

CHAPTER 22

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Part 1

General Provisions

§101. Short Title.

The Chapter shall be known as the "City of St. Marys Subdivision and Land Development Ordinance." (Ord. 173, 3/3/2003, §101)

§102. Effective Date.

This Chapter shall become effective March 10, 2003. (Ord. 173, 3/3/2003, §102)

§103. Construction and Scope.

This Chapter shall not affect or apply to:

- A. Any previously approved land subdivision or development for which no application for preliminary or final approval is pending as of the date of enactment of this Chapter, provided that the applicant completes that part of the approved development in accordance with the terms of approval within three (3) years from date of final approval or from date of preliminary approval, whichever is the earlier.
- B. The division of land for agricultural purposes into parcels of more than ten (10) acres, not including any new street or easement of access.
- C. Mobile home parks existing and operating prior to the enactment of this Chapter and holding a certificate of registration from the Department insofar as original plans are required.
- D. Campgrounds and mobile home parks accumulating only dependent mobile homes as defined by the regulations of the Department, travel trailers generally used for recreational purposes and transport trucks or vans equipped with sleeping space for drivers.
- E. Any law, regulation or ordinance which is in conflict with any provision of this Chapter.

(Ord. 173, 3/3/2003, §103)

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§104. Constitutional Construction.

The provisions of this Chapter shall be severable and if any of its provisions shall be held to be unconstitutional, or otherwise invalid, the validity of the remaining provisions shall not be affected. (Ord. 173, 3/3/2003, §104)

§105. Purpose of Ordinance.

The purpose of this Chapter is to promote the general welfare of the residents of the City by regulating the development of land in the City. The standards set forth herein shall be the minimum standards for the development and for the promotion of the general welfare of the residents of the City. (Ord. 173, 3/3/2003, §105)

§106. Authority.

The City of St. Marys is vested by law with jurisdiction and control of the subdivision of land, mobile home parks and land development located within the City limits in accordance with Article V of the Pennsylvania Municipalities Planning Code. Act of 1968, P.L. 805, No. 247 Reenacted and Amended December 21, 1988 Act No. 170 with updates to present. (Ord. 173, 3/3/2003, §106)

§107. Definition, General Interpretations.

Meaning of words: Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meaning indicated; words in the singular include the plural, and words in the plural include the singular. The male includes the females and neuter genders. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words "shall" and "will" are mandatory; the word "may" is permissive. An "agency" shall be construed to include its successors or assigns. Words not defined in this Section or the Pennsylvania Municipalities Planning Code shall have their normal meanings.

ADT – average daily traffic volumes on a road.

ACCESS DRIVE – a private drive providing pedestrian and vehicular access between a public or private street and a parking area within a land development and any driveway servicing two (2) or more units of occupancy on a single lot or contiguous lots. See also "street."

ACCESSORY BUILDING – a subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

ACRE – a measure of land area containing 43,560 square feet.

AGRICULTURAL LAND – land used exclusively for the cultivation of the soil, the production of crops or livestock or the science of forestry; also, land diverted from agricultural use by an active Federal farm program, provided the diverted land has a conservation cover of grass, legume, trees or wildlife shrubs. Agricultural land may include, to a minor degree, farmsteads inhabited by the cultivator of the land, housing for farm employees and land used for preparation of agricultural products by the cultivator of the land.

ALLEY – a minor right-of-way, publicly owned, primarily for service access to the back and sides of properties.

APPLICANT – a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT – every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for approval of a land development plan.

ASSEMBLAGE – the merger of separate properties into a single tract of land. Not considered a subdivision or land development. See "consolidation."

BLOCK – a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

BUILDING or SETBACK LINE – the line within a property defining the required minimum distance between any building and the adjacent right-of-way and/or property lines.

CARTWAY or ROADWAY – the improved surface of a street or alley designed for vehicular traffic including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

CITY – the City of St. Marys, Pennsylvania.

CITY ENGINEER – a professional engineer licensed as such in Pennsylvania duly appointed as the Engineer of the City of St. Marys.

CITY PLANNING COMMISSION – the Planning Commission of the City of St. Marys.

CITY SOLICITOR – a professional attorney licensed as such, in Pennsylvania, duly appointed as such in Pennsylvania, duly appointed as the Solicitor of the City of St. Marys.

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CLEAR SIGHT TRIANGLE – an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

COMMON OPEN SPACE – a parcel or parcels of land or any area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development site, not including streets, off-street parking area and area set aside for public facilities. Also see "open spaces."

COMMUNITY WATER SUPPLY – a utility operated by City of St. Marys or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one (1) household, business or institution.

COMPREHENSIVE PLAN – the official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, consisting of maps, charts and textual material that constitutes a policy guide to decisions about the physical and social development of City of St. Marys.

CONDOMINIUM – ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

CONSOLIDATION – the removal of lot lines between contiguous parcels. See "assemblage."

CORNER LOT – a lot, located at the intersection of two (2) or more existing or proposed street rights-of-way. See "lot."

COUNTY PLANNING COMMISSION – the Elk County Planning Commission.

CUL-DE-SAC – a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

CUT – an excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEDICATION – the deliberate appropriation of land by its owner for general public use.

DEED – a written instrument whereby an estate in real property is conveyed.

DEED RESTRICTION – a restriction upon the use of a property placed in a deed.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) – the Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

DESIGNATED FLOODPLAIN AREA – a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation in a one hundred (100) year flood. Also see "floodplain" and "floodway."

DETENTION BASIN (POND) – an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPER – any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision or a land development. See "applicant."

DEVELOPMENT – any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured housing, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

DEVELOPMENT PLAN – the provisions for development, including a planned residential development, a plat 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 development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition.

DOUBLE-FRONTAGE LOT – see "lot, double frontage."

DRAINAGE – the removal of surface water or groundwater from land by drains, grading or other means, and includes control to runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY – any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY – the lands required for the installment of storm sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY – a private vehicular passageway providing access between a street and a private parking area or private garage.

DWELLING UNIT – any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

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DWELLING UNIT DENSITY – the number of dwelling units or units of occupancy per acre, exclusive of street rights-of-way.

EASEMENT – a right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage.

EGRESS – an exit.

ELEVATION -

- (1) A vertical distance above or below a fixed reference level.
- (2) A fully dimensional drawing of the front, rear or side of a building showing features such as windows, doors and relationship of grade to floor level.

ELK COUNTY COMPREHENSIVE PLAN – the Elk County Comprehensive Plan (1999 update) and any amendments or updates thereto.

ELK COUNTY OFFICE – the Office of Planning for the County of Elk.

ELK COUNTY PLANNING COMMISSION FILE NUMBER (ECPC FILE NUMBER) – the reference number by which initial applications and subsequent additions are cataloged at the Elk County Planning Commission.

FLOOR ELEVATION – the elevation of the lowest level of a particular building, including the basement.

ENGINEER – a professional engineer licensed as such in the Commonwealth of Pennsylvania.

EROSION – the removal of surface materials by the action of natural elements.

EROSION AND SEDIMENT CONTROL PLAN – a plan showing all present and proposed grades and facilities, remedies for stormwater, drainage, erosion and sediment controls and which is in accordance with this Chapter.

EXCAVATION – any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXCEPTION – permission to depart from the design standards in this Chapter. See "modification of regulation."

EXISTING GRADE or ELEVATION – the vertical location above some elevation point of the ground surface prior to excavating or filling.

EXIT RAMP, ENTRANCE RAMP – access lanes leading to and from a limited access highway.

EXTENDED PROPERTY LOT LINE – a line, radial or perpendicular to the street centerline, as each end of the frontage, extending from the right-of-way line to the curb line.

FACTORY-BUILT HOME – see "manufactured housing."

FARMLAND – see "agriculture land."

FILL – any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FINAL PLAN – see "plan, final."

FINANCIAL SECURITY – financial security shall be in the form of a bond from a bonding institution authorized to conduct business in the Commonwealth of Pennsylvania. Federal or Commonwealth chartered institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security. Also see "performance guarantee."

FIRE LANE – a way cleared of obstacles and vegetation at all times so as to allow ingress and egress for vehicles during a fire emergency.

FLAG LOT – a lot that has an L-shaped or flag configuration with one side abutting a public road. Such configuration typically has a large lot width along the rear property line.

FLOODPLAIN – the area of inundation which functions as a storage or holding area for floodwater to a width required to contain a base flood of which there is a one (1) percent chance of occurring in any given year. The floodplain also contains both the floodway and flood fringe. The floodway is the channel of a watercourse and the adjoining land area which are required to carry and discharge the base flood. The flood fringe is the adjoining area that may be covered by water of the base flood. The location of a floodplain shall be established in accordance with §215, and may include an area of greater magnitude than the base flood if a greater flood hazard area is designated by a municipal ordinance.

FLOODPROOFING – any combination of structural and/or nonstructural provisions, additions, changes or adjustments to structures or contents that are designed or adapted primarily to reduce or eliminate flood damage to those structures or contents.

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FLOODWAY – the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

FRONTAGE – that side of a lot abutting on a street; the front lot line.

FUTURE ACCESS STRIP – a right-of-way reserved for the future improvement of a street.

GRADING and DRAINAGE PLAN – a plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

HALF STREET – a street of less than the required right-of-way and/or cartway width, such as a street built from the shoulder edge to the eventual edge to the eventual centerline. See also "street."

HISTORIC FEATURE – any building, site, structure, object, district or area that:

- (1) Is listed on the National Register of I-Historical places.
- (2) Has received a determination of eligibility for the National Register from the National Park Service.
- (3) That is listed on any officially adopted municipal register or inventory of historic features.

HORIZON YEAR – the anticipated opening year of a development, assuming full build out and occupancy.

IMPACT FEE – a fee imposed on a development to help finance the cost of improvements or services.

IMPOUNDMENT – a body of water, such as a pond, confined by a darn, dike, floodgate or other barrier.

IMPROVEMENTS – those physical additions and changes to the land that may be necessary to produce useable and desirable lots.

INFLUENCE AREA – an area that contain eighty (80) percent or more of the trips that will be attracted to a development site.

INTERCHANGE – a grade-separated, bridged system of access to and from highways where vehicles may move from one roadway to another without crossing streams of traffic.

INGRESS – access or entry.

INTERIOR LOT – see "lot, interior."

INTERSECTION – the location where two (2) or more roadways cross at grade without a bridge.

LAND DEVELOPMENT – any of the following activities:

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two (2) 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.
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) 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) "Land development" does not include development that involves:
 - (a) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - (b) The addition of any accessory building, including farm building, on a lot or lots subordinate to any existing principal building.
 - (c) The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For the purposes of this subsection, amusement park is defined as a tract or area used principally as a location for permanent amusement structure or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LAND LOCKED – a lot or parcel of land without direct access to a public road.

LANDOWNER or OWNER – the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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LANDSCAPE ARTIST – a landscape artist registered by the Commonwealth of Pennsylvania.

LEASE – a contractual agreement for the use of lands, structures, buildings or parts thereof for a fixed time and consideration.

LEVEL-OF-SERVICE – a measure of the effect of traffic on the capacity of a road.

LOCAL MUNICIPALITY – for the purpose of this Chapter, the term local municipality shall mean the Borough, Township or City wherein the subdivision under consideration is located. Its meaning also includes any municipal authority or private agency that may be asked to accept improvements required by this Chapter.

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 total area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street right-of-ways, but including the area of any easement.

LOT, CORNER – a lot abutting upon two (2) or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred fifty (150) feet in length, either frontage may be designed as the "front" of the lot.

LOT DEPTH – the average distance measured from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE – an interior lot which abuts streets in both the front and rear.

LOT FRONTAGE – the length of the front lot line measured at the street right-of-way line.

LOT, INTERIOR – a lot having side lot lines which do not abut on a street.

LOT, MINIMUM WIDTH – the distance between the side lot lines measured at the building setback line.

LOT, NONCONFORMING – a lot of record at the time of the adoption of this Chapter, which by reason of area or dimension does not conform to the requirements of this Chapter.

LOT OF RECORD – a lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Elk County, Pennsylvania.

LOT, REVERSE FRONTAGE – a lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

LOT WIDTH – the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot at the minimum required building setback line.

MAINTENANCE GUARANTEE – any security, other than cash, which may be accepted by the City for the maintenance of any improvements required by this Chapter.

MAJOR SUBDIVISION – any subdivision not classified as a minor subdivision.

MANUFACTURED HOUSING – a transportable, factory-built, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designated to be joined into one (1) 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. These structures meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §540.1), commonly known as the HLTD (U.S. Department of Housing and Urban Development) code.

MARKER – a wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and facilitate the sale of lots.

MILE – a linear measure equal to 5,280 feet, 1,760 yards or 1.6 kilometers.

MINOR SUBDIVISION – the subdivision of land into not more than four (4) parcels, including the residual tract located on an existing improved street that does not involve: installation of improvements as required by this Chapter, extension of utilities, frontage on any arterial or collector street, adverse effect to adjoining properties and conflict with Comprehensive Land Use Plan and any portion of this Chapter or other State, County, City or municipal ordinances, laws or regulations.

MOBILE HOME LOT – a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured housing.

MOBILE HOME PAD – the part of a mobile home lot which is reserved for the placement of the manufactured housing.

MOBILE HOME PARK – a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of manufactured housing.

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MODIFICATION – permission to depart from the requirements of an ordinance with respect to the submission of required documents. Approved by City Planning Board and City Council.

MONUMENT – a concrete, stone or other permanent object placed to designate boundary lines, corners of property and rights-of-ways of streets and utilities, for the purpose of reference in land and property survey.

MUNICIPAL AUTHORITY – a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

MUNICIPAL ENGINEER – a professional engineer licensed as such in the Commonwealth of Pennsylvania and appointed by the local government as the Municipal Engineer.

MUNICIPAL GOVERNING BODY – the council and appointing authority of a general purpose unit of government.

MUNICIPAL PLANNING COMMISSION – the planning agency appointed by the municipal governing body.

MUNICIPALITIES PLANNING CODE – Act of Assembly of July 31, 1968, P.L. 805, as amended. Commonly referred to as the "MPC" or Act 247, revised in Act 170, 1988 and subsequent amendments.

MUNICIPALITY – any City, Borough, Township or other similar general purpose and unit of government excluding County government.

NONSITE TRAFFIC – vehicle trips passing within the study area as defined in the traffic impact study that do not enter or exit the site and are generally the result of through traffic and traffic generated by other developments.

OFFICIAL MAP – an ordinance adopted and amended from time to time pursuant to Article V of the Pennsylvania Municipalities Planning Code by the City of St. Marys as appropriate containing a drawing or drawings that show the precise location of future road right-of-ways or lands to be publicly acquired either through purchase or dedication and which is used to facilitate the proper placement of structures in relation to future property lines.

ONE HUNDRED YEAR FLOOD – a flood that, on the average, is likely to occur once every one hundred (100) years. See "floodplain."

OPEN SPACE – any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. See "common open space."

PARCEL – a contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

PEAK HOUR – the hour during which the heaviest volume of traffic occurs on a road.

PEDESTRIAN WAY – a right-of-way, publicly or privately owned, intended for human movement by walking.

PERCOLATION TEST – see "soil percolation test."

PERFORMANCE GUARANTEE – any security which may be in lieu of a requirement that certain improvements be made before the City and/or local municipality approve a final subdivision or land development plan, including cash, performance bonds, escrow agreements, letters of credit and other similar collateral or surety agreements. See "financial security."

PERSON – an individual, partnership, corporation or other legally recognized entity.

PLAN – a drawing together with supplementary data, that describes property.

- (1) PLAN, FINAL – a complete and exact subdivision plan prepared for official recording as required by statute and this Chapter.
- (2) PLAN, PRELIMINARY – the preliminary drawing indicating the proposed layout of the subdivision to be submitted to the County of Elk for consideration, as required by this Chapter.
- (3) PLAN, RECORD – a final plan which contains the original endorsement of the municipality and the Commission, which is intended to be recorded with the Elk County Recorder of Deeds.
- (4) PLAN, SKETCH – an informal plan not necessarily to scale indicating salient exiting features of a tract and its surroundings and general layout of the proposed subdivision.

PLAN, SOIL EROSION AND SEDIMENTATION CONTROL – a plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

PLANNING CODE – the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and such other amendments to same as may be adopted from time to time.

PLANNING COMMISSION – the Planning Commission of the City of St. Marys, Pennsylvania.

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PLANNING OFFICE – the City of St. Marys planning office.

PLAT – the map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC GROUNDS – parks, playgrounds and other public areas including scenic and historic sites, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC HEARING – a formal meeting held pursuant to public notice by the City of St. Marys or the City Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

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," 53 P.S. §§271 et seq.

PUBLIC NOTICE – notice as required under the provisions of the Pennsylvania Municipalities Planning Code.

REGULATORY FLOOD ELEVATION – the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

RENEWABLE ENERGY SOURCE – any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion process.

RETENTION BASIN – a reservoir designed to retain stormwater runoff with its primary release of water being through the infiltration of said water into the ground.

REVERSE FRONTAGE LOT – a lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the later.

RESERVE STRIP – a narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

RESTRICTIVE COVENANT – see "deed restriction."

RESUBDIVISION – any subdivision or transfer of land, laid out on a plan which has been approved by the City of St. Marys which changes or proposes to change property lines and/or public right-of-way not in strict accordance with the approved plan. See "subdivision replat."

REVIEWING AGENCY – the organization responsible for the review and approval of subdivision and land development plans as required by this Chapter. In most casts will be the staff of the City of St. Marys Planning Commission.

RIGHT-OF-WAY – land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

ROAD GRADE – the rate of rise and fall of a road's surface, measured along the profile of the centerline of the cartway.

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

SECRETARY – the Secretary of the City of St. Marys Planning Commission.

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."

SEPTIC TANK – a watertight tank in which raw sewage is broken down into solid, liquid and gaseous phases to facilitate further treatment and final disposal.

SETBACK (BUILDING SETBACK LINE) – the line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way and the line defining side and rear yards where required. See §805.

SEWAGE DISPOSAL SYSTEM, ONSITE – a system of piping tanks or other facilities serving a lot and collecting and renovation of sewage in whole or in part into the soil.

SEWAGE DISPOSAL SYSTEM, PUBLIC – a sanitary sewage collection method in which sewage is carried from the site by a system of pipes to central treatment and disposal plant.

SHARED TRIPS – vehicle trips entering and exiting the site which were using the facility on the adjacent streets and therefore did not generate new trips on the road.

SHOULDER – the portion of roadway (cartway) between the curb or gutter and the travel-way intended for emergency and parking use.

SIGHT DISTANCE – the length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

SLOPE – the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

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SOIL PERCOLATION TEST – a field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for onsite sewage disposal.

SOIL SURVEY REPORT – the most recent edition of the Soil Survey of Elk County, Pennsylvania, published by the U.S. Department of Agriculture, Soil Conservation Service.

STAFF – the staff of the City of St. Marys Planning Commission.

STORMWATER MANAGEMENT FACILITIES – those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses and floodplains) used to implement a stormwater management program.

STREET – includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private, and including the entire right-of-way. Particular types of streets are further defined as follows:

- (1) **COLLECTOR** – this class of road serves the internal traffic movement within the municipality and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a minor street and accommodate local internal traffic movement.
- (2) **COMMERCIAL** – commercial roads service areas whose predominate use is commercial. In function, design and specification they will be considered as a collector street.
- (3) **INDUSTRIAL** – industrial roads are primarily designed to serve industrial and manufacturing development. These roads will be designed to accommodate extensive truck traffic of all types.
- (4) **LOCAL and MINOR** – the minor streets' sole function is to provide access to immediately adjacent land.
- (5) **MINOR ARTERIAL** – arterials bring traffic to and from the expressway and serve major movements of traffic within or through the areas not served by expressways. They serve primarily to move traffic, but also perform a secondary function of land service.
- (6) **PRINCIPAL ARTERIAL or EXPRESSWAY** – this class of highway facility is devoted entirely to the task of moving large volumes of traffic and performs little or no land service function. It is generally characterized by some

degree of access control. Normally, classification should be reserved for multilane, divided roads with few, if any, grade intersections.

- (7) RURAL RESIDENTIAL LANE – a street serving a very low-density area (minimum two (2) acre zoning). The maximum ADT level limits the number of single-family homes on this road to twenty (20). Lanes shall be designed as a two (2) lane street.

STREET CENTERLINE – an imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

STREET LINE – the right-of-way of any given street.

STRUCTURE – anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, in addition to buildings, billboards, carports, porches, swimming pools and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

SUBDIVISION – the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other division 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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, CONSOLIDATION – the combining of individual recorded lots to form a single tract in single ownership. Not considered a subdivision or land development. See "assemblage; consolidation."

SUBDIVISION – MAJOR – see "major subdivision."

SUBDIVISION – REPLAT – the change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line is in full compliance with this Chapter, any local zoning ordinance and related ordinances, rules and regulations of the City of St. Marys. A replat involves the creation of new lots or involves more than two (2) lots shall be treated as major or minor subdivision.

SUBSTANTIALLY COMPLETED – where, in the judgment of the City Engineer or local municipal engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

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SURFACE DRAINAGE PLAN – a plan showing all present and proposed grades and facilities for stormwater drains.

SURVEYOR – a professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

SWALE – a low-lying stretch of land characterized as a depression used to carry surface water runoff.

TEMPORARY TURNAROUND – a temporary circular turnaround at the end of a road which terminates at or near the subdivision boundary bordering undeveloped land.

TOPSOIL – surface soils and subsurface soils that normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

TRACT – see "lot."

TRAVEL TRAILER – a portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short-term use.

TRIP – a single or one-directional vehicle movement.

UNDEVELOPED LAND – any lot, tract or parcel of land that has not been graded or in any other manner prepared for the construction of a building or other improvement.

UNIT – a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

UNIT OF OCCUPANCY – an allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

UTILITY LATERAL – a utility line between a main line, located in a utility easement or street right-of-way, and the building that the line serves.

UTILITY PLAN – a plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, storm, sewer lines, gas and electric lines and street lighting.

VEHICULAR CAPACITY – the maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

WATER FACILITY – any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

WATER SURVEY – an inventory of the source, quantity, yield and use of groundwater and surface water resources within the City of St. Marys.

WATERCOURSE – a permanent stream, river, brook, creek, or a channel, drain or ditch for water, whether natural or manmade.

WATERSHED – all land and water within the confines of a drainage basin.

WAIVER – permission to depart from the requirements of an ordinance with respect to the submission of required documents. See "modification."

WETLANDS – areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs and similar areas.

(Ord. 173, 3/3/2003, §107)

Part 2

Subdivision Regulations

§201. Subdivision Control.

No subdivision or land development of any lot, tract or parcel of land shall be made; and 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 or buildings abutting thereon, except in accordance with the provisions of this Chapter. (Ord. 173, 3/3/2003, §201)

§202. Subdivision Lot Control.

No lot shall be sold and no building shall be erected in any subdivision unless the subdivision plan has been approved and recorded, and all required improvements have been completed, and accepted by the City, or guaranteed by a bond/surety as set forth by §217 of this Chapter. (Ord. 173, 3/3/2003, §202)

§203. Act 537 Requirements.

Developers are reminded of their obligation under Chapter 71, Subchapter C, of the Pennsylvania Code relative to Act 537, New Land Development Plan Revision. The developer should consult with the City, the City's Sewage Enforcement Officer and the Department of Environmental Protection to determine the requirements of same. (Ord. 173, 3/3/2003, §203)

§204. Zoning Compliance.

The proposed land use shall conform to all provisions of the City Zoning Ordinance [Chapter 27]. (Ord. 173, 3/3/2003, §204)

§205. Lot Lines.

Lot lines shall be laid out as follows:

- A. Insofar as practical, side lot lines shall be at right angles to straight road lines.
- B. Lot lines shall follow municipal lines rather than cross them.

(Ord. 173, 3/3/2003, §205)

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§206. Streets, Dedicated for Public Use.

Unless otherwise provided, all streets shall be dedicated to public use, and shall be laid out and constructed in accordance with the following requirements:

- A. Dedicated streets shall be shown on separate street plans, and a deed of dedication shall be given to the City upon final approval and completion of all street improvements, but such street shall not become public streets until formally accepted by the City.
- B. All dedicated streets in and bordering the subdivision shall be coordinated and conform to all local and State regulations.
- C. No dedicated street shall be laid along or within fifty (50) feet from a subdivision boundary line in such manner as to prevent access to the street from land adjoining the subdivision, unless this restriction is waived by City Council.
- D. Dedicated streets shall be constructed in accordance with specifications contained in PennDOT Publication 70 and approved by the City Engineer. Dedicated streets must be inspected by the City Engineer and/or Inspector during construction of improvements. The City Inspector shall provide a certification for each stage of construction that the improvements meet the City standards.
- E. Street name signs conforming to City specifications and displaying names approved by the City shall be erected at all road intersections.
- F. At the time that a deed of dedication for any proposed public street is offered to the City, the developer shall also provide a written warranty, on a form satisfactory to the City, that the developer will pay for all costs to remedy any defect in the street which occurs within one (1) year after the deed of dedication is accepted by the City. The City may require some form of security to guarantee that the developer has the financial ability to comply with the warranty.

(Ord. 173, 3/3/2003, §206)

§207. Private Streets.

Private streets (excluding streets intended to be dedicated) may be allowed, subject to the following conditions:

- A. The street shall conform, at a minimum, to City standards for unpaved streets, as established from time to time by resolution of City Council; pro-

vided, however, that the street need not conform to such standards if all lots served by the street have a frontage in excess of two hundred (200) feet.

- B. The applicant shall submit a plan, and a copy of all proposed documents, showing that maintenance and snow plowing of the street will be permanently and continuously provided and, where applicable, establishing a uniform and reasonable procedure for payment of the costs of maintenance and snow plowing by the owners of property abutting the street.
- C. Deeds for property abutting a private road shall contain a statement that the street is private street and that the City has no responsibility for its maintenance.
- D. Private streets shall at all times be maintained in a condition sufficient to permit safe access by emergency vehicles.

(Ord. 173, 3/3/2003, §207)

§208. Widths of Rights-of-Way.

- 1. All streets dedicated for public use shall have a minimum right-of-way width of fifty (50) feet.
- 2. Private streets serving three (3) or more lots shall have a minimum right-of-way width of fifty (50) feet. The City may require a minimum right-of-way width of fifty (50) feet where there is a reasonable likelihood of further subdivision or extension of the street to serve other properties, where the street is likely to be dedicated to public use in the future, or where other similar circumstances are likely to occur.

(Ord. 173, 3/3/2003, §208)

§209. Alleys.

Alleys may be allowed under the following conditions:

- A. When desirable for delivery service or access to the rear of a lot.
- B. Alleys shall be constructed with a firm base and top surface, and may be required to be paved, as required by the City Engineer in accordance with PennDOT Publication 70.
- C. Alleys shall have a minimum width of fifteen (15) feet.
- D. Alleys shall be provided with a storm drainage system that complies with all local, State and Federal regulations.

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(Ord. 173, 3/3/2003, §209)

§210. Sewage Disposal.

Sewage shall be disposed of as follows:

- A. Any subdivision which adjoins land served by the City sanitary sewer system shall be connected to the system unless such connection is physically infeasible or the cost of connection and operation of the sewer system for the subdivision would be unreasonably expensive in the judgment of the consulting engineers for the St. Marys Sewer Authority.
- B. A sanitary sewer system to be connected to the City sewer system shall be constructed in accordance with the specifications and regulations for construction of extensions to the City sanitary sewer system.
- C. Where a lot in a subdivision is intended to be served by an individual, onsite sewage disposal system, such lot shall not be sold, leased, transferred or used until the developer has secured approval from the City Sewage Enforcement Officer or the Department of Environmental Protection that the lot is suitable for the installation of an onsite sewage disposal system.
- D. Community sewage disposal systems shall be constructed in accordance with regulations of the Department of Environmental Protection.

(Ord. 173, 3/3/2003, §210)

§211. Water Supply.

Water supply shall be furnished as follows:

- A. Water lines shall be constructed and connected to public water lines or lines of whenever such public or Authority lines are available.
- B. Private or community water supply systems shall conform to the requirements of the St. Marys Area Joint Water Authority.

(Ord. 173, 3/3/2003, §211)

§212. Drainage.

Storm and surface water shall be disposed of as follows:

- A. Lots shall be laid out and graded to provide drainage away from all buildings.
- B. All plans shall incorporate a plan for the control and removal of storm and surface water and shall be so designed in accordance with the City Stormwater Management Ordinance [Chapter 26].
- C. The stormwater sewer system shall be completely independent of the sanitary sewer system and shall be so located and designed as to minimize the possibility of infiltration into the sanitary sewer system.
- D. Catch basins and other types of surface inlets shall be provided by the developer where directed by the City.
- E. Materials used for storm sewer construction shall meet all of the requirements and standard specifications for stormwater facilities established by the Pennsylvania Department of Transportation, as well as any requirements of the City. All materials shall be provided by the developer.
- F. All storm drainage systems shall comply with all Federal, State and local regulations pertaining thereto.

(Ord. 173, 3/3/2003, §212)

§213. Sidewalks.

Sidewalks may be required when necessary for public safety. All sidewalks must be constructed and located in compliance with City standards. (Ord. 173, 3/3/2003, §213)

§214. Streetlights.

Streetlights shall be placed at each intersection of streets within and adjacent to the subdivision and at each cul-de-sac. Streetlights shall also be required along public streets at intervals not exceeding two hundred fifty (250) feet. The application for plan approval shall indicate whether the developer proposes to dedicate the streetlight system to the City. (Ord. 173, 3/3/2003, §214)

§215. Floodplain Requirements.

Any proposed subdivision which lies partially or totally within a floodprone area, as defined on the Flood Hazard Boundary Map provided by the Federal Insurance Administration, shall meet all of the following requirements:

- A. Water supply systems and sanitary sewage treatment shall be designed to minimize or eliminate infiltration of flood water into the systems and dis-

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charges from the systems into flood water, as required by the City of St. Marys Zoning Ordinance [Chapter 27].

- B. All public utilities and facilities shall be located and constructed to minimize or eliminate flood damage, as required by the City of St. Marys Zoning Ordinance [Chapter 27].
- C. All applications for subdivision approval shall contain base flood elevation data.
- D. If development in the subdivision will alter or relocate any portion of any watercourse, the applicant shall provide assurances that the flood carrying capacity of the watercourse shall be maintained.
- E. An applicant may apply for a variance from floodplain management requirements according to the procedure set forth in §221(6) thereunder, but such variance shall not be granted unless the rules and regulations of the Federal Insurance Administration shall be first satisfied.
- F. Prior to any proposed alteration or relocation of any stream or watercourse, the developer shall notify any adjacent municipalities affected and shall forward copies of the notifications to both the Federal Insurance Administration and the Department of Community Affairs. The developer shall also first obtain the permits of any other State agencies having jurisdiction over the proposed alteration or relocation.
- G. At the time of application, the developer shall submit such special permits, if any, as may be required by any government agencies having jurisdiction over the project.

(Ord. 173, 3/3/2003, §215)

§216. Plan Requirements; General.

1. Twenty (20) copies of all plans shall be drawn on a scale not less than one hundred (100) feet to the inch, and except as otherwise provided herein, shall be prepared and signed by a registered land surveyor.
2. Where new roads are involved, six (6) copies of separate road plans shall be furnished with the final plan.
3. Where only one private road is involved, serving not more than two (2) lots, only a final plan, drawn to scale, shall be required.
4. All plans shall include a planning module for sewage disposal as required by the Code Enforcement Department.

(Ord. 173, 3/3/2003, §216)

§217. Assurances of Completion.

1. Improvements.

- A. The developer shall, for all major subdivisions, agree to complete all improvements in accordance with these regulations or such other improvements as the City may require in the public interest as a prerequisite to approval of the final plan.
- B. No plan shall receive final plan approval by the City Council unless the developer shall have completed all improvements as required by these regulations or shall have filed a completion bond with appropriate surety or other assurances guaranteeing the completion of such improvements (see §217(2) below).
- C. Upon completion of the improvements in accordance with the specifications of this Chapter and upon final approval thereof by the City, the developer shall take the final steps to dedicate the improvements and have the same accepted by the City.
- D. Improvements shall include, but not necessarily be limited to, the following:
 - (1) Monuments and markers.
 - (2) Grading, streets, curbs and walks, as required.
 - (3) Sanitary sewers.
 - (4) Water service, including fire hydrants.
 - (5) Storm drainage, as required.
 - (6) Erosion and sedimentation control measures, as required.
 - (7) Street lighting, where required.
 - (8) Street signs.
 - (9) Utility services as set forth in the final plan.

2. Performance Assurance.

- A. An assurance of proper completion of the improvements in the subdivision shall be made by one of the following methods, or such other method as shall be satisfactory to the City:

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- (1) A bond, irrevocable letter of credit, restrictive or escrow account, certified check or other security satisfactory to the City in accordance with §509 of the Planning Code, which shall run or be made payable to the City.
- (2) In the case of a bond, it shall also:
 - (a) Be with surety satisfactory to the City.
 - (b) Be in form, sufficiency and execution acceptable to the City.
- B. The amount of the assurances shall be in an amount determined to equal one hundred ten (110) percent of the cost of the required improvements in accordance with §509 of the Planning Code.
- C. The bond, certified check or other security shall specify the time for the completion of the required improvements. Shall not exceed two (2) years. When the improvements have been completed and approved by City Council, the guarantee shall be released and returned. When the portion of the required improvements has been completed and approved by City Council, a portion of the bond, moneys or security commensurate with the cost of the improvement may be released and returned in accordance with §509 of the Planning Code.
- D. In the event that cash or its equivalent is improvement guarantee, it shall be held in an escrow bearing interest to the credit of the developer, but to pay all costs for the maintaining of such escrow fund.
- E. For circumstances relating to performance assurance not specifically delineated in this Chapter, it is the intention of the City of St. Marys to follow the guidelines and procedures as set forth by §509(k) of the Planning Code.

(Ord. 173, 3/3/2003, §217)

§218. Preliminary Plan.

The preliminary plans shall show:

- A. The exact boundary lines of the development and total acreage.
- B. All existing and proposed roads.
- C. Existing or proposed storm sewers.
- D. Proposed sanitary sewers and existing sewers on or adjacent to the development.

- E. Watercourses and natural drains, pools and floodprone areas, as well as areas which are subject to subsidence or underground fires.
- F. Existing utility lines on or adjacent to the development.
- G. Lot layouts.
- H. Open space area, if any.
- I. The topography of the land to be developed.
- J. Name of the applicant or of the subdivision.
- K. Signatures and seals of a registered land[??560] preparing the plan (§218).

(Ord. 173, 3/3/2003, §218)

§219. Final Plans.

The final plan shall be drawn to scale, with table drafting techniques, and shall provide all data required for a preliminary plan, and in addition show:

- A. All changes and modifications required by the Planning Commission.
- B. The names of all roads as approved by the City.
- C. A block for the approval of the Commission and the Council.
- D. Signatures and seals of a registered land surveyor preparing the plan (§218).

(Ord. 173, 3/3/2003, §219)

§220. Application for Plan Approval.

- 1. A preliminary plan or a final plan, if a preliminary plan is not required, shall be accompanied by an application for approval addressed to the Planning Commission and setting forth the following information:
 - A. Name and address of the applicant.
 - B. The applicant's interest or title, by reference to recorded documents.
 - C. Legal description of the land, and total area.

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- D. The zoning classification of the land.
 - E. The number of building lots.
 - F. Disposition of sewage and surface water.
 - G. The public utilities available.
 - H. The number and type of buildings, if any, proposed to be erected by the applicant.
 - I. Any building and use restrictions to be imposed by the applicant.
 - J. Suggested names for roads.
 - K. Signatures and seals of a registered land surveyor preparing the plan (§218).
2. In the case of development plans which shall call for a staged development over a period of years, a schedule shall be attached to the application showing the sections of the development encompassing each stage of development, the proposed times within which the application for final approval of all sections of the planned residential development are intended to be filed and the schedule shall be updated annually on the anniversary of its approval until the development is completed and accepted.

(Ord. 173, 3/3/2003, §220)

§221. Plan Processing.

The procedure for processing applications and plans shall be as follows:

- A. Initiating Procedure; All Plans.
 - (1) All applications and plans shall be presented to the City Manager who shall immediately refer to the Zoning Officer.
 - (2) If the application and plans are in the required form and do not violate zoning regulations, the Zoning Officer shall immediately refer them to the City Planning Commission. Otherwise, he shall return them to the applicant with the written statement of his objections.
 - (3) If the application and plans are not objectionable, the City Manager shall forward copies of the plan and application to all agencies or officials having jurisdiction over the plan including, but not limited to, the Sewage Enforcement Officer, the City Council, the Elk County Soil Conservation District, and the Elk County Planning Commission.

B. Preliminary Plans.

- (1) Where the application and plan submitted by the applicant is a preliminary plan, the City Planning Commission shall take action on the application and plan within ninety (90) days after receiving the application from the Zoning Officer, and within fifteen (15) days thereafter give the applicant and the Council a written notice of its decision by personal service or certified mail as required by §508 of the Code.
- (2) If the City Planning Commission fails to act upon the application within the said ninety (90) days, the preliminary plan is deemed to be approved by the Planning Commission. It shall then be the duty of the applicant to present a final plan and application for approval.

C. Final Plans.

- (1) When the applicant presents a final plan and application for final approval, the City Planning Commission shall take action upon the application and plan within ninety (90) days after the application is received from the Zoning Officer. Within fifteen (15) days after taking action, the City Planning Commission shall give the applicant and the City written notice of its decision by personal service or by certified mail, as required by §508 of the Code.
- (2) If the City Planning Commission fails to act upon the application within said ninety (90) days, the plan is deemed to have received final approval by the City Planning Commission.
- (3) After action by the City Planning Commission on the final plan, or upon request of the Council after inaction by the City Planning Commission, the Planning Commission shall immediately deliver six (6) copies of the application and plan to the City Council with a copy of their final decision and recommendation of approval or disapproval, if such a decision and recommendation have been made.
- (4) After receipt of the copies of the final plan and other documents related thereto from the City Planning Commission, City Council shall promptly either approve or disapprove the final plan.
- (5) If the final plan is approved by City Council, they shall note their approval on the final plan and deliver two (2) copies of the approval plan to the applicant. The developer shall within ninety (90) days of final approval record such plan in the office of the Recorder of Deeds of Elk County and furnish the City with a certificate that the plan was recorded as submitted.

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- (6) If the City Council refuses approval of the final plan, they shall within fifteen (15) days notify the applicant in writing, by personal service or by certified mail as required by §508 of the Code.
- (7) No plans shall be finally approved until the report from the Elk County Planning Commission is received or until thirty (30) days from the date the application was submitted to the Elk County Planning Commission or within such other period as may from time to time be fixed by the Planning Code.
- (8) Failure of the City Council to render a decision and communicate it to the applicant within ninety (90) days from the date of original filing of any plan or within such greater time as may from time to time be fixed by the Planning Code shall be deemed to be an approval of the application and final plan subject to completion or guarantee of improvements, unless the applicant has agreed, in writing, to an extension of time.

(Ord. 173, 3/3/2003, §211)

§222. Altering Site Requirements.

The Planning Commission and the City shall have the power to alter the site requirements for a particular development and may impose restrictions on the use of area within a development where the nature of the terrain or location of the site or area within a development indicates that there is a danger of subsidence, erosion or mudslides if improperly developed. The developer shall provide reasonable proof that a site or area is not in danger of subsidence, erosion or mudslides if the Planning Commission or the City reasonably believes that such a danger exists. (Ord. 173, 3/3/2003, §222)

§223. Minor Subdivision.

1. **Applicability.** In lieu of the application procedure set forth in §§218 through 222 above, the following types of subdivisions may follow the procedures set forth in this Section:
 - A. Subdivisions involving four (4) or fewer lots all fronting on an existing public road with existing utilities currently available.
 - B. Subdivisions involving two (2) lots, one (1) or both of which do not front on an existing public road.
2. **Final Plan.** No preliminary plan shall be required for a minor subdivision. The final plan for a subdivision shall require a subdivision plat prepared by a registered land surveyor and all of the items required for a preliminary plan set forth in §218, above.

3. Final Approval. No preliminary approval shall be required for a minor subdivision. The procedure for final approval of a minor subdivision shall be the same as set forth for a final plan under §221(C) above.
4. Additional Requirements. The Planning Commission or City Council may require an applicant for minor subdivision approval to provide such additional information and data, and meet such additional requirements, as may be deemed necessary for the adequate review of the plan and protection of the interests of the public and surrounding properties.

(Ord. 173, 3/3/2003, §223)

§224. Fees.

Fees for examination, inspection and approval of subdivision plans shall be as established by resolution of City Council. (Ord. 173, 3/3/2003, §224)

§225. Administration and Enforcement.

1. Filing Fee and Review. The filing and review fees shall be established by resolution of City Council. Such filing fees and review fees shall include those for mobile home parks and land development, to include the field of inspection of such plans or site plans or their final inspection. The fees charged shall be reasonable.
2. Records. The City shall maintain an accurate public record of all upon which it takes action and of its findings, decisions and recommendations in relation thereto.
3. Validity. Should any Section or provision of this Chapter be held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Chapter.
4. Preventive Remedies.
 - A. In addition to other remedies, the City 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 any violation or from the remedies herein provided.
 - B. The City 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

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Chapter or preceding regulation of the City of St. Marys. This authority to deny such a permit or approval shall apply to any of the following applicants.

- (1) The owner of record at the time of such violation.
- (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of any approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City may require compliance with the condition that would have been applicable to the property at the time the applicant required an interest in such real property.

5. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City of St. Marys may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determines that there has been no violation. Further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. Nothing contained in this Chapter shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this Chapter.

(Ord. 173, 3/3/2003, §225)

§226. Mobile Home Parks.

1. Mobile Home Park Control.

- A. No mobile home park shall be construed, remodeled or altered and no existing reestablishment shall be converted to a mobile home park unless a mobile home park plan received a final approval of the City, and the applicant has been granted a license to operate the mobile home park by City Council pursuant to the City Mobile Home Park Ordinance [Chapter 14, Part 1].
 - B. All mobile home parks shall meet the following requirements:
 - (1) The park shall have an area of at least five (5) contiguous acres of land.
 - (2) Exposed ground surface in all parts of every park shall be paved, or covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
 - (3) The park shall comply with all of the rules and regulations of the Department now or hereafter adopted.
 - (4) The park shall conform to all requirements of the City of St. Marys Zoning Ordinance [Chapter 27], with the exception of lot size, yard requirements and density as here[??565] specified.
 - (5) No dependent mobile home or recreation vehicle shall be used for habitation within the park.
2. Size and Density of Lots. Shall be as follows:
- A. Each lot shall have an average gross area of at least three thousand (3,000) square feet.
 - B. The total number of lots in a park shall not exceed an average density of eight (8) per acre.
 - C. Each lot shall provide an adequate foundation for the placement of the mobile home, and in such position as to allow a minimum of ten (10) feet between the mobile home and the driveway to the park road which serves the lot.
3. Setbacks and Buffer Strips. Setbacks and buffer strips are required as follows, unless otherwise required by regulations of the Department:
- A. All mobile homes shall be located at least twenty (20) feet from any park property boundary line and from any road.
 - B. Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet on all sides.

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4. Installation of Mobile Homes. Each mobile home in a mobile home park shall meet the following construction requirements:
 - A. It shall be installed upon, and securely fastened to, a frost-free foundation or footer.
 - B. An enclosure or skirting of compatible design and materials shall be erected around the entire base.
 - C. It shall be connected to water, electric and sewer systems, and to such other utility services as are approved and available for the mobile home lot.
5. Screening and Fencing. A mobile home park located adjacent to industrial or commercial land uses may be required to provide screening by natural growth or fences along the boundary line.
6. Dedicated Roads. All roads in the park may be required to be dedicated to public use, subject to the following conditions:
 - A. Any road intersecting or connected with a public road shall be so dedicated.
 - B. All dedicated roads shall be laid out and constructed in accordance with Part 2, §207, of this Chapter.
7. Private Roads. Private roads may be allowed, subject to the following conditions:
 - A. Compliance with Part 2, §208, of this Chapter.
 - B. Construction of a solid base and top surface with drains and culverts sufficient to meet the approval of the[??566] Engineer.
8. Off-Street Parking. Off-Street parking shall be provided in the same manner as required in the R-U District, under the City Zoning Ordinance [Chapter 27].
9. Sewage Disposal. A sewage system shall be provided for the disposal of all sewage and waste water, as follows:
 - A. All lots and structures thereon shall be connected to the City sanitary sewer system, if that system is available and the Sewer Authority approves connections.
 - B. Onsite sewage disposal systems shall be constructed in accordance with the regulations of the Department of Environmental Protection.
 - C. Each lot shall have a sewer riser pipe at least three (3) inches in diameter, and shall be plugged when a lot is unoccupied.
10. Water Supply. A water supply for each lot shall be provided as follows:

- A. Where a public water system of satisfactory pressure and quantity is available, a connection shall be made thereto and used exclusively, otherwise all water used in the operation of the park shall be provided from a supply approved by the Department.
 - B. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connections will approximate a vertical position.
 - C. The water-riser pipe shall have a minimum inside diameter of one-half (1/2) inch and terminate at least four (4) inches above the ground surface, with a cap to close the pipe when a mobile home does not occupy the lot.
 - D. An approved shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot.
11. Drainage. Storm and surface water shall be disposed of in accordance with §211.
12. Open Space. An open space of an area equivalent to five hundred (500) square feet for each mobile home for playgrounds and recreation may be required, as follows:
- A. Such space shall be provided for all parks having ten (10) or more lots.
 - B. Such space may be required to include indoor toilet facilities.
13. Walks. Walks shall be provided as follows:
- A. Each lot shall be connected to a road or driveway by a walk at least two (2) feet wide.
 - B. Sidewalks shall be required where pedestrian traffic is concentrated.
14. Streetlights. Streetlights shall be required in all parks according to the same standards as for streetlights in subdivision and shall be installed in all parking having more than twenty-five (25) lots.
15. Utilities. All utilities shall be provided in accordance with the applicable rules and regulations of that utility, the Public Utility Commission and local codes.
16. Disposal of Refuse and Garbage. Garbage and refuse shall be stored, collected and disposed of in accordance with the City ordinances [Chapter 20] regulating such matters, and the regulations of the Code Enforcement Department.
17. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

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18. Floodplain Requirements. If any portion or all of a proposed mobile home park lies within a floodprone area, as defined on the Flood Hazard Boundary Map provided by the Federal Insurance Administration, such mobile home park, or portion thereof, shall meet the following requirements:
 - A. The portion of the mobile home park lying within the floodprone areas shall meet all of the requirements for floodplain management set forth in the City of St. Marys Zoning Ordinance [Chapter 27], particularly regarding the location and construction of public utilities and facilities, such as sewer, gas, electrical and water systems, so as to minimize or eliminate flood damage and prevent infiltration of flood water into such systems or discharges from such systems into flood waters.
 - B. The applicant shall submit an evacuation plan indicating alternate vehicular access and escape routes with appropriate disaster preparedness authorities.
 - C. The application shall include base flood elevation data.
 - D. All mobile homes within the floodprone area shall be anchored in accordance with the provisions of the City of St. Marys Zoning Ordinance [Chapter 27] .
 - E. An applicant may apply for a variance from floodplain management requirements according to the procedure set forth in §211(6), hereunder, but such variance shall not be granted unless all the rules and regulations of the Federal Insurance Administration shall be first satisfied.
19. Plans. Plans of mobile home parks shall be prepared in triplicate on a scale of not more than one hundred (100) feet to an inch, signed by a registered land surveyor as follows:
 - A. The original plan shall show:
 - (1) All information as required by the City.
 - (2) Name of mobile home park.
 - (3) Name and address of owner of record and applicant.
 - (4) North arrow, scale and date of plan preparation.
 - (5) Number and size of mobile home[??568]
 - (6) Off-street parking spaces and open spaces.
 - (7) Topography showing existing and proposed contours at intervals of two (2) or five (5) feet, depending upon the slope of the land.

- (8) Any existing bodies of water or watercourses, floodplain areas or tree masses.
- (9) Storm drainage and surface water drains.
- (10) Location of all water and sewer systems, existing and proposed.
- (11) All existing and proposed roads with data concerning pavement widths, types and paving.
- (12) Location and dimensions of all pedestrians' ways and sidewalks.
- (13) Location, dimensions and proposed use of all service and accessory structures.
- (14) Location of all fire extinguishers.
- (15) Block for approval by City and County Planning Commission and approval by City Council.

B. Supplemental plans shall show:

- (1) All information required by the City and County.
- (2) All changes, alterations and improvements.

20. Processing Procedure. All applications and plans shall be presented to the City Manager who shall process them as follows:

A. Original applications and all plans shall be processed as provided in §220.

21. Fees. Fees for examination, inspection and approval of mobile home park plans shall be as established by resolution of the City Council.

22. Preventive Remedies. The City may invoke any of the remedies described in §225(4) of this Chapter to cure any violation of this Section.

23. Enforcement Remedies. In addition to any preventive remedies described above, the City may file a civil enforcement proceeding for any violation of this Section in the same manner as provided in §225(5) of this Part.

(Ord. 173. 3/3/2003, §226)