjacent to proposed development.
5. Areas subjected to flooding or overflow of storm waters and all natural drainage patterns.
6. Street profiles, cross sections and percent of grade as proposed. However, this requirement may be waived at the discretion of the Commission.
7. Where applicable, a complete report by a qualified consultant or government agency, approved by the Commission, on subsurface coal, gas and mining conditions which shall indicate conditions of mining, if any, and a statement of the possibility of subsidence.
8. Preliminary designs of any bridges or culverts which may be required.
9. Profiles and other explanatory data concerning the installation of sanitary sewage and storm facilities and other underground utility services as required by the Commission.
10. A sewage planning module shall be prepared by the owner, subdivider or agent of the proposed land development if required by the Pennsylvania Department of Environmental Resources.

11. Soils map of the property showing the U.S. Soil Conservation Service interpretations including relevant codes and numbers. This information shall be transferred onto the subdivision plans when requested by the Commission.
12. The zoning classification.
13. Water and Sewage Disposal Facilities - All new buildings and discharging sewers shall be interconnected to the sewer system. The only exception to this shall be by the joint approval of the Borough Council and Municipal Authority. When applicable and where on-lot water and/or sewage disposal facilities are proposed and the proposed lot, parcel or tract size for any development is less than the minimum standards specified in Section 603 of these regulations, and if on-lot sewage disposal is approved then the preliminary plan must, if required by the Commission, be accompanied by a soils log prepared by a qualified soils scientist, or otherwise qualified individual, as designated by the Commission. [One (1) soils log may be required for each lot or parcel in a development.]

Section 404. INFORMATION TO BE SHOWN ON FINAL PLANS

- 404.01 Plan Size and Legibility - The subdivision or land development plan submitted for final approval shall be a legible print of a permanent reproducible drawing. The size of the plan shall not be less than 8 1/2" by 11" nor more than 24" by 48".
- 404.02 Information - In addition to the requirements of Section 402, final plans shall show or be accompanied by the following information:
 1. A certified land survey map shall be prepared by a registered professional land surveyor of the plan, in accordance with Act 120 of 1979.
 2. Location, size, and invert elevations of all sanitary and all storm sewers, location of manholes, inlets, culverts, and all structuring for erosion and sediment control. Encroachment permit approved by the appropriate Department of Transportation, when considered necessary by said Department.
 3. All dimensions shall be shown in feet and in hundredths of a foot.

4. Lot numbers, location of iron or steel corner pins for each lot.

5. Permanent monuments shall be shown.

404.03 Documentation - Final plans shall be accompanied by the following documents:

1. Recommendation by the State Department of Environmental Resources that the submitted sewage planning module has been approved and that the proposed sewer and water system are in accordance with the Department standards.
2. Street profiles and drainage details and typical cross sections for all streets as required by the Commission.
3. Statements that the applicant is the owner or equitable owner of the land proposed to be subdivided or developed, whether or not the mineral rights will be conveyed with fee title; that the development shown on the final plan is made with the owner's consent and that he desires to record the same.

404.04 Endorsements - Endorsements in the form of the following signatures shall be placed directly on the plan in permanent reproducible ink. All endorsement shall be obtained by the owner.

1. The signature and seal, if one exists, of the owner or owners of the land. If the owner of the land is a corporation, the signature of the president and secretary of the corporation shall appear.
2. The certification, signature and seal of the registered professional land surveyor who prepared the plan.
3. The certification, signature and seal of the registered professional engineer should one have been involved in preparing the plan.
4. The signatures of the duly authorized representatives of the Forest City Borough Planning Commission, acknowledging the plan has been approved by the Commission. The signatures shall consist of the Chairman and Secretary of the Commission and the date of approval.

ARTICLE V

MINOR SUBDIVISIONS: APPLICATION, PLAN REQUIREMENTS AND SUPPORTING INFORMATION

Section 501. PROCEDURE

501.01 The procedures for the submission and recording of minor subdivision plans shall be as specified in Article III, not in conflict with the provisions of this Article. The standards outlined in this Article shall be considered minimum standards and the Commission may require more restrictive standards.

Section 502. APPLICATIONS FOR MINOR SUBDIVISION

502.01 In addition to the information required in Section 503, the subdivider shall submit a signed Application for Review of Minor Subdivision Plan on a form provided for that purpose by the Commission. The application shall specify:

1. The name, address and telephone number of the record owner of the property under consideration and the subdivider if they are different.
2. The name of the road and municipality where the proposed subdivision is located.
3. The name, address and telephone number of the surveyor or engineer who may be working on the subdivision plans.
4. The type of structures proposed for the subdivision.
5. The type of water supply proposed.
6. The type of sewer system proposed.

Section 503. PLAN REQUIREMENTS

503.01 Preliminary Plans may be a drawing not based on a land survey. The scale and information to be shown on or that shall accompany preliminary plans shall include, but may not be limited to, the following:

1. A scale of not more than one hundred (100) feet to the inch. The size of the paper on which the plan is drawn shall not be less than 8 1/2" by 11" nor more than 24" x 48". Match line data shall be shown if there is more than one sheet.
2. Name of the record owner and subdivider.
3. The location of the development within the borough.
4. Tract boundaries (this information may be obtained from official tax maps or from aerial photographs) and total tract acreage.
5. North point magnetic scale, legend and date.
6. Significant topographical and physical features (water courses, tree masses, etc.).
7. Existing public roads identified by township or borough name and by state or federal traffic route or legislative route number.
8. Proposed lot or parcel lines drawn to scale and dimensions.
9. Lot or parcel areas shall be given in square feet.
10. The classification of the soils present in the proposed subdivision as defined by the Soil Conservation Service soil name.
11. The zoning classification.

503.02 Final Plans - In addition to the requirements of Section 503 final plans shall show or be accompanied by the following information:

1. A certified land survey map prepared by a registered professional land surveyor of the plan in accordance with Act 120 of 1979. One of these maps shall be of a permanent reproducible nature. Said plans need not include a drawing of the tract boundaries.

2. The final plan shall be accompanied by conclusive documentation (i.e., permits) relevant to the proposed subdivision and/or land development's compliance with applicable local plans and ordinances governing the intended sewer and water system for each lot, such as sewer connection permit and water connection permit and/or approval.
3. In subdivisions where public sewer systems are not required by the municipal official sewer plan, nor presently available, the Commission will give consideration to on-lot disposal, provided the applicant complies with the criteria as contained in the Pennsylvania Sewage Facilities Program.
4. Provision for future: Access roads to the interior of the contiguous property owned by the subdivider or developer must be provided and shown on the plans in the event that said contiguous land does not front on the existing road in the subdivision.

ARTICLE VI
DESIGN STANDARDS

Section 601. APPLICATION OF DESIGN STANDARDS

601.01 Standards to be Applied - The design standards and requirements outlined in this Article will be applied by the Commission in evaluating plans for all proposed subdivisions and land developments.

Section 602. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT

602.01 General Site Criteria

1. General Plan: the location and design of any subdivision plan must conform to any borough, county, or regional land use plans or policies adopted by the borough.
2. Zoning: the use of land in a subdivision plan must conform to the Borough of Forest City Zoning Ordinance.
3. Objectionable Areas: those areas which are subject to hazards of life, health, or property as may arise from fire, flood, disease, noise, or falling aircraft, mine subsidence, or considered to be uninhabitable for other reasons may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards. Information for determining and evaluating these potential hazards may include references to historical records, soil evaluations, engineering studies, expert opinion, established standards used by licensed insurance companies and adopted regional, county, or local municipal policy such as, but not limited to, an established flood plain line.
4. Nearby Development: the layout plan for development shall be coordinated in terms of traffic movement, drainage, and other reasonable considerations with neighboring development.

5. Preservation of Natural Features: in all developments, care shall be taken to preserve natural features such as trees, watercourses, views, and historical features such as buildings which will add attractiveness and value to the remainder of the land.
6. Hillside Development: where a subdivision or land development is on a site that has a slope of more than fifteen percent, the Borough Planning Commission may require larger lot sizes than the minimum requirements which are provided in these regulations.
7. Water Frontage and Surface Drainage:
 - a. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water shall not be permitted except with approval of the Borough Planning Commission, and; where required by state statute, the Pennsylvania Department of Environmental Resources, or other applicable state agencies.
 - b. Residential building setback lines shall be established at no less than fifty (50) feet from the normal high water line of any stream, lake, or water body.

602.02 Community Facilities and Comprehensive Plan Requirements - Where a proposed park, playground, school, or other public use is shown in the borough comprehensive plan and is located in whole or in part in a proposed development, the Borough Planning Commission may require the reservation of such area. The developer shall not be required to reserve the land for more than one (1) year.

602.03 Modifications - The standards and requirements of these regulations may be modified by the Borough Planning Commission in the case of plans for complete communities, neighborhood units, planned unit developments, or other large scale developments, which in the judgment of the Borough Planning Commission achieve the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision or land development ordinance.

602.04 Easements - Where a development is traversed by a watercourse, there shall be provided a drainage easement or

right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage without damaging adjacent properties.

- 602.05 Walkways - Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school). Such walkways shall have a right-of-way width of not less than ten (10) feet and a paved walk of not less than four (4) feet.
- 602.06 Storm Drainage - Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts or parcels, and also to be in conformance with all applicable state statutes regarding storm water management.
- 602.07 Design Standards for Public Streets
1. Street Right-of-Way Widths - Minimum right-of-way widths for all proposed or required public streets shall conform to the requirements set forth in Table I.
 2. Geometric Standards - Geometric design standards for all proposed or required public streets shall conform to the requirements set forth in Table II.
 3. Required improvements - If a proposed development is situated adjacent to or within one hundred (100) feet of an area that contains paved streets, curbs, or sidewalks; the street, curb, or sidewalk shall be extended into the proposed development. The construction standards of the extension(s) shall be equal to or better than those existing streets, curbs, or sidewalks.

TABLE I
 LOCATIONAL CRITERIA FOR REQUIRED IMPROVEMENTS
 AND RELATED STANDARDS

| <u>Type Development</u> | <u>Criteria</u> | <u>Right-of-Way</u> | <u>Minimum Required¹ Improvements</u> | | |
|-------------------------|---|---------------------|--|-------------|-------------------|
| | | | <u>Street</u> | <u>Curb</u> | <u>Side-walks</u> |
| BOROUGH | any area that contains or is expected to contain lots at least 15,000 sq. ft. | 50 ft. | Minor | Yes | Yes |

¹Where there are no paved streets, curbs, or sidewalks existing within 100 ft. of the development the Borough Planning Commission may require a lesser standard.

TABLE II
GEOMETRIC STANDARDS FOR ALL STREETS

| Standard | Type of Street | | | | | |
|---|----------------|------------------|-----------|-------------------------------|-------|---------|
| | | Major Traffic | Collector | Minor & Marginal Access | Alley | Rural |
| Maximum Grade | (a) | 5.0% | 7.0% | 10.0% | 10.0% | 12.0% |
| Minimum Grade | | 0.5% | 0.5% | 0.5% | 0.5% | 0.5% |
| Minimum Sight Distance | | 600 ft. | 400 ft. | 150 ft. | ----- | 100 ft. |
| Minimum Centerline Radius for Horizontal Curves | | 500 ft. | 300 ft. | 100 ft. | ----- | 100 ft. |

(a) The maximum grade may be increased in rugged terrain by special action of the Borough Planning Commission.

TABLE III

BASIC IMPROVEMENT REQUIREMENTS FOR STREETS
CURBS, SIDEWALKS AND SHOULDERS IN SUBDIVISION DEVELOPMENT

TYPE OF SUBDIVISION
RESIDENTIAL LOT AREA (Sq. Ft.) PER UNIT

| Type of Street | Non-Residential | Residential |
|----------------------------|-----------------|----------------|
| <u>MAJOR</u> | | |
| Pavement width and type | 24' - A* | 24' - A* |
| Base Material | 48' - A** | 40' - A** |
| Curb type required | C | C |
| Shoulder width (each side) | D | D |
| | None** | None with curb |
| | 10'* | 10'* |
| Sidewalk width and type | 8' - E | 4' - E |
| <u>COLLECTOR STREET</u> | | |
| Pavement width and type | 22' - A* | 22' - A* |
| Base Material | 40' - A** | 36' - A** |
| Curb type required | C | C |
| Shoulder width and type | D | D |
| | None** | None with curb |
| | 8' | 8'* |
| Sidewalk width and type | 6' - E | 4' - E |
| <u>MINOR STREET</u> | | |
| Pavement width and type | 20' - A* | 20' - A or B* |
| Base Material | 40' - A** | 30' - A or B** |
| Curb type required | C | X |
| Shoulder width (each side) | D | D |
| | None** | None with curb |
| | 8' | 8'* |
| Sidewalk width and type | 6' - E | 4' - E |

* Without Curb

** With Curb

X If pavement "A" is used, "C" shall be the base course. If pavement "B" is used, base shall be as specified in "B".

This table may change from time to time as construction standards of the Pennsylvania Department of Transportation are updated.

TABLE III (Continued)

The letters in the table on page 32 (A through E) refer to the following Construction Standards.

Street Pavement and Construction Requirements:

- A. Two and one-half (2 1/2) inches of ID-2 material placed in accordance with latest specifications of the Pennsylvania Department of Transportation.
- B. Three (3) inches of FB-1 or FB-2 material placed on a six (6) inch stone base course in accordance with latest specifications of the Pennsylvania Department of Transportation.
- C. Base material for Major Streets shall be ten (10) inches of crushed aggregate or six (6) inches of bituminous concrete. Base material for Connector and Collector Streets shall be eight (8) inches of crushed aggregate or four (4) inches of bituminous concrete. Base material for Minor Streets shall be six (6) inches of crushed aggregate or four (4) inches of bituminous concrete. All Base material must be placed in accordance with latest specifications of the Pennsylvania Department of Transportation.
- D. Curb shall be seven (7) inches at the top, eight (8) inches at the bottom, and twenty-two (22) inches in height with slope to the street placed in accordance with the latest specifications of the Pennsylvania Department of Transportation and Section 903.
- E. Sidewalk shall be concrete four (4) inches in thickness placed on four (4) inches of sand or fine stone, placed in accordance with the latest specifications of the Pennsylvania Department of Transportation.

602.08 Street System Layout

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the borough in which the development is located and they shall further conform to such borough and state road and highway plans as have been prepared and adopted as prescribed by law.
2. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Commission deems such extension undesirable for specific reasons of topography or design.
3. Minor streets shall be laid out to discourage through-traffic, but provisions for street connections into and from adjacent areas will generally be required.
4. All streets must have rights-of-way in conformance with Table III, except where essential to provide for the reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
5. Wherever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be plotted within such a tract.
6. Dead-end streets shall be prohibited, except when designed with cul-de-sac to serve residential areas.
7. New reserve strips, including those controlling access to streets, shall be avoided except where determined by the Commission to be necessary to carry out the requirements and objectives of the regulations.
8. Drainage: all provisions for drainage facilities shall be designed so as to provide for the carrying of surface water from the surrounding drainage area, buildings, and pavement.
9. Construction: all streets must meet the construction standards of the Commission or the Pennsylvania Department of Transportation where applicable.

602.09 Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at any angle of less than sixty (60) degrees.
2. Intersections involving more than four corners shall be prohibited.
3. Clear sight triangle of thirty (30) feet measuring along street lot lines from their point of junction shall be provided at all intersections and no visual obstruction shall be permitted within such sight triangles.
4. Intersections with major traffic streets shall be located at least eight hundred (800) feet apart, measured from centerline to centerline, except under unusual circumstances as determined by the Commission.
5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their centerlines.
6. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type streets, or such greater radius as is suited for the specific intersection.
7. Minimum right-of-way radii at street intersections shall be twenty-five (25) feet for all intersections.
8. Where a development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width may be required in conformance with Table II.
9. Where the grade of any street or the approach to an intersection exceeds seven percent (7%) a leveling area shall be provided having not greater than four percent (4%) grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

602.10 Uses Fronting on Major Traffic Streets

1. Service Streets - Where a development fronts or abuts a major street as defined in Article II, Section 201.02, the Commission may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection to abutting properties the reduction in the number of intersections with the major traffic street and the separation of local and through traffic.
2. Controlled Access - Entrances and exits to non-residential developments shall be designed so as not to interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than fifty (50) feet and when combined, shall be restricted to one hundred (100) feet. Access points shall not exceed twenty-four (24) feet in width at any interchange.
3. Protection of Grade Separation - Entrance and exit points to proposed developments shall not be located closer than one hundred (100) feet to the end of any intersection.
4. Setback Line - All setback lines will be regulated by the appropriate distance applicable in the Borough of Forest City Zoning Ordinance.
5. Residential blocks shall have a maximum length of twelve hundred (1200) feet. In the design of blocks longer than one thousand feet, special consideration shall be given to the requirements of satisfactory fire protection.
6. Cul-de-sac Streets
 - a. Cul-de-sacs, permanently designed as such, shall not exceed six hundred (600) feet (unless topography indicates a need for greater length).
 - b. The turn-around shall have a diameter to the outer right-of-way limits of at least one hundred (100) feet.

7. Service Streets - Where the development abuts on or contains an existing or proposed major traffic street on which traffic volumes and vehicular speeds warrant special safety precautions, the Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed major traffic streets.

602.11 Building Setback Lines

All building setbacks shall be governed by the appropriate distances as shown in the Borough of Forest City Zoning Ordinance.

Section 603. RESIDENTIAL LOT STANDARDS

- 603.01 Application - All developments proposed for residential use and certain other developments including cottages, campground or campsite developments where lots are for sale, rent or lease and other seasonal recreational, or seasonal developments where land is sold, rented, or leased (except mobile home courts and campgrounds and travel trailer parks where recreators, campers or travelers are licensees) shall conform with the provisions of this section. (Standards for mobile home courts and campgrounds and travel trailer parks, where recreators, campers or travelers are licensees, shall conform with the provisions of Articles VII and VIII.)

603.02 Residential Lot Sizes

Residential lot sizes, width and depth, shall be governed by the Forest City Borough Zoning Ordinance.

603.03 Design of Residential Lots

1. All lots shall front upon a public street, existing or proposed; however, under special conditions a private road may be requested by the developer and may be approved by the Commission.
2. Side lot lines shall be generally at right angles or radial to street lines.
3. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the municipality.

4. Double frontage lots should be avoided except where essential to provide separation of residential developments and traffic arterials or to overcome particular topographic and orientation disadvantages.
5. Depth and width of parcels laid out or reserved for non-residential use shall be sufficient to provide satisfactory space for off-street parking and unloading.
6. Developments of fifty (50) or more lots shall have a minimum of ten percent (10%) of the total land area for open space purposes. Such land shall be improved and shall be accessible to all families residing within said tract. Arrangements satisfactory to the Commission shall be made for perpetual care of said open space areas.

Section 604. UTILITIES

- 604.01 The Commission may require twelve (12) foot easements where necessary for the installation of utility facilities. Such easements shall be noted as "utility easements" on the final plan and record plan. Prior to the approval of the final plan, a review by the utilities serving the area as to the location and width of the "utility easements" shall be made. The utilities shall have fifteen (15) days in which to make such a review.
- 604.02 The developer shall be responsible for compliance with the Pennsylvania Public Utility Commission regulations regarding installation of utilities in his development.
- 604.03 Illumination of Streets. The Commission may require street lighting units be furnished and so spaced and equipped with luminaries that will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

Section 605. SOLID WASTE DISPOSAL

- 605.01 The developer shall provide a statement explaining how solid waste within the proposed development can feasibly be collected and disposed of, and the statement must be in compliance with the borough, county, regional, and state solid waste laws, plans, rules, and regulations.

ARTICLE VII

MOBILE HOME PARKS

Section 701. MOBILE HOME PARK DESIGN STANDARDS

701.01 Application - All mobile home parks as defined in Article II thereof shall conform with the provisions of this section and plans and applications for such developments shall be filed in accordance with the forms and procedures specified for subdivision applications. In addition those improvements as set forth in Article IV which the Planning Commission deems appropriate shall be required.

701.02 Park Site Location

1. The soils and topography and surface water discharge characteristics of the proposed park site shall not be in conflict with other applicable ordinances and state statutes governing mobile home park developments.
2. The minimum total area of a mobile home park shall be ten (10) contiguous acres.
3. The park shall have at least two hundred (200) feet frontage on a public road.
4. The location of the proposed mobile home park must not be in conflict with the Forest City Borough Zoning Ordinance.

701.03 Mobile Home Lot

1. Each mobile home park shall be marked off by permanent post pins, monuments or other points of reference (into mobile home lots).
2. Each mobile home lot within the mobile home park shall be developed to meet the requirements of the Forest City Borough Zoning Ordinance as to width, depth, and area.
3. The mobile home lot shall not include the right-of-way of public roads and may include the right-of-way of the park internal road system excluding that portion of said right-of-way designated as road or street surface or an on-street parking surface.

701.04 Mobile Home

1. Setbacks - The location of each mobile home upon each lot will be governed by the minimum yard requirements of the Forest City Borough Zoning Ordinance.
2. Only one mobile home shall be permitted to occupy any one mobile home lot.

701.05 Stand or Pad

1. Each mobile home lot shall have a mobile home stand which shall provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures, and the retention of the mobile home on the lot in a stable condition.
2. The stand shall fit the dimensions of the anticipated mobile home and their appurtenant structures or appendages.
3. The stand shall be constructed of an appropriate non-porous material which is durable and adequate for the support of the maximum anticipated loads.
4. The stand shall be suitably graded to permit rapid surface drainage.

701.06 Access

1. Each mobile home park shall be directly accessible from an existing public highway or street.
2. There shall be no more than two points of entrance/exit for any mobile home park on the same road or highway.
 - a. Such entrances and exits shall be designed and located with minimum distance of one hundred (100) feet between them.
 - b. All entrances and exits shall be at right angles to the existing public highway or street.
 - c. A clear sight distance of at least three hundred (300) feet in both directions shall be afforded the driver of a vehicle prior to entering the public street or highway.

- d. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached without requiring backing at cross-angles to the highway to achieve the necessary angle of entrance or exit.
3. Rights of way - All mobile home park road rights-of-way shall be in accordance with municipality specifications applicable to streets in conventional residential developments.
4. Pavement
 - a. All mobile home parks with nine (9) or less lots shall have a stabilized road surface of not less than twenty (20) feet wide.
 - b. Mobile home parks with ten (10) lots or more shall have a hard surfaced (paved) roadway of not less than twenty (20) feet wide.
 - c. The Commission may waive paving requirements where the public street or road providing access to the mobile home park is unpaved.
5. In all cases, all mobile home lots shall have direct access to a mobile home park road.
6. In a case of mobile home parks containing only two (2) lots, a joint driveway or mobile home park access point shall be used.

701.07 Parking

1. Each mobile home lot shall provide for the parking of at least two automobiles on the lot.
2. The mobile home park shall provide parking facilities for visitors to the park and shall total one-half parking space per mobile home lot.
3. The parking lot spaces shall be a minimum width of ten (10) feet and a minimum length of twenty (20) feet. The parking lot or on-street parking spaces shall have a stabilized surface.

701.08 Utilities

All mobile home parks shall provide to each stand or pad a continuing supply of safe and potable water as required by the Pennsylvania Department of Environmental Resources

or their qualified agency, firm, or individual as well as sanitary sewage disposal systems in accordance with the regulations of the Pennsylvania Department of Environmental Resources. An operating permit must be obtained from the Department of Environmental Resources prior to final approval of any mobile home park.

701.09 Collection of Solid Waste

The storage, collection, and disposal of solid waste (refuse) in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or life hazards or air pollution and shall comply with the Pennsylvania Department of Environmental Resources regulations and local regulations governing solid waste management.

701.10 Recreation Facilities and Open Space

Open space recreation areas shall be provided in all mobile home parks. They should be located away from traffic. In large developments, several small decentralized areas could be provided. The recreation area should not be less than 10% of the total area of the park site. The type of facilities provided in the recreation areas should be designed to serve the varied recreation needs of the park occupants.

ARTICLE VIII
SPECIALIZED REGULATIONS TO
STANDARD SUBDIVISION PROCEDURES

Section 801. SPECIALIZED REGULATIONS

The standards outlined in this Article shall be applied by the Commission in evaluating plans for specialized types of subdivisions and land development projects. The standards outlined in this Article shall be considered minimum standards and the Commission may require more restrictive standards. Plans for these specialized subdivisions and land development projects shall comply with the following standards, as well as all other applicable provisions of these regulations not in conflict herewith.

Section 802. SEASONAL DEVELOPMENT

All cottages and hunting camp developments and campsite, campground, and trailer park developments where lots are sold or leased, or other such recreational, and/or seasonal development are considered residential subdivisions, and shall be subject to the standards as specified in Article VI including those standards for minimum lot sizes. Campsite, campground, and travel trailer park developments where travelers are licensees shall be subject to the regulations as set forth in Section 701.

Section 803. TRAVEL TRAILER PARKS, CAMPSITE AND CAMPGROUNDS FOR RENTAL

803.01 General Standards - Travel trailer parks and campgrounds shall be subject to all standards set forth for mobile home parks under separate Article as set forth in Subsections 701.02 through 701.10 inclusive. In addition, those improvements set forth in Articles VII and VIII which the Commission deems appropriate shall be required.

803.02 Travel Trailer Park and Campground Lot or Space Requirements

1. Minimum Lot Sizes - The minimum lot or camp space shall be forty (40) feet wide by eighty (80) feet deep and be not less than three thousand two hundred (3200) square feet in area excluding all roads, driveways, or rights-of-way.
2. Lot Access - All lots or camping spaces shall abut and have forty (40) feet frontage on a street of the park or campground internal street system. Campsites are not required to have frontage on a public street, but all campsites shall have access to public streets by either private streets or easements.

803.03 Parking Space Requirements

Parking spaces shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet. Each travel trailer lot or campground lot shall provide for the parking of two automobiles. Parking facilities for visitors to same shall total one-half parking space per lot.

803.04 Travel Trailer Park and Campground Internal Street System Requirements

1. Street Improvements and Widths - An internal park or campground system of private or public streets or roads shall be provided and constructed according to right-of-way standards and construction standards set forth in Tables I and III of these Regulations, with the following exceptions:
 - a. Access to five (5) lots or less may be provided by a driveway of at least twelve (12) feet in width providing length does not exceed five hundred (500) feet.
 - b. Access streets shall be provided for campgrounds with a potential development of from six (6) to twenty (20) sites and shall have a fifty (50) foot right-of-way and a twenty (20) foot cartway. The cartway shall be graded and shall be provided with necessary drainage-ways and culverts or properly carry away surface water.
 - c. Access streets shall be provided for campgrounds with a potential development of more

than twenty (20) sites and shall have a fifty (50) foot right-of-way and a twenty (20) foot cartway. In such campgrounds, the Commission may require street pavement, pedestrian walkways, and street lighting, where in the Commission's judgment, such improvements are desirable.

803.05 Travel Trailer Park Lot Improvements

Travel trailer park lots may be improved for use by motor homes. Independent trailers used as permanent residences shall not be allowed in travel trailer parks or campground.

1. No more than one (1) recreational vehicle may be placed on any one lot or site.
2. All campsites shall be well-cleared, level, and well-drained.

803.06 Collection of Solid Waste

The storage, collection, and disposal of solid waste (refuse) shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or life hazards or air pollution and shall comply with the Pennsylvania Department of Environmental Resources regulations and local regulations governing solid waste management.

803.07 Utilities

✓ All Seasonal Developments as defined in Section 802 shall provide for a continuing supply of safe and potable water as required by the Pennsylvania Department of Environmental Resources, their qualified agency, firm, or individual as well as sanitary sewage disposal system(s) in accordance with the regulations of the Pennsylvania Department of Environmental Resources. An operating permit must be obtained from the Pennsylvania Department of Environmental Resources prior to final approval of any Travel Trailer Park or Campground. In addition those improvements as set forth in Article IV which the Planning Commission deems appropriate shall be required.

803.08 Recreation Area

A recreation area must be provided that is twenty (20) percent of the entire area of development. The area

set aside for recreation shall meet the following specifications:

1. Unity - The recreation area shall form a single parcel of land except where the Commission determines that two parcels or more would be in the public interest and determines that a connecting path or strip of land is in the public interest, and in which case the path shall not be less than thirty (30) feet wide.
2. Shape - The shape of this parcel of land shall be sufficiently square or round to be useable for recreational activities, such as softball, tennis, croquet, etc.
3. Location - The recreation area shall be located so as to serve the recreation and open space needs of the licensees for which the park is being developed. Recreation areas should be located away from traffic.
4. Access - Access to the recreation areas shall be provided either by adjoining street frontage or easement through open space. Easement shall be sufficiently wide so that maintenance equipment will have reasonable convenient access to the land.
5. Useability - The recreation land shall be useable for recreation. Swampy or steep slope land shall be unsuitable for recreational purposes.

Section 804. COMMERCIAL LAND DEVELOPMENT

804.01 General Standards - Commercial development plans including, but not limited to, shopping centers, shall comply with the following standards and requirements as well as all other applicable provisions of these regulations not in conflict herewith, including the submission of plans in conformity with Articles III and IV of these regulations.

804.02 Site Standards

1. The site, when developed, shall be served by a municipal water supply system and a municipal sanitary sewer system.
2. Adequate storm drainage facilities shall be provided. Such facilities shall comply with all applicable DER and Borough storm water, sedimentation and erosion control measures.

804.03 General Design - The layout within commercial development areas shall be designed in accordance with the Borough Zoning Ordinance and with consideration of site conditions to insure:

1. Desirable land utilization.
2. Convenient traffic circulation and parking.
3. Adequate service, delivery and pickup.
4. Design coordination with adjacent parcels of land.

804.04 Circulation

1. Access to public streets shall be limited to well-defined entrance and exit lanes.
2. The Commission may require that exit lanes shall be separated from entrance lanes by dividers or planting islands when traffic volumes are expected to exceed twenty-five (25) vehicles entering per hour for any part of any day.
3. Painted lines, arrows, and dividers shall be provided to control parking and circulation.
4. Customer parking and circulation shall be separated from delivery service drives and unloading areas.

804.05 Parking Area Requirements

1. Five and five tenths (5.5) spaces per one thousand square feet of gross building area shall be provided. This requirement may be reduced if the developer can show, to the satisfaction of the Commission, that the nature of commercial development will not generate sufficient traffic to warrant such parking requirements.
2. Where possible, parking isles shall be designed at right angles to buildings, rather than parallel, for better accessibility for pedestrians.
3. Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet.

4. The setback area between parking areas and street right-of-way lines and property lines shall be maintained as a planting area.
5. All parking areas, service drives, and entrance and exit lanes shall be graded and paved according to the specifications for paving of local subdivision streets in Table I.

804.06 Landscaping - Screen planting shall be provided where the commercial development abuts residential property. Screen plantings shall consist of trees or shrubs at least six (6) feet in height and planted in such a manner as to visually separate the two properties.

Section 805. INDUSTRIAL LAND DEVELOPMENT

- 805.01 General Standards - All industrial land development plans shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith; including the submission of plans in conformity with Articles III and IV of these Regulations.
- 805.02 Off-street Parking - Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for one and two-tenths (1.2) employees shall be provided.
- 805.03 Loading Areas - All loading and unloading areas and service areas of the development shall be provided as off-street parking and shall be designed to cause no obstructions to adjacent street traffic.
- 805.04 General Design Standards - The layout of the industrial area shall be designed according to the Borough Zoning Ordinance and should provide:
1. The most efficient arrangement for present use and future expansion.
 2. The provision of adequate and safe space for employee and customer access and parking.
- 805.05 Industrial Developments - Industrial developments shall be adequately screened from adjacent residential or other incompatible use areas. All storage service or other unsightly areas within the industrial development shall be adequately screened from the adjacent developments and streets.

805.06 Utilities - All proposed industrial developments shall provide written statements from the Pennsylvania Department of Environmental Resources approving plans for adequate treatment of any industrial wastes generated within the development. Adequate air and water pollution controls shall be required within these developments. Performance bonds for provision of these controls shall be required for approval.

Section 806. PLANNED RESIDENTIAL DEVELOPMENTS

Proposed planned unit developments shall include a minimum of five (5) acres of land and shall be developed as a unit. The Commission may relax the standards and requirements of this ordinance after a favorable review of a proposed planned unit development. But the planned unit development shall not be in conflict with the purposes of these Regulations or State Law. In addition to the facilities and features required to be shown on the preliminary plan, the developer shall show all structures and indicate their type and architectural character, and the location of proposed public areas. Land not used for lots and streets shall be dedicated in perpetuity to open space use by conveyance to the owners' association or by dedication to the municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepted unit of government. If land is to be conveyed to lot owners, an owners' association shall be created to maintain the land with such association having mandatory membership on the part of all land owners.

ARTICLE IX
REQUIRED IMPROVEMENTS

Section 901. GENERAL REQUIREMENTS

The following improvements shall be installed by the subdivider or land developer or a suitable guarantee provided by the developer which shall ensure the provision of the improvements at the standards set forth in these regulations. The final plan shall not be approved until final detailed design of the improvements are approved and the improvements are installed and maintained in a satisfactory state of repair or until a suitable guarantee is provided.

Section 902. STREETS

Streets shall be improved to the grades and dimensions drawn on the plans, profiles, and cross sections submitted by the subdivider and approved by the Commission. Before paving the street surface, the subdivider must install the required utilities and provide where necessary adequate subsurface drainage for the streets. All streets, unless otherwise noted in these regulations, shall be constructed in accordance with the specifications of Table III.

- 902.01 Alternate Street Paving Option - The Commission may approve an alternate method of street paving placed and treated in accordance with the latest specifications of the Pennsylvania Department of Transportation.

Section 903. CURBS AND GUTTERS

- 903.01 Curbs - Curbs shall be provided on all streets and parking compounds located within multi-family land development, except where not located within 100 feet of curbs and gutters. Curbs shall also be required on new streets in developments which have a typical lot width of less than eighty (80) feet. Curbs may be either the vertical concrete type or rolled bituminous curb and gutter type. Bituminous curb and gutter shall not be used in major municipal collector streets. The

transition from one type of curb to another shall be affected only at a street intersection. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, or bituminous curbs placed by curbing machines.

- 903.02 Gutters - In areas where curbing is not used, gutters shall be provided and stabilized to avoid erosion. (See Endless Mountains Erosion and Sediment Control Handbook.)

Section 904. SEWERS

- 904.01 Public Sewer System - The subdivision or land development is to be provided with a complete sanitary sewer collection system connected to a public sanitary sewer system and a statement of approval from the applicable Municipal Authority to the Commission, unless accepted for on-lot sewage disposal.
- 904.02 On-lot Sewage Disposal - In developments where connection to a public sewerage system has been waived, sewage holding or disposal facilities shall be provided on individual lots or parcels or other approved alternative systems. The soil characteristics and physical features of the lot or parcel on which on-lot disposal is to be provided shall meet the criteria specified by the Department of Environmental Resources.

Section 905. WATER

1. The subdivision or land development shall be provided with a complete water main supply system which shall be connected to the community water supply, except that, when such community water supply system is not available, or undesirable, each lot in a subdivision shall be capable of being provided with minimum standards approved by the Pennsylvania Department of Environmental Resources.
2. The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the public Water Company. A statement of approval from the water company to which the subdivision or land development will be connected, shall be submitted to the Commission. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the Commission and water company.

3. Fire hydrants shall be provided as an integral part of any public water supply system. Fire hydrants shall be appropriately spaced and shall not be greater than six hundred (600) feet apart, provided that a minimum hydrant pressure and flow at accepted standards shall be maintained at each hydrant. The installation and operative manner of all fire hydrants must be in accordance with applicable standards and approved by the Borough Fire Marshal.

Section 906. STORM DRAINAGE

Storm sewers, culverts, diversion ditches, and related installations shall be provided to permit the unimpeded flow of natural water courses, to ensure the drainage of all low points, and to intercept storm water runoff at intervals reasonably related to the extent and grade of the area drained. Adequate provision for the maintenance of such facilities shall be furnished to the Commission. All applicable DER regulations shall be observed.

Section 907. UTILITIES

Where required, telephone, electric, T.V. cable, and other such 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 Commission. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

Section 908. MONUMENTS AND MARKERS

Monuments shall be of concrete or stone at least 6" x 6" x 30" and marked on top with a copper or brass dowel. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or bars 30" x 3/4" in diameter and set at all points where lines or lines and curves intersect. Removal of these monuments is prohibited.

Section 909. PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

909.01 Methods to be followed - After approval of the preliminary plan, the developer shall provide for the installation of the required improvements by any of the following methods:

1. Before requesting final plan approval, the developer must:
 - a. Install all the improvements required by Article VI at the standards required; or,
 - b. File with the Secretary of the Borough, with a copy to the Commission, a performance guarantee to ensure installation and construction of all required improvements at the standards required.
2. At the time each improvement is to be installed and upon its completion, the developer must notify the Commission to this effect so that adequate inspection can be made.

909.02 Performance Guarantee

1. Posting - The performance guarantee must be as provided in the Pennsylvania Municipalities Planning Code, Act 247 as amended. The Commission, upon advice from Borough Council retains all rights to approve or disapprove the form of performance guarantee offered in place of the planned improvements. The performance guarantee must:
 - a. Be a surety bond, certified check, or other security satisfactory to the Commission.
 - b. Be payable to the Borough.
 - c. Be in an amount sufficient to complete the improvements in compliance with these regulations.
 - d. In the case of cash or its equivalent, be held in an escrow fund in the name of the Borough.
 - e. Specify a satisfactory completion date for the improvements.

2. Return - When the improvements have been completed and approved for conformity with these regulations by a registered professional engineer or other qualified individual, employed by the Commission, or other person designated by the Commission, the guarantee must be released and returned. When any of the required improvements have been completed and approved, as above, a portion of the security commensurate with the cost of these improvements may be released and returned.
3. Default - In the event the developer fails to install the required improvements in accordance with the final plan, the performance guarantee necessary for completion of the improvements shall be forfeited to the Borough.

909.03 Planning Commission - Action on Improvements or Performance Guarantee

The Planning Commission is required to assure:

1. That the required improvements have been installed; or,
2. That security has been posted to insure proper construction of the improvement.

Section 910. MAINTENANCE BOND

- 910.01 Bond to Insure Maintenance and Repair - In submitting the final plan to the Commission or its agent, the developer shall submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of the streets in the development for one year after the construction thereof has been approved by the Commission and after acceptance of streets and all other improvements has been consummated by the Borough.

ARTICLE X
ADMINISTRATION

Section 1001. REVISION AND AMENDMENT

- 1001.01 Borough May Amend Regulations - The Borough Council may, at its discretion, revise, modify, or amend these Regulations by appropriate action taken after a scheduled public hearing as provided in the Pennsylvania Municipalities Planning Code, Act 247, Article V, Section 505, (as amended).
- 1001.02 Consideration - The Commission shall give earnest consideration to changes or modifications suggested by any developer or property owner when such changes or modifications shall be in the best interest of the general public.

Section 1002. VARIANCES

- 1002.01 Hardship - In reviewing an applicant's request for a variance from these Regulations, the following criteria shall 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 variance.
 6. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or by the community as a whole.
 7. And finally, 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.

1002.02 Public Interest Secured - The Commission may grant a variance to such applicant from such mandatory provisions so that substantial justice may be done and the public interest secured; provided that such variance may be granted only upon concurrence of a majority of the Commission present at a public meeting, and that such variance will not have the effect of nullifying the intent and purpose of these Regulations.

1002.03 Commission May Impose Conditions - In granting variances and modifications, the Commission may impose such conditions as will, in its judgment, secure substantially the original objectives of the now modified requirements.

Section 1003. RECONSIDERATION

1003.01 Developer Aggrieved - Any developer aggrieved by a finding, decision, or recommendation of the Commission may, within thirty (30) days, request and receive opportunity to appear before the Commission, present additional relevant information, and request reconsideration of the original finding, decision, or recommendation.

1003.02 Appeal to Court of Common Pleas

1. Any developer aggrieved by a finding, decision, or recommendation of the Commission may appeal such finding, decision, or recommendation to the Common Pleas Court.
2. 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 Commission. All appeals shall be in accordance with the Pennsylvania Municipalities Planning Code, Act 247 (as amended), Article V, Section 505.

Section 1004. COMMISSION RECORDS

Records to be Kept - The Commission shall keep a public record of its findings, decisions, and recommendations relative to all development plans filed with it for review.

Section 1005. SANCTIONS AND PENALTIES

Approval by Commission - No subdivision or land development plan shall be received or recorded in any public office unless it bears thereon endorsement to the effect that it has been approved or reviewed by the Commission as prescribed by this Ordinance.

Any person who, being the owner, or agent of the owner of any lots, tract or parcel of land shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers, leases or rents, or agrees or enters into an agreement to sell, lease, rent or otherwise transfer any land in a subdivision or land development as defined herein, unless and until a final plan has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction hereof, such persons, or the members of such partnership, or the officers of such corporation, or the agent of any of them responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000) per lot, parcel or tract. All fines collected for such violations shall be paid over to the Borough.

Enacted and ordained this _____ day of _____, 198__.

PRESIDENT

Attest:

SECRETARY

Approved this _____ day of _____, 198__.

MAYOR