

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 51 – SUBDIVISION

[History: Adopted by the council of the Borough of Northumberland 1-19-1977, amended on 5-7-1991.
Other Amendments noted where applicable.]

ARTICLE I – GENERAL PROVISIONS AND ADMINISTRATION

51.1.01 Authority of Northumberland Borough (hereinafter called Borough)

The Council of the Borough is vested by law with the control of the subdivision of land within the Borough by Act 247 of 1968, the Pennsylvania Municipalities Planning Code, as amended (hereinafter called Planning).

51.1.02 Authority of the Northumberland Borough Planning Commission

The Northumberland Borough Planning Commission (hereinafter called Planning Commission) shall have the power to review and approve or disapprove all land subdivision and development plans within the Borough. All applications for approval of subdivision and land development plans within the Borough shall be filed in the Borough Office and submitted to the Planning Commission for review and approval or disapproval.

51.1.03 Purposes of Ordinance

This Ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the Borough.
- B. To guide the future growth and development of the Borough in accordance with the Comprehensive Plan of the Borough.
- C. To provide for adequate light, air, and privacy; secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population in the Borough.
- D. To protect the character and the social and economic stability of all parts of the Borough and to encourage the orderly and beneficial development of all parts of the Borough.
- E. To protect and conserve the value of land throughout the Borough, and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation, and other public requirements facilities in the Borough.
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Borough, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- H. To establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land in the Borough.
- I. To insure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Borough in order to preserve the community and value of the land.

Chapter 51 – Subdivision

- K. To preserve the natural beauty and topography of the Borough and to insure appropriate development with regard to these natural features.
- L. To provide for open spaces through the most efficient design and layout of the land.
- M. And finally, to ensure that documents prepared as of a land ownership transfer fully and accurately describe the parcel of land being subdivided, and new parcels thus created.

51.1.04 Interpretation of Ordinance

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Conflict with Public and Private Provisions
 - 1. Public Provisions: This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, or other provision of law. Where any provision of this Ordinance imposes restriction different from those imposed by any other provision of this Ordinance or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - 2. Private Provisions: This Ordinance is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreements or restrictions the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Borough Planning Commission or the Borough in enforcing this Ordinance, and such private provisions are not inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative and supplement to these regulations and determinations made thereunder.
- C. Separability

If any part or provision of this Ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof to other persons or circumstances. The Borough Council hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, or application.
- D. Saving Provision

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Borough under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Borough except as shall be expressly provided for in this Ordinance.
- E. Repealer

Upon the adoption of this Ordinance according to law, all subdivision, ordinances or regulations of the Borough inconsistent herewith are hereby repealed.

Chapter 51 – Subdivision

51.1.05 *Amendment of Ordinance*

- A. For the purpose of providing the public health, safety and general welfare, the Borough Council reserves the right from time to time to amend this Ordinance in accordance with the applicable provisions of the Planning Code.
- B. Before voting on the enactment of a proposed subdivision ordinance amendment, the Borough Council shall hold a public hearing thereon. Notice of said hearing shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. The first publication shall not be more than 30 days and the second shall not be less than seven days from the date of the hearing. The notice shall state the time and place of the hearing, the particular nature of the matter to be considered at the hearing, a brief summary setting forth the principal provisions of the proposed amendment, and a reference to the place within the Borough where copies of the proposed amendment may be secured or examined.
- C. Unless the proposed amendment shall have been prepared by the Planning Commission, the Borough Council shall submit the ordinance to the Planning Commission at an least 45 days prior to the hearing to provide an opportunity to submit recommendations.
- D. At least 45 days prior to the public hearing, the Borough shall submit the proposed amendment to the Northumberland County Planning Commission for recommendations.
- E. Proposed subdivision amendments shall not be enacted unless notice of proposed enactment is given as follows. This notice shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the solicitor and setting forth all the provisions reasonable detail. If the full text is not included:
 - 1. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
 - 2. An attested copy of the proposed ordinance shall be filed in the Northumberland County Law Library.
- F. In the event substantial amendment are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least ten days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- G. Within 30 days after adoption, the Borough Council shall forward a certified copy of the amendment to the Northumberland County Planning Commission.

51.1.06 *Appeal of Decisions under this Ordinance*

- A. All appeals from decisions or deemed decisions under this Ordinance shall be taken to the Court of Common Pleas of Northumberland County.
- B. The procedures set forth in the Planning Code shall constitute the exclusive mode for the review, by appeal, of any decision rendered or deemed to have been made under this Ordinance and the Planning Code. Said procedures provide, among other things, (a) that all appeals to the Court shall be filed within 30 days after entry of the decision or, in case of a deemed decision, within 30 days after the date upon

Chapter 51 – Subdivision

which notice of said deemed decision is given, (b) that an appeal to the Court shall not automatically stay the action appealed from, but the appellant may petition the Court for a stay.

51.1.07 Remedies

A. Preventive Remedies

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. However, should the Borough decide to issue a permit or grant an approval, as an additional condition for issuance of a permit or the granting of an approval to owner, current owner, vendee or lessee for development of any real property, it may require compliance with the conditions that would have been applicable to the property at time the applicant acquired an interest in the real property.

The Authority to deny such a permit or approval shall apply to any of the following applicants.

- a) The owner of record at the time of such violation.
- b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

B. Enforcement Remedies

1. District justices shall have initial jurisdiction in proceedings brought under this Section.
[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution.]
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence action for enforcement pursuant to this section.

C. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan the Borough Council shall 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 tile improvements covered by said security the Borough 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

Chapter 51 – Subdivision

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.

ARTICLE II – PROCEDURES

51.2.01 *General Matters*

No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

A. Classification of Subdivisions

For purposes of this Ordinance there shall be two classes of subdivisions, namely: Minor and Major.

A **Minor** Subdivision is a subdivision that contains 5 or fewer lots, all fronting on a public street that does not involve the creation of any new street.

A **Major** Subdivision is any subdivision other than a Minor Subdivision.

B. Filing and Official Filing Date of Plans

All subdivision plans shall be filed in the Borough office. The official filing date shall be the date of the regular meeting of the Planning Commission next following the date that there is received in the Borough Office the application and the requisite fees plus six (6) copies of the map or plan and three (3) copies of material to be submitted with the plan, all of which must be in strict compliance with the provisions of this Ordinance.

C. Plan Submission to County

The Borough shall upon receipt of a plan of a proposed subdivision or land development forward to the Northumberland County Planning Commission two (2) copies of each plot or plan received and one (1) copy of all supporting documents required for review.

51.2.02 *Planning Commission*

A. Membership

The Planning Commission shall consist of five (5) residents of the Borough appointed by resolution of Borough Council at least two (2) of which shall be citizen members. Citizen members shall not be officers or employees of the Borough. The term of each of the members of the Commission shall be for four years, or until his until his successor is appointed and qualified. All members of the Commission shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. However, elected or appointed officers or employees of the municipality shall not, by reason of membership thereon, forfeit the right to exercise the powers, perform the duties or receive the compensations of the municipal offices held by them during such membership.

B. Removal

Any member of the Commission may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

C. Conduct of Business

Chapter 51 – Subdivision

The Commission shall elect its chairman and vice chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter laws and rules and regulations to govern its procedures consistent with the ordinances of the municipality and the laws of the Commonwealth. The commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the governing body. Interim reports may be made as often as may be necessary, or as requested by Borough Council.

D. Power and Duties

The Commission shall, at the request of Borough Council, have the power and shall be required to:

1. Prepare the comprehensive plan for the development of the Borough and present it for the consideration of Borough Council.
2. Maintain and keep on file records of its action. All records and files shall be in the possession of Borough Council.
3. Make recommendations to Borough Council concerning the adoption or amendment of an official map. Make recommendations to Borough Council on proposed amendments to the zoning ordinance.
4. Prepare, recommend and administer subdivision and land development and planned residential development.
5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Planning Code.
6. Hold public hearings and meetings.
7. Require from other departments and agencies of the Borough such available information as relates to the work of the Commission.
8. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

51.2.03 Fees

The applicant shall pay to the Borough the fees established by resolution or Borough Council, including review fees and fees for inspection of improvements.

- A. Review fees shall include reasonable and necessary charges by the Borough's consultants and engineers for reviewing and reporting on the plats, plans and specifications.
- B. Inspection of improvement fees shall include all reasonable and necessary expenses of the Borough's consultants and engineers for the inspection of improvements.
- C. If the applicant disputes the amount of such review and/or inspection fees the following procedure shall be utilized:
 1. The applicant shall give notice of the dispute to the Borough within ten (10) working days of the billing date.
 2. If the applicant and the Borough cannot, within twenty (20) days from the date of billing agree upon the amount of the review fees, they shall jointly, by mutual agreement, appoint a licensed professional engineer to review the same and make a determination.
 3. If the Borough and the applicant cannot agree to the appointment of such engineer, then upon the application of either party the President Judge of the Court of Common Pleas of Northumberland County shall appoint such engineer.

Chapter 51 – Subdivision

4. The appointed engineer shall hear such evidence and review such documentation as he or she deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall pay the decided amount immediately.
5. The appointed engineers fee shall be paid
 - a) by the applicant if the decided amount is equal to or greater than the original bill
 - b) by the Borough if the decided amount is less than the original bill by \$1,000.00 or more
 - c) otherwise, by the Borough and the applicant in equal shares.

51.2.04 Approval of Subdivision Plans

A. General Provisions

All applications for approval of a subdivision plan whether preliminary or final, shall be acted upon by the Planning Commission which shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

1. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
2. When an application is approved subject to conditions, the approval shall be rescinded automatically upon the applicants' failure to accept or reject such conditions within 90 days after notice of the conditional approval has been mailed to the applicant.
3. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case cite to the provisions of the statute or ordinance relied upon.
4. 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 like effect.
5. Before acting on any subdivision plat the Planning Commission may hold a public hearing thereon after public notice.
6. No plan which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.
7. The effect that a change of ordinance shall have upon a subdivision plan after the plan has been filed and/or approved shall be such as is set forth in the Planning Code.

B. Plan of Minor Subdivisions

Approval will be based upon the following:

1. Compliance with the plan requirements of this Ordinance.
2. Compliance with Department of Environmental Resources requirements for sewage disposal.
3. Whether the future street pattern of the area will be adversely affected by the proposed plan.

Chapter 51 – Subdivision

4. Whether the plan creates problems in the design of future utilities.
5. Other factors such as geology, terrain, location in a flood plain, etc.

C. Preliminary Plan of Major Subdivisions

1. Prospective subdividers are strongly urged to discuss possible development with the Commission prior to submission of a preliminary plan. A sketch plan may be prepared and presented for review and discussion. Submission of a sketch plan will not constitute a formal filing of a subdivision plan with the Planning Commission. Sketch plans should include those items listed in Section III, Plan Requirements, 3.02.
2. A preliminary plan will be reviewed to determine if it is in compliance with the plan requirements and the design standards set forth in this Ordinance.
3. In the case of a preliminary plan calling for the installation of improvements beyond a five year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of Borough Council in its discretion.
4. Approval of a preliminary plan shall be rescinded automatically upon the applicants failure to file a final plan within two (2) years after notice of the approval was mailed to the applicant.

D. Final Plan of Major Subdivisions

1. The applicant shall file a final plan after notice of the approval of his preliminary plan has been mailed to him. Said plan shall comply with the provisions of this Ordinance and conform with the approved preliminary plan and all required revisions and conditions thereto, otherwise it shall be considered as a revised preliminary plan.
2. In the case where development is projected over a period of years, 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. Each section, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted in the preliminary plan unless a lesser percentage is approved by the Planning Commission in its discretion.
3. No plan shall be finally approved unless the streets shown on such plan have been improved as required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with the Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to this Ordinance there shall be deposited with the Borough financial security in an amount sufficient to cover the costs of such 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.
 - a) Without limitation as to other types of financial security which the Borough 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 Ordinance.

Chapter 51 – Subdivision

- b) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- c) Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements
- d) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this Ordinance.
- e) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- f) 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 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period by using the above bidding procedure.
- g) As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council and the Borough Council shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said 45 day period the Borough Council shall be deemed to have approved the release of funds as required. The Borough Council may, prior to final release at the time of

Chapter 51 – Subdivision

completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

- h) Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- i) 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 Borough, 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 Ordinance.
- j) 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 Ordinance the Borough 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 said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved 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. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

51.2.05 Release from Improvement Bond

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The Borough Council shall within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the Borough 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 30 days after receipt by the municipal engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- B. The Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Borough Council with relation thereto.
- C. If the Borough Council or the municipal 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.

Chapter 51 – Subdivision

- D. If any portion of the said improvements shall not be approved or shall be rejected by the Borough 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 the Borough Council or the municipal engineer.
- F. Where herein reference is made to the municipal engineer, he shall be as a consultant thereto.

51.2.06 Modifications

- A. The Borough Council may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for subdivision. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
- C. The request for modification shall be referred to the Planning Commission for advisory comments. The Borough Council shall keep a written record of all action on all requests for modifications.

51.2.07 Recording of Plans

Upon the approval of a final plan, the developer shall within 90 days of such final approval record such plan in the Office of the Recorder of Deeds of Northumberland County. Said Recorder of Deeds shall not accept any plan for recording, unless such plan officially notes the approval of the governing body, and review by the Northumberland County Planning Commission.

51.2.08 Effect of Plan Approval and Recording

- A. After a plan has been approved and recorded as provided in this Ordinance all streets and public grounds on such plan shall be, and become a part of the official map of the Borough without public hearing.
- B. Recording the final plan shall be an irrevocable offer to dedicate all streets to public use, and to dedicate or reserve all public grounds to public use unless reserved by the subdivider as authorized hereinafter.
- C. Neither the approval of the final plan nor the fact that any street or public grounds has become part of the official map of the Borough shall obligate the Borough to improve or maintain any such street or land or constitute or be deemed to constitute a taking or acceptance of any land by the Borough.
- D. The applicant, if authorized by the Planning Commission, may place a notation on the final plan to the effect that there is no offer of dedication to the public of streets and certain designated public grounds, in which event the title to such areas shall remain with the owner, and the Borough shall assume no responsibility for improvement or maintenance thereof; which fact shall also be noted on the final plan.
- E. Change of Plan-Resubdivision

For any change in an approved or recorded subdivision plan, if such change affects any street layout shown on such plan, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any ordinance or regulation controlling subdivisions, such change shall be approved by the Planning Commission by the same procedures, rules, and regulations as for a subdivision.

Chapter 51 – Subdivision

ARTICLE III – PLAN REQUIREMENTS

51.3.01 General Requirements (3.00)

- A. All subdivision plans shall meet the requirements outlined in the following sections.
- B. All plats, maps and/or surveys submitted as part of the subdivision plan shall be prepared in accordance with the Pennsylvania Act of May 23, 1945, P.L. 913, No. 367, as amended, known as the Professional Engineers Registration Law.

51.3.02 Sketch Plan (3.01)

A sketch plan should show the following information, legibly drawn, but not necessarily to scale or showing precise dimensions

- A. Tract boundaries and location.
- B. Name of municipality in which the subdivision is located.
- C. North point and date of plan.
- D. Significant topographic and physical features of the area.
- E. Proposed general street and lot layout.
- F. Location sketch of the surrounding area showing roads and significant community facilities within 1/2 mile of the proposed subdivision.

51.3.03 Minor Subdivision Plan (3.02)

All minor subdivision plans shall conform to the following:

- A. Title Block: The title block shall show the name of the subdivision, the name of the Borough, the name and address of the owner, the name and address of the engineer or surveyor, the date of preparation, and a line for the signature of the Planning Commission.
- B. Location Sketch: A rough location sketch shall be shown, north oriented to the top, which shall include the roads and community facilities which are located within 1/2 mile of the proposed subdivision
- C. Lotting Design Scheme: The layout of the lots in the subdivision shall be shown at a scale of 1"=50', 1"=100', or 1"=200'. All lots must include dimensions and bearings on each lot line. The right-of-way widths of all existing street and easements shall be shown. If the lots included in the plan do not comprise the entire parcel of the owner, the boundaries of the entire parcel shall be shown. All adjoining properties shall have their intersections shown as dashed lines and the name of the owner(s) of record shall be shown.
- D. Topography and Soils: The applicant should submit a U.S.G.S. topographical map having his property outlined so that the topography will be known. The applicant should also submit a soil map showing the type and aerial extent of the soils on his property. All of this information is available from the Northumberland County Conservation District by using an approved form.
- E. On-lot Sewage: If on-lot sewage disposal is to be utilized, the subdivider or developer must show evidence of compliance with Department of Environmental Resources requirements on sewage disposal.

51.3.04 Preliminary Plan of Major Subdivisions (3.03)

- A. Scale, Color and Size

Chapter 51 – Subdivision

The preliminary plan shall be drawn at a scale of 1"=50' or 1"=100'. Copies of the plan shall be either black and white or blue and white prints, and the sheet size shall be no smaller than 18" x 24" and no larger than 24" x 36".

B. Information to be Shown on Preliminary Plan

1. Title block containing the name of the subdivision, the name of the Borough, the name, address of the owner or subdivider, name of and address of the individual preparing the plan,
2. North arrow.
3. Location map showing relation of proposed subdivision to adjoining properties, related road and highway system, municipal boundaries, and community facilities within at least 1/2 mile of the proposed subdivision.
4. Tract boundaries showing bearings and distance.
5. Names of owners of all adjoining property and names of all submitting subdivisions.
6. Topographic contours at vertical intervals of two (2) feet or five (5) feet and datum and benchmarks to which contour elevations refer; type and aerial extent of soils.
7. Existing water courses and drainage ways, wooded areas, and other significant natural features.
8. Existing buildings, sewers, water mains, culverts power transmission lines, oil and gas pipelines, fire hydrants, and other significant man-made features.
9. All existing or recorded streets on or adjacent to the tract, including name or number, right-of-way width and width of pavement.
10. Soil percolation test sites.
11. Total acreage, number of lots, average lot size, and existing zoning classification.
12. If only part of a tract is being subdivided, a sketch plan of the entire parcel should be included showing the relationship of the subdivided area to the unsubdivided area.
13. Location and width of proposed streets, rights-of- way, and easements; proposed lot lines; and areas to be dedicated to public use.
14. Block for signatures of chairman and secretary of the Planning Commission and date of approval of the plan.
15. Preliminary plans shall include the full plan of the development, showing the location of all proposed streets, right-of-way, easements, public areas including parks and playgrounds, proposed sewer and water facilities, proposed lot lines with approximate dimensions, lot numbers and/or block numbers in consecutive order, and proposed building setback lines for each street.
16. Multi-family, commercial, and industrial land developments shall show building locations and parking areas in addition to the above information.
17. All areas, streets, facilities, etc. proposed to be dedicated for future public use, together with the conditions of such dedications or reservations shall be shown.
18. The soil and water conservation information required by Section II of Appendix I.

C. Material to be submitted with Preliminary Plan

The following information, data, and documents shall be submitted with the preliminary plan:

1. Planning Commission application form.
2. Copies of proposed deed restrictions if any.
3. Tentative cross-sections and center-line profiles for each proposed street

Chapter 51 – Subdivision

4. Preliminary designs of proposed bridges or culverts.
5. Preliminary designs of proposed sewerage systems and water supply systems, where such systems are proposed to be installed.
6. Drawing of present and proposed grades and facilities for storm water drainage.
7. Percolation test data and other on-site sewage disposal data where on-site disposal is proposed to be used.
8. Estimated costs of required improvements.
9. Sketch of proposed street layout for remainder of tract if preliminary plan covers only part of subdivider's land.
10. When the land included in the proposed subdivision has a natural gas pipeline, a petroleum or petroleum products pipeline, or a power transmission line located thereon, the application shall be accompanied by a letter from the owner of such pipeline or transmission line stating the minimum setback distance requirement from such pipeline or transmission line.
11. If on-lot sewage disposal is to be utilized, the subdivider or developer must show evidence of compliance with Department of Environmental Resources requirements on sewage disposal.
12. The soil and water conservation requirements set forth in Section IV of Appendix I.

51.3.05 Final Plan of Major Subdivisions (3.04)

A. Scale, Color and Size

The final plan shall be drawn at a scale of 1" = 50' or 1" = 100'. Copies of the final plan shall be either black and white or blue and white prints with a sheet size which is no smaller than 18" x 24" and no larger than 24" x 36". If the final plan is drawn in two or more sections, a key map showing the location of the sections shall be placed on each sheet.

B. Information to be Shown on Final Plan

1. Title block containing the name of the subdivision, the name of the Borough, the name and address of the subdivider, the date and the scale.
2. Name, address, certification and seal of the registered professional engineer or surveyor preparing the final plan survey and map.
3. North arrow.
4. Location map showing relation of tract to adjoining properties, related road and highway system, municipal boundaries, and community facilities within a minimum of 1/2 mile from the proposed subdivision.
5. Accurate tract boundaries showing bearings and distances which provide a survey of the tract, closing with an error of not more than one (1) foot in 5,000 feet.
6. Existing significant natural or man-made features.
7. Block and lot numbers and lot lines with distances and bearings of all straight lines and radio, arcs, and central angles of all curves.
8. Width and bearings of proposed streets, rights-of-way and easements; and building setback lines.
9. Street names.
10. Location and material of all permanent monuments and lot markers.

Chapter 51 – Subdivision

11. Location and size of all existing and proposed sewer and water lines on or adjacent to the proposed subdivision site.
 12. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public, or community use along with exact extent of street construction and dedication; all areas to which title is reserved by the owner.
 13. Source of title to the land of the subdivision or development as shown by the books of the Northumberland County Recorder of Deeds; names of owners of all adjoining land.
 14. Block for signatures of the chairman and secretary of the Planning Commission indicating approval of plan.
- C. Material to be Submitted with Final Plan
1. Planning Commission application form if different from application previously submitted.
 2. Any material from preliminary plan for which Planning Commission had requested correction or updating.
 3. Final profiles and cross-sections for street improvements, sanitary and storm sewerage, water distribution systems, and surface water drainage systems; and a final grading plan shall be shown on one (1) or more separate sheets.
 4. An erosion and sedimentation control plan for the proposed subdivision to be prepared in accordance with the Rules and Regulations of the Pennsylvania Clean Streams Law, and all items as set forth in Appendix I.
 5. Restrictions of all types which will run with the land and become covenants in the deeds of lots within the subdivision.
 6. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.
 7. Certification from utilities that proper water, power, and other facilities also can be installed.
 8. Certification from the Pennsylvania Department of Environmental Resources approving the Subdivision's water supply and sewerage systems in all areas when public water and/or sewerage is not available.
 9. Certification from the Borough indicating approval of the proposed street layout, sewerage and water supply systems and storm drainage plan
 10. Certification from the applicant, subdivider or developer that all required improvements have been installed and completed, or that the financial security provisions of this Ordinance have been fully met.
 11. The soil and water conservation information and material required by Sections III and IV of Appendix I.

ARTICLE IV – SUBDIVISION DESIGN STANDARDS

51.4.01 *Minimum Standards*

- A. The standards outlined in this section shall be applied by the Northumberland Planning Commission in evaluating plans for proposed subdivisions. The standards outlined herein shall be considered to be minimum standards, and the Planning Commission may require more restrictive standards. Whenever

Chapter 51 – Subdivision

municipal or other applicable regulations impose more restrictive standards, such other regulations shall control.

- B. The location of the subdivision shall conform to any applicable comprehensive plan, and the use of land in the subdivision shall conform to any applicable zoning ordinance.

51.4.02 General Standards

The following requirements and guiding principles for subdivision and land development shall be observed by all developers.

- A. Land Suitability: Land subject to flooding and all land deemed by the Planning Commission to be uninhabitable because of other hazards to life, health, or property, (such as improper drainage, steep slopes, rock formations or topography, or utility easements or rights-of-way) shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but such land within an area for which a subdivision plan is developed shall be set aside for such uses as will not be endangered by periods of occasional flooding or will not result in unsatisfactory living conditions.
- B. Municipal Boundaries: Lot lines shall, where possible, follow municipal and county boundary lines rather than cross them.

51.4.03 Streets

A. Systems and Arrangement

1. Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
2. Where a proposed subdivision or land development abuts or contains an existing or proposed major collector or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots, or seek other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.
3. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
4. All cul-de-sac streets, whether permanently or temporarily designed as such, shall not exceed eight hundred (800) feet in length or serve more than sixteen (16) lots or dwelling units, whichever is the lesser. Permanent cul-de-sac streets must be provided with a paved turn-around with a minimum radius of fifty (50) feet in right-of-way and forty (40) feet in paved cartway.
5. Any street dead-ended for access to adjoining property or because of authorized stage development shall be provided with a temporary all-weather turn-around within the development, the use of which shall be guaranteed to the public until such time as the street is extended.
6. Alleys will not be permitted in residential subdivisions.
7. Private streets are to be discouraged, and will be permitted only if they are designed to meet the requirements of this ordinance for public streets.

B. Street Intersections

Chapter 51 – Subdivision

1. To the fullest extent possible, local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet as measured from centerline to centerline.
2. The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than one hundred and fifty (150) feet unless the streets are directly opposite each other.
3. Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
4. Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than seventy-five (75) degrees. The intersection of two local streets shall not be at an angle of less than sixty (60) degrees.
5. Minimum curb radius at the intersection of two local streets shall be at least twenty (20) feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least twenty-five (25) feet. [Amended 10-5-95 by Ord. No. 438.]
6. There shall be provided and maintained at all intersections clear sight triangles formed by the curb lines and a straight-line joining points which, measured along said curblines, are twenty-five (25) feet distant from the intersection of the curblines. If there are no curbs, the clear sight triangle shall be measured along the paved portion of the street, avenue or alley. No fence, wall, hedge or other structure or planting more than two (2) feet in height shall be erected, placed maintained or allowed to remain within the clear sight triangle.
7. Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having a grade of not greater than four (4) percent for a distance of twenty-five feet measured from the nearest right-of-way line of the intersecting street.

C. Alignment

1. Whenever street lines are deflected by more than five (5) degrees, connection shall be made by horizontal curves.
2. The minimum radius at the center line for horizontal curves on collector streets shall be three hundred (300) feet, and for local streets the minimum radius shall be one hundred (100) feet.
3. On local streets, the minimum tangent between reverse curves shall be at least one hundred (100) feet; on collector and arterial streets the minimum tangent shall be at least two hundred fifty (250) feet.
4. Minimum vertical sight distance measured four (4') feet above grade shall be three hundred (300) feet for collector and arterial streets and one hundred (100) feet for local streets.

D. Grades

1. The minimum grade on all streets shall be one-half (0.5) percent.
2. The maximum grade on collector or arterial streets shall be seven (7) percent and on local streets ten (10) percent.
3. Vertical curves shall be used in changes of grade exceeding one (1) percent. To provide proper sight distances, the minimum length of vertical curves shall be five hundred (500) feet for collector and arterial streets and three hundred (300) feet for local streets.

Chapter 51 – Subdivision

4. Where the development is located in an area having slopes generally in excess of 15%, local streets may be built with gradients of up to (15) percent where it is impractical or impossible to achieve a grade of ten (10) percent or less.

E. Widths

1. Minimum street right-of-way and cartway widths for streets shall be as follows:

	Predominant lot width at building setback line			
	Street Type	60' or less	61' to 80'	over 80'
Local	Right-of-way	50'	50'	50'
	Cartway	36'	28'	20'
		(with curbs)	(with curbs)	(with 8' graded shoulders)
Cul-de-sac	Right-of-way radius	50'	50'	50'
	Cartway radius	40'	40'	40'
		(with curbs)	(with curbs)	
	Right-of-way	60'	60'	60'
	Cartway	38'	38'	24'
		(with curbs)	(with curbs)	(with 10' graded shoulders)
Arterial Street	Right-of-way	80'	80'	80'
	Cartway	40'	40'	24'
		(with curbs)	(with curbs)	(with 10' graded shoulders)

2. Provision for additional street right-of-way may be required by the Planning Commission in specific cases for:
 - a) Public Safety and convenience;
 - b) Access to off-street parking in commercial and industrial areas and in areas of high-density residential development.
3. Where a subdivision or development abuts or contains an existing municipal street or road of inadequate right-of-way width, additional right-of-way in conformance Article 51.04.03E above shall be required.
4. Where a subdivision or development abuts or contains an existing street or road on the state highway system, the Pennsylvania Department of Transportation shall make a recommendation concerning necessary additional right-of-way width of the state road and minimum building setback from the state road. Any additional right-of-way width required to correct existing problems or to allow necessary improvements shall be reserved on the plan but dedication of this additional right-of-way will not be required for plan approval. Building setback lines shall be measured from this required ultimate street right-of-way line.

F. Street Verge

1. Sidewalks shall be installed in subdivisions where semi-detached or attached structures are planned, or where lot widths are less than eighty (80) feet or where the subdivision abuts areas which have existing sidewalks. Sidewalks may also be required to provide access to community facilities such as schools, shopping centers, or recreation areas if the Planning Commission deems that a hazard would exist without them.
2. Sidewalks shall commence one (1) foot inside the right-of-way line and extend toward the curb line. They shall be a minimum of four (4) feet in width.
3. Street trees shall be permitted between the sidewalk and building line. Trees shall also be permitted between the sidewalk and the street if the area is more than four (4) feet in width.

Chapter 51 – Subdivision

4. Street signs shall be provided at every intersection. They shall be of a design approved by the local municipality.

51.4.04 Blocks and Lots

A. Blocks

1. Blocks shall have sufficient widths to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.
2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but in no cases shall blocks in residential subdivisions exceed one thousand six hundred (1600) feet in length unless conditions do not permit longer blocks.
3. In large blocks with interior parks or playgrounds, in exceptionally long blocks where access to a school, shopping center, or to any other facility is necessary, or where cross streets are impractical or unnecessary, a crosswalk with a minimum right-of-way of twelve (12) feet with a minimum surfaced width of five (5) feet may be required by the Planning Commission.
4. In long blocks the Planning Commission may also require the reservation of an easement through the block to accommodate utilities or drainage facilities. Such easement shall not be less than twenty (20) feet in width.

B. Lots

All lots shall conform to any applicable zoning ordinance.

51.4.05 Building or Setback Lines, Easement

A. Building or Setback Lines

"The building or setback distance shall be that which is set out in the Zoning Ordinance. Said distance shall be measured from the required minimum or actual right-of-way line whichever is greatest."

B. Easements

1. When easements are required for utilities, the minimum width shall be as required by the utility company, but in any case shall not be less than twenty (20) feet. Easements shall, to the fullest extent possible, be centered on or adjacent to rear or side lot lines. Local utility companies shall be consulted by the developer when locating easements.
2. Where a subdivision or land development is traversed by a water course or drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage way, channel, or stream. Such easement shall be of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening; relocating, improving, or protecting; such drainage facilities or for the purpose of installing a storm water sewer. In no case shall the width of such easement be less than fifty (50) feet.
3. There shall be a minimum distance of twenty (20) feet from the right-of-way line, measured at the shortest distance, between any dwelling unit and any petroleum product or natural gas transmission line which traverses the subdivision or development.

51.4.06 Community Facilities

In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units to be developed, and may request the reservation or dedication of land for such facilities.

Chapter 51 – Subdivision

51.4.07 Recreation and Open Space

The Northumberland Planning Commission may require the reservation of open or recreation space in subdivisions containing twenty-five (25) or more lots. This area shall consist of a minimum of five (5) percent of the total area of all lots and shall be suitable for various outdoor recreational uses. It shall be easily and safely accessible from all parts of the subdivision and shall be free of safety and health hazards and shall also have suitable physical characteristics for varied recreational use including well-drained soils, gentle topography, and suitable shape and size.

51.4.08 Sewers

A. General Requirements

1. Adequate sewage disposal must be provided to every lot in the proposed subdivision. The method of sewage disposal shall be determined by the Northumberland Planning Commission giving consideration to the following order of preference:
 - a) Connection to a public sanitary sewer system.
 - b) Provision by the developer of a complete private sanitary sewer system using a treatment plant, in accordance with the requirements of the Pennsylvania Department of Environmental Resources.
 - c) Individual on-lot sewage disposal.
2. The Northumberland Planning Commission shall be guided by the Northumberland County Sewage Disposal and Water Supply Plan and the Pennsylvania Department of Environmental Resources in determining what type of sewage disposal facilities should be provided.
3. The Planning Commission may require the installation of capped sewers if the proposed subdivision is located in an area which will be served by public sewers within five (5) years.
4. If the proposed subdivision lies within one thousand (1000) feet of an existing; public sewer, the sewer must be extended to serve the subdivision at the expense of the developer.

B. On-lot Sewage Disposal

Approval of on-lot sewage disposal in any subdivision or development shall be based on a survey of the physical features of the land to be subdivided or developed. The physical features of the tract shall meet the criteria, as specified by the Pennsylvania Department of Environmental Resources.

51.4.09 Water

Where an existing water line is within one thousand (1000) feet of the proposed subdivision, the subdivision shall be connected to such line at the expense of the developer. Where the number of dwelling units in the subdivision exceeds twenty-five (25), the Planning Commission may require installation of a community water system if it is not feasible to connect to an existing public system. For other developments, on-site individual wells will be permitted if the water meets all standards. No individual well shall be located closer than one hundred (100) feet from an on- site sewage disposal system.

51.4.10 Drainage

- A. Storm Sewers: Storm sewer culverts and related facilities shall be required, as necessary, to permit the unimpeded flow of natural water courses and insure the drainage of low points in the subdivision. Facilities shall be designed to handle the runoff from the entire upstream drainage basin. When adequate existing storm sewers are readily accessible, the subdivider shall connect his storm water facilities to these existing sewers.

Chapter 51 – Subdivision

- B. **Abutting Properties:** Storm sewers or drainage channels opening onto adjacent land shall empty into natural water courses. Should the outlet abut another property, and not empty into the natural water course, the Northumberland Planning Commission may require the submittal by the developer in writing of the approval of adjoining affected owners.
- C. **Erosion Control:** Paved gutters, curbing, construction of drainage ways, and other improvements may be required by the Planning Commission to eliminate or reduce serious surface water erosion hazards.
- D. **Disturbance of Existing Water Courses:** Other than construction of bridges or erosion control measures approved by the Northumberland Planning County Commission and Northumberland County Conservation District, no disturbance of waterways shall be permitted, including diversions of waterways, filling of waterways, construction of roads or structures in water-ways, or unnecessary operation of equipment therein.
- E. **Areas of Poor Drainage:** Whenever a subdivision plan is submitted for an area which is subject to localized flooding due to trapped or ponded surface water and existing poor drainage, the Planning Commission may approve such subdivision provided that the subdivider fills the affected area to an elevation sufficient to plan the streets and lots at a minimum of twelve (12) inches above the elevation of the maximum flood. The plan of such subdivision shall provide for an overflow zone along the bank of any stream or water course, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed thereon.
- F. **Flood Plain Areas:** The Planning Commission, may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. The determination of a flood plain will be made from the 100 year official flood plain maps developed by HUD as part of the Flood Insurance Program.

ARTICLE V – STANDARDS FOR SPECIALIZED SUBDIVISIONS

51.5.01 General Exceptions

The standards in this section shall be applied by the Northumberland Planning Commission in evaluating plans for specialized types of subdivision and land development projects. The standards in this section shall be considered minimum standards and the Planning 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 this ordinance not in conflict herewith.

51.5.02 Purpose and Intent: (5.021)

"The purpose of the following standards and requirements is to provide an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within planned residential developments and the implementation of new design concepts while at the same time maintaining the overall intensity of use, density of population and amounts of light, air, access and open space specified by the Zoning Ordinance for the district in which a proposed development is to be located"

A. Site Standards

1. The development shall be served by an approved public or central water supply system and an approved public or central sanitary sewer system.
2. The site must have sufficient frontage of an existing street to construct the necessary interior roads to service the development.

Chapter 51 – Subdivision

- B. Density: "The development shall comply with the density requirements of the Zoning Ordinance."
- C. Common Open Space: Common open space, for the use of residents within the development, shall be provided on the plans submitted. This open space may consist of areas of land and/or water. A minimum of forty (40) percent of the tract shall be allocated to and shall remain common open space, exclusive of roads, parking areas, structures, and service lawns.
- D. Streets: All interval streets in planned residential developments shall have a minimum right-of-way of fifty (50) feet and a minimum paved cartway of twenty-eight (28) feet.
- E. Setbacks;
 - 1. No detached or semi-detached dwelling structure shall be located within fifteen (15) feet of any other structure.
 - 2. No structure shall be located within twenty-five (25) feet of the right-of-way line of any street.
- F. Off Street Parking: "Off-street parking spaces shall be provided according to the requirements of the Zoning Ordinance." Such off-street parking spaces may be provided as an individual garage, carport, or driveway located behind the building setback line or in a parking area located within two hundred (200) feet of the dwelling unit it serves.

51.5.03 Mobile Home Parks

- A. Minimum Park Area: A mobile home park shall have a minimum gross area of five (5) contiguous acres of land suitable for development.
- B. Grading and Ground Cover Requirements: The ground surface in all parts of each mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner. Exposed ground surfaces in all parts of each of the mobile home park shall be treated in a manner approved by the Northumberland Planning Commission and the Northumberland County Conservation District to effectively prevent soil erosion and blowing dirt and dust.
- C. Lot Requirements
 - 1. The maximum number of mobile home lots or spaces within a mobile home park shall not exceed seven (7) lots per acre of the total area of the mobile home park.
 - 2. The minimum lot size for mobile homes in a mobile home park shall be not less than five thousand (5,000) square feet. The minimum width of a mobile home lot shall be not less than fifty (50) feet, and the minimum length of a mobile home lot shall be not less than one hundred (100) feet or thirty (30) feet greater than the overall length of the mobile home to be located on such lot, whichever is greater.
 - 3. All mobile home lots shall abut a street of the mobile home park internal street system. Lots may be laid out at an angle to the street line, but in no case shall the frontage on each lot be less than forty-five (45) feet.
- D. Setbacks, Buffer Strips, and Screening
 - 1. All mobile homes, auxiliary park buildings, and other structures shall be located at least forty (40) feet from the mobile home park boundary lines and public street right-of-ways. A suitable perimeter screening of plantings or fencings may be approved by the Northumberland Planning Commission, in which case the minimum buffer strip may be reduced to twenty-five (25) feet.
 - 2. Repair, maintenance, and storage areas and buildings shall be screened from the mobile home lots, park streets, and public roads by suitable plantings or fencing approved by the Northumberland Planning Commission.

Chapter 51 – Subdivision

3. Mobile homes shall be located at least fifty (50) feet from any auxiliary park buildings and any repair, maintenance, or storage areas or buildings.
- E. Recreation and Open Space: A minimum of five (5) percent of the gross area of the mobile home park or ten thousand (10,000) square feet of space, whichever is greater, shall be reserved for recreational space. This space shall be suitable for various outdoor recreational uses as specified in Section 4.07 of this ordinance
- F. Parking Space: A minimum of two (2) auto parking spaces shall be provided for each mobile home lot within the mobile home park. These spaces shall be located within two hundred (200) feet of the mobile home lot that they are intended, to serve.
- G. Streets: All streets within a mobile home park shall be designed and constructed according to the required design standards of this ordinance.
- H. Lot Improvements
1. All mobile home lots within a mobile home park shall be provided with connections to sewer and water systems, and all necessary utilities.
 2. A cement concrete patio of a minimum area of two hundred (200) feet shall be provided on each mobile home lot.
- I. Utilities and Facilities
1. Mobile home parks shall be served by an approved public or central water supply system and an approved public or central sanitary sewer system. The systems shall be designed and installed according to the standards of the Pennsylvania Department of Environmental Resources and shall be approved by said department.
 2. Other utilities shall be provided in accordance with plans approved by the Northumberland Planning Commission and the utility companies. Underground installation of the utility distribution and service lines is required for approval of the final plan.
 3. Each mobile home park shall have at least one service building providing sanitation and laundry facilities. There shall be provided at least one (1) flush toilet, and one (1) shower for men, one (1) lavatory and one (1) flush toilet, one (1) lavatory, and one (1) shower for women, within an easily accessible service building.

51.5.04 Travel Trailer Parks and Campgrounds

- A. General Standards: Travel trailer parks and campgrounds shall be subject to all standards set forth for mobile home parks above with the following changes:
- B. Space Requirements
1. The maximum number of lots or camping spaces within each park or campground shall be no more than fifteen (15) per acre of the total area of the park or campground.
 2. The minimum size of each lot or camping space shall be thirty (30) feet in width and fifty (50) feet in depth and shall be not less than one thousand five hundred (1500) square feet in area.
 3. All lots or camping spaces shall abut on a street of the park or campground internal street system and shall have no less than thirty (30) feet in frontage on such street.
 4. A minimum of one (1) vehicle parking space shall be provided for each park lot or campground space within the travel trailer park or campground.
- C. Streets: An internal park or campground system of private or public streets or roads shall be provided and constructed according to the design standards set forth this ordinance.

Chapter 51 – Subdivision

- D. Lot Improvements: Travel trailer park lots may be improved for use by independent travel trailers. Independent trailers used as permanent residences shall not be allowed in travel trailer parks or campgrounds.

51.5.05 Commercial Land Development

- A. General Standards: Commercial development plans, including shopping centers, shall comply with the following standards and requirements as well as with all other applicable provisions of this ordinance not in conflict herewith.
- B. Site Standards:
1. The site shall be served by an approved public or community water supply system and an approved public or community sanitary sewer system, or an approved Department of Environmental Resources system.
 2. Adequate storm drainage facilities shall be provided.
- C. General Design: The layout of commercial development areas shall be designed in accordance with any applicable 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, and
 4. design coordination with adjacent parcels of land.
- D. Circulation:
1. Access to public streets shall be limited to defined entrance and exit lanes.
 2. Exit lanes shall be separated from entrance lanes by dividers or planting islands.
 3. Painted lines, arrows, and dividers shall be provided to control parking and circulation.
 4. To the greatest extent possible, customer parking and circulation shall be separated from delivery service drives and unloading areas.
- E. Parking Area Requirements:
1. Five and one-half (5 1/2) parking spaces per one thousand (1000) square feet of gross leasable commercial area shall be provided.
 2. To the greatest extent possible, parking aisles shall be designated at right angles to the stores.
 3. Parking area shall be set back from street right-of-way lines and property boundaries a minimum distance of fifteen (15) feet.
 4. The setback areas between the parking area and street right-of-way or property lines shall be maintained as a planting area.
 5. All parking areas, service drives, and exit and entrance lanes shall be graded and paved according to the specifications in Section 6 below.
- F. Landscaping Screen plantings shall be provided where a commercial development abuts residential property. A screen planting 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 areas as much as possible.

51.5.06 Industrial Land Development

- A. General Standards Industrial development plans, including industrial parks, shall comply with the following standards and requirements as well as with every other applicable provision of this ordinance not in conflict herewith.

Chapter 51 – Subdivision

- B. 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.
- C. Off-Street Parking Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for each 1.2 employees shall be provided.
- D. General Design Standards The layout of the industrial area shall be designed according to any applicable zoning ordinance to provide: 1) the most efficient arrangement for present use and future expansion, and 2) the provision of adequate and safe space for employee and customer access and parking.
- E. Screening Industrial developments shall be adequately screened from adjacent residential or other incompatible use areas. All storage, service, or unsightly areas within the industrial development shall be adequately screened from any adjacent developments and streets.
- F. Utilities All proposed industrial development shall provide written approval from the Pennsylvania Department of Environmental Resources of 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 may be required for approval.

ARTICLE VI – REQUIRED IMPROVEMENTS

51.6.01 General Requirements

The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements are approved and the improvements are installed or a suitable guarantee is provided.

51.6.02 Streets

- A. General Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Northumberland Planning Commission. The subdivider must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The pavement shall be constructed to the specifications in Sections 51.6.02 B and 51.6.02 C unless a specific substitute is requested and approved by the Planning Commission.
- B. Collector Streets The pavement of collector streets shall consist of a uniform ten (10) inch layer of compacted stone, a uniform four (4) inch layer of compacted bituminous concrete base course, and a uniform one (1) inch layer of compacted bituminous wearing course I-D2, all placed, in accordance with the latest specifications of PENNDOT.
- C. Local Streets The pavement of local streets shall consist of a uniform eight (8) inch layer of compacted stone, a uniform four (4) inch layer of compacted bituminous concrete base course, and a uniform one (1) inch layer of compacted bituminous wearing course I-D2, all placed in accordance with the latest specifications of PENNDOT.

51.6.03 Curbs and Gutters

- A. Curbs
 - 1. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments.

Chapter 51 – Subdivision

2. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.
3. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, or bituminous curbs placed by curbing machines.

B. Gutters In areas where curbs are not used, gutters shall be provided and stabilized to avoid erosion.

51.6.04 Sewers

- A. Public Sewer Systems When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Planning Commission.
- B. Private Sewer Systems When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Planning Commission from the Pennsylvania Department of Environmental Resources certifying that a permit has been issued by the Sanitary Water Board approving the proposed facilities. Adequate provision for the maintenance of such plant shall be furnished to the municipality in which the subdivision is located.
- C. On-Lot Sewage Disposal In subdivisions when neither connection to a public sewerage system nor a complete sanitary sewer system is required, sewage disposal shall be provided on individual lots, consisting of septic tanks and tile absorption fields. The physical features of the tract on which on-lot disposal provided shall meet the criteria specified by D.E.R. Provision of on-lot sewage disposal systems in the standard residential subdivision shall not; be the responsibility of the subdivider unless the subdivider is also constructing and selling the homes.

51.6.05 Water

- A. Provision of System
 1. The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the Pennsylvania Department Environmental Resources with satisfactory provision for the maintenance thereof; except that when such municipal or community water supply water is not available each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources.
 2. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- B. Plans 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 applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency, to which the subdivision or land development will be connected, shall be submitted to the Planning

Chapter 51 – Subdivision

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 Planning Commission and the municipality.

- C. Fire Hydrants Fire hydrants shall be provided as an integral part of any public water supply system.

51.6.06 Storm Drainage

Storm sewers, culverts, and related installations shall be provided to permit the unimpeded flow of natural water courses, to ensure the drainage of all low points along the line of streets, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained.

51.6.07 Utilities

Telephone, electric, TV cable and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated of such utilities, and in accordance with plans approved by the Northumberland Planning Commission and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

51.6.08 Monuments and Markers

Monuments and markers shall be iron pipes or bars thirty (30) inches by three-fourths (3/4) inch diameter and set at all points where lines or lines and curves intersect.

ARTICLE VII – DEFINITIONS

51.7.01 General Interpretation

Unless otherwise expressly stated, the following terms shall be for the purpose of this Ordinance, have the meaning indicated:

- A. Words in the singular include the plural and words in the plural include the singular.
- B. The word "person" includes a corporation, unincorporated association, and a partnership as well as an individual.
- C. The word "building" shall be so construed as if follows by the words "or part thereof".
- D. The word "watercourse" includes "drain", "ditch", and "stream".
- E. The words "shall" and "will" are mandatory.
- F. The word "may" is permissive.

51.7.02 Specific Terms and Phrases

Agent Any person who represents, or acts for or on behalf of an applicant, a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Alley A minor right-of-way, privately or publicly owned primarily for service access to the back or sides of properties.

Apartment A dwelling unit separated horizontally and/or vertically from one or more other units in a structure.

Apartment, Garden An apartment house not exceeding three stories in height.

Apartment House or Multiple Dwelling Unit A residential structure containing three or more apartments.

Chapter 51 – Subdivision

Applicant A landowner or developer, as hereinafter defined, who has filed an application including his heirs, successors and assigns.

Application Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for the approval of a subdivision plan.

Building Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, Accessory A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Mobilehome Park Service or Auxiliary A structure within a mobile home park containing or used for office, operational, recreational, maintenance, or other facilities.

Building, Principal The main structure or building located on a given lot.

Cartway The portion of a street intended for vehicular use.

Clear Sight Triangle An area of unobstructed vision at street intersections defined by the Borough Zoning Code.

Cul-de-Sac A street intersecting another street at one end only and terminating at the other end in a vehicular turn around.

Decision Final Adjudication of any board or other body granted jurisdiction under this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common pleas of Northumberland County.

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

Duplex A residential unit divided horizontally into two dwelling units (i.e. having one above the other.)

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

Easement Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Engineer A licensed engineer registered in the Commonwealth of Pennsylvania.

House, Detached A dwelling unit occupying the whole of a free-standing residential structure.

House, Row or Town A dwelling unit with one or two common walls located in a residential structure containing three or more dwelling units and not having any horizontal division between units.

House, Semi-Detached, or Twin A residential structure consisting of two dwelling units separated by a common wall.

Improvement, Lot Those physical additions and changes to the land which may be necessary to produce usable and desirable lots.

Improvement, Public Any drainage ditch, roadway, recreation area, lot improvement or other facility for which the Borough may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which Borough responsibility is established.

Land Development Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

Chapter 51 – Subdivision

- a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds condominiums, building groups or other features.
2. A subdivision of land.
 3. Development in accordance with section 503(1.1) of the Planning Code.

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

Lot Area The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

Lot, Corner A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Double-Frontage A lot with street frontage at both the front and the rear.

Lot, Reverse Frontage A Lot extending between, and having frontage in, an arterial street and a local street, with vehicular access only from the local street.

Lot Width The width of a lot measured at the building set back line.

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

Mobilehome, Dependent A mobile home which is not equipped with a toilet and bathtub or shower.

Mobilehome, Independent A mobile home which is equipped with a toilet and bathtub or shower.

Mobilehome Lot A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Municipal Engineer A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough or Planning Commission.

Municipality Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

Plan The provisions for development including, but not limited to, a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition

Plan, Final. A complete plan containing the information required by this Ordinance and approved by the Planning Commission

Chapter 51 – Subdivision

Plan, Preliminary. The plan, preliminary in nature, containing the information required by this Ordinance, submitted to the Planning Commission for approval prior to the final plan.

Plan Sketch A plan containing the information required by this Ordinance submitted prior to the minor subdivision plan or the preliminary plan to save time and expense in reaching general agreement with the Planning Commission as to the layout of the subdivision and the objectives of this Ordinance

Planning Code The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Planning Commission The Northumberland Borough Planning Commission.

Plat A map or drawing of the subdivision or land development, whether preliminary or final.

Public meeting A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

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

Right-of-way A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, power transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other similar uses.

Setback. The distance between a building and the street line nearest thereto.

Sewage Disposal System, Individual or On-Lot A septic tank, seepage tile disposal system, or any other sewage treatment device designed to serve one building or lot and approved by the Pennsylvania Department of Environmental Resources.

Sewerage System, Community or Central A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Street Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street, Arterial A road intended to move through traffic to and from major traffic generators and/or as a route for traffic between communities or large areas.

Street, Collector A road intended to move traffic from local streets to arterial streets.

Street Line The property line or limit of a right-of-way.

Street, Local A road or street intended to provide access to the other roads from individual properties and to provide a right- of-way for utilities such as sewer, water, and storm drainage lines

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

Subdivision, Minor A subdivision that contains five or fewer lots, fronting on a public street, that does not involve the creation of any new street.

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

Chapter 51 – Subdivision

Surface Drainage Plan A plan showing all present and proposed grades and facilities for storm-water drainage.

Surveyor A licensed surveyor registered in the Commonwealth of Pennsylvania.

Water System, Community or Central A private water company formed by a developer to serve a new community development in an outlying area.

Zoning Ordinance The Northumberland Borough Zoning Ordinance.

APPENDIX I - ITEMS RELEVANT TO SOIL AND WATER CONSERVATION THAT SHALL BE INCLUDED IN A SUBDIVISION AND/OR LAND DEVELOPMENT ORDINANCE

A. Definition of Terms

Erosion, Accelerated Water Erosion of the soil or rock over and above normal erosion brought about by changes in the natural cover or ground conditions, including changes caused by human activity. There are several kinds of accelerated erosion. They are: Sheet, Rill and Gully erosion.

Erosion And Sedimentation Control Plan A plan setting forth the methods to prevent accelerated erosion and sedimentation resulting from earthmoving activities including, but not limited to, excavations, embankments, land development, subdivision development, and the moving, depositing or storing of soil, rock or earth.

Flood Plain A nearly level area bordering streams that is subject to overflow.

Runoff The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow, or snow melt, that does not enter the soil but runs off the surface of the land.

Sedimentation The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water, it is usually referred to as "sediment").

Slope The rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

<u>Description</u>	<u>Percent Slope</u>	<u>Slope Class</u>
(a) Nearly level	0 – 3 percent	A
(b) Gently sloping	3 – 8 percent	B
(c) Sloping	8 - 15 percent	C
(d) Moderately steep	15-25 percent	D
(e) Steep	25-35 percent	E
(f) Very steep	35 percent plus	F

Soil Percolation Test A method of determining the ability of soil to absorb moisture under certain conditions. It is used to measure the amount of water assimilated by the soil in inches of drop per time interval, and indicates the problems that will occur in utilization of on-lot sewage disposal.

Soil Stabilization The chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise insure its resistance to erosion, sliding or other movement.

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

Topsoil Surface soil and sub-surface soil which presumably is fertile soil and soil material ordinarily rich in organic matter or humus debris.

Watercourse A permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water whether natural or man-made

Chapter 51 – Subdivision

B. Information Required on Preliminary Plans

1. The proposed plan for storm drainage Systems including location of storm sewers, culverts, inlets, easements, diversion terraces, sedimentation basins, etc., and a determination of the amount of runoff from the project area and the upstream watershed area
2. The location of prominent topographic features such as streams, drainage channels, floodplains, wooded areas and other pertinent features that may influence the design.
3. Soil survey information in the form of a soil map or a sketch showing kinds and extent of soils for the subdivision. This information may be available upon request from the Northumberland County Conservation District.

C. Documents Required for Final Plan Approval

Certificate from either the Pennsylvania Department of Environmental Resources or the Northumberland County Conservation District stating that the erosion and sedimentation control plan has been approved and that a land disturbance permit has been issued for an earthmoving activity by said Department of District if such a permit is required by the Rules and Regulations of said Department.

D. General and Specific Requirements for Subdivision and Land Development

1. Easements For Drainage Ways - Where a subdivision or development is traversed by a drainage way, water course, channel or stream, there shall be provided a drainage easement conforming substantially with the water line of such drainage way, water course, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities or for the purpose of installing a storm sewer.
2. Lot And Block Requirements - The Northumberland Borough Planning Commission may require that the size of lots be increased according to the results of soil percolation tests. In all areas of the Borough where on-site sewage disposal is planned, the subdivider or developer is urged to consult the Soil Survey for Northumberland County and/or the Soil Conservation Service before establishing lot sizes and designing a subdivision or land development
3. Erosion And Sediment Control - Land proposed for subdivision and land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover until an Erosion and Sedimentation Control Plan is prepared as required by Chapter 102, Erosion Control, of the Rules and Regulations of the Pennsylvania Department of Environmental Resources. A land disturbance permit shall be obtained from the Department when required by said Rules and Regulations after review of the permit application by the Northumberland Borough Planning Commission and the Northumberland County Conservation District.

In order to ensure that all earthmoving activities within Northumberland Borough are conducted in such a way as to prevent accelerated erosion and the resulting sedimentation of waters of the Commonwealth, thereby preventing pollution of such waters from sediment, and from fertilizer, pesticides and other polluting substances carried by sediment, the following standards shall apply

a) Erosion And Sedimentation Control Plan

The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following;

- 1) The topographic features of the project area;
- 2) The types, depth, slope, and a real extent of the soils;

Chapter 51 – Subdivision

- 3) The proposed alteration of the area;
- 4) The amount of runoff from the project area and the upstream watershed area;
- 5) The staging or timetable of earthmoving activities;
- 6) Temporary control measures and facilities for use during earthmoving;
- 7) Permanent control measures and facilities for long term protection;
- 8) A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area; and
- 9) Stream relocation or channelization.

The Erosion and Sedimentation Control Plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

b) Erosion and Sedimentation Control Measures and Facilities

Erosion and sedimentation control measures and facilities shall as a minimum meet the standards and specifications of the Northumberland County Conservation District, as contained in the "Erosion and Sediment Control Handbook" of Northumberland County, and the standards and specifications of the Pennsylvania Department of Environmental Resources Rules and Regulations for Erosion Control.

c) Restoration

Upon completion of the earthmoving project, all areas which were disturbed by the project including off-site borrow areas shall be stabilized so that accelerated erosion will be prevented. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed. Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

d) Responsibility of the Developer

It shall be the responsibility of the developer:

- 1) To submit the application for a land disturbance permit, accompanied by an erosion and sedimentation control plan and such other documents as may be required;
- 2) To remove sedimentation from all adjoining surfaces, drainage systems and watercourses and to repair any damage at developers' expense as quickly as possible whenever sedimentation is caused by stripping vegetation, regrading or other development.
- 3) To maintain all drainage facilities and watercourses within any subdivision or land development until they are accepted by the municipality or some other official agency.
- 4) To maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way during the pendency of any activity of the developer on or across the same, and to return it to its original or equal condition after such activity is completed:
- 5) Not to block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Department of Environmental Resources, and/or Pennsylvania Fish Commission.

Chapter 51 – Subdivision

- 6) To provide a drainage easement or right-of-way conforming substantially with the line of the water course, and of such width as will be adequate to preserve natural drainage where a subdivision or land development is traversed by a watercourse;
 - 7) To collect on-site surface runoff and dispose it at a stabilized point of discharge into the common natural watercourse of the drainage area when any surface changes are made.
 - 8) To handle existing and potential off-site runoff through his development by designing to adequately handle storm water runoff from a fully developed area upstream when any surface changes are made.
 - 9) To provide and install at developer’s expense, in accordance with the approved Erosion and Sedimentation Control Plan, all erosion and sedimentation control measures and facilities when any surface changes are made.
 - 10) Not to conduct any grading within five (5) feet of any subdivision or land development boundary except as is needed for the entrance of streets.
- e) Storm Drainage
- 1) In designing the drainage system, the developer shall pay special attention in the sizing of facilities to serve the entire drainage basin, and the advice of the U.S. Soil Conservation Service and/or an Engineer shall be sought in such matters
 - 2) Where storm drainage must cross a property adjoining the developer's plan, he shall secure approval in writing from the adjoining owner or owners of the affected property for passage of storm water.
 - 3) The minimum diameter of any storm drainpipe shall be fifteen (15) inches.
 - 4) Stabilized outlets shall be provided for footer drains, floor drains, downspouts and private driveways.

ORDAINED AND ENACTED as an ORDINANCE of the Borough of Northumberland,

Northumberland County Pennsylvania, this _____ day of _____, 1991.

President of Council

Attest:

Secretary

Approved this _____ day of _____, 1991

Mayor