

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
OF THE BOROUGH OF MONTROSE

ARTICLE I

TITLE, PURPOSE AND AUTHORITY

Section 101. TITLE

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

Section 102. PURPOSE

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

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

Section 103. AUTHORITY

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

103.02 Adoption of Regulations - The Borough Council by authority of an ordinance adopted on the day of

pursuant to Article V of Act 247, cited above, has adopted the following regulations governing the subdivision and development of all land located within the borough limits.

- 103.03 Jurisdiction - The Borough Council shall have jurisdiction and control over the subdivision of all lands located within the municipality. All subdivisions shall be submitted first to the Borough Planning Commission for review and comment; then to the Borough Council for approval, before the same shall be recorded.

Before submitting the subdivision to Borough Council, the Planning Commission shall transmit one (1) copy of the proposed plan to the County Planning Commission for review, and the County Planning Commission shall make a report thereon to the Commission. Pending the receipt and consideration of such report, the Borough Planning Commission shall defer formal comment thereon, but if such report is not received by the Borough Planning Commission within forty-five (45) days from the submission of said plan to the County Planning Commission, final action by the Borough may proceed.

- 103.04 Powers - The Borough Council shall have all powers necessary to enforce the provisions of these regulations without limitation by reason of enumeration, including the following:

1. To prohibit the development of any land found to be unsuitable as defined by these regulations.
2. To require that improvements to the land be made as defined by these regulations.
3. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
4. To require adherence to these regulations and their standards.
5. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
6. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health,

and will not violate State laws and will accomplish the purpose of these regulations. Such requirements may include, but shall not be limited to, earth filling to overcome the hazards of using shallow surface soil over bedrock for sewerage systems.

Section 104. APPLICATION OF REGULATIONS

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

1. Pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended, Article V, Section 513, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Borough Council.
2. Subdivision or land development plans recorded with the County Recorder of Deeds prior to the date of adoption of these regulations are exempt from the provisions of these regulations.

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

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

104.04 Compliance and Violations

1. Compliance - No person shall divide or develop land within the Borough which results in a subdivision, or land development, or a replat as defined herein; nor shall a subdivision or land development or replat be recorded and no street shall be laid out, no lot shall be rented or leased, nor shall improvements be made to the land without compliance

with all requirements of these regulations, the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, the rules and regulations of the Pennsylvania Department of Environmental Resources; and the Pennsylvania Department of Transportation, if the land abuts on a state primary or secondary highway or connecting street, nor shall any subdivision or land development conflict with an adopted plan or policy, a zoning ordinance, official map, or any other borough ordinance.

2. Violations - It shall be unlawful to build upon, install improvements, divide, convey, lease, rent, record or monument any land in violation of these regulations or statutes of the Commonwealth of Pennsylvania. The Borough may institute appropriate action or proceedings to enjoin violators of these regulations or take other action according to applicable statutes of the Commonwealth of Pennsylvania.

104.05 Abrogation, Greater Restrictions, Severability and Repeal

1. Abrogation and Greater Restrictions - These regulations do not repeal, abrogate, annul, impair, or interfere with any existing easements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law, excepting previous subdivision regulations of the borough of Montrose. However, wherever these regulations impose greater restrictions, the provisions of these regulations shall govern unless expressly prohibited by the Pennsylvania Municipalities Planning Code, Act 247, as amended.
2. Severability - Each section, paragraph, sentence, clause, word and provision of these regulations is severable, and if any provision shall be held unconstitutional or invalid for any reason, such decisions shall not affect the remainder of these regulations nor any part thereof other than that affected by such decision.

ARTICLE II

DEFINITIONS

201. INCLUSIONS

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

202. DEFINITIONS

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

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

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

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

22. Minor subdivision. Means any subdivision fronting on an existing street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines, and not involving the creation of any public improvements.
23. Mobile home court or park. Means any lot, parcel, or tract of land on which two or more mobile homes are planned to be located and are intended to be occupied for dwelling or sleeping purposes for more than thirty (30) days. This type of development shall be governed by the Montrose Borough Ordinance regulating mobile homes and mobile home parks.
24. Mobile home. Means a transportable, single-family dwelling which may be towed on its running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes, and constructed with the same, or similar electrical, plumbing, and sanitary facilities as immobile housing. This type of dwelling shall be governed by the Montrose Borough Ordinance regulating mobile homes and mobile home parks.
25. Motor home. Means a self contained recreational vehicle that moves under its own power.
26. Municipality. Shall be construed to mean the political subdivision known as the Borough of Montrose, Susquehanna County, Pennsylvania, unless otherwise noted.
27. Pavement. The portion of a street or alley intended for vehicular use.
28. Plan, final. Means complete and exact graphic description or map drawn to scale, prepared for official recording as required by the Pennsylvania Municipalities Planning Code, Act 247, as amended, to define property rights and proposed streets or other improvements.
29. Plan, preliminary. Means a tentative graphic description or map drawn to scale, in lesser detail than a final plan, showing approximate locations of streets, and lot layout as a basis for consideration prior to preparation of a final plan.

30. Plan, record. Means an exact signed copy of the approved final plan, prepared as for official recording, to define property rights and proposed streets and other improvements.
31. Plan, sketch. Means an informal graphic description or map drawn generally to scale, indicating salient or existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development as further defined in these regulations.
32. Public improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off street parking area, lot improvement, or other facility for which the local government does assume the responsibility for maintenance and operation at the time of the subdivision submission.
33. Registered professional engineer. A person registered and licensed to practice engineering within the Commonwealth of Pennsylvania.
34. Replat. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
35. Reserve strips. A right-of-way reserved for use as a street, alley, interior walk or for other public purposes.
36. Reserve frontage. Means a lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.
37. Right-of-way. Any road, street, alley, sidewalk, passageway, porch or entrance intended, regardless of ownership, to serve as an area to be utilized by the general public, either vehicular or pedestrian, providing that this area is not enclosed within the main sidewalls and roof of a structure.

38. Set-back, building line or front yard line. The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, property line or any easement line providing a reservation for the future widening of the roadway.
39. Sewer permit. Permit issued by the Montrose Municipal Authority allowing public sewage service.
40. Sight distance. The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.
41. Street. A public or private thoroughfare which affords the principal means of vehicular access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other such thoroughfare except an alley. Classes of streets are as follows:
- a. Major traffic streets are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania State Highway Department.
 - b. Collector streets are those which, in addition to giving access to abutting properties, intercept minor streets and provide routes, carrying considerable volumes of traffic, to community facilities and to major traffic streets.
 - c. Minor streets are those used primarily to provide access to abutting property.
 - d. Marginal access streets are minor streets parallel to major traffic street that provides access to properties but controlling access to the major street.
42. Street, public. A right-of-way dedicated or open to public use.
43. Subdivider. The owner, or authorized agent of the owner, of a subdivision.

44. Subdivision and land development.

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

Provided, however,

- (1) That land divided into parcels of ten (10) acres or more not involving any new street or streets or easement of access or public improvement and when such parcels have no less than 200 feet public road or public street frontage shall be exempt.
 - (2) That the division of land into parcels of four (4) or less in number not involving any new streets or easement of access shall be exempt so long as said parcels are not less than 15,000 square feet and are utilizing municipal sewage disposal.
 - (3) That cemeteries are exempt from the provisions of this ordinance.
 - (4) Mobile homes and mobile home parks shall be governed by separate Borough Ordinance.
- b. Any development of land (including but not limited to, seasonal recreation developments, campsites, camping grounds, multiple dwelling units, industrial land developments, shopping centers and other developments intended to be used for commercial or industrial purposes) even though any streets or rights-of-way may not be dedicated to public use; and lots, tracts, or parcels, may not be divided for the purpose of conveyance, transfer or sale, even though the owner does not transfer legal title or equitable title (for example, structures for rental purposes.)

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

ARTICLE III

PROCEDURE

Section 301. PROCEDURES

- 301.01 Sketch Plan - Prior to submitting a formal preliminary plan the applicant may, at his option, present the Commission with a sketch plan for discussion purposes. This step is particularly recommended for major subdivisions.
- 301.02 Plans to be filed with Commission - Eight (8) copies or a number less than eight (8) copies; as specified by the Commission, of the preliminary and final plans and required supplementary data shall be officially submitted to the Commission through the Borough Zoning Officer by the subdivider or his agent.
- 301.03 Review of Plans - The Borough Council shall review and shall take action, to approve or reject, all plans, except sketch plans where no action is necessary, within ninety (90) days following the date of the regular meeting of the Borough Council next following the date the application is filed with the Commission, providing that should the said next regular meeting of the Borough Council occur more than thirty days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed with the Commission.
- 301.04 Action on Major Subdivision Plans and All Other Land Development Plans - The initial plan filed with the Commission shall be considered to be the preliminary plan. However, the Commission may proceed to final action and submission for final approval to the Borough Council at the first consideration of a plan provided that the plan and supporting data comply in all respects with the requirements for major final plans as per Article IV of these regulations.
- 301.05 Action on Minor Subdivision Plans - In the case of a proposed minor subdivision, the Borough Council may grant preliminary and final approval on the basis of plans submitted in conformity with Article V, if submitted so by the Commission.
- 301.06 Notification to County - Upon receipt of a subdivision plan for review, the Commission shall notify the County Planning Commission and furnish a copy of the plan for its review and comment.

Section 302. PROCEDURES FOR PRELIMINARY AND FINAL PLANS

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

Section 303. ADDITIONAL PROCEDURES FOR PRELIMINARY PLANS

- 303.01 Changes and Modifications - The Borough Council may require or recommend changes and modifications of the preliminary plan prior to approval of the final plan.
- 303.02 Acceptance of Public Street and Areas - Prior to final approval by the Borough Council, the developer shall secure by written letter, evidence that the Borough will take responsibility for streets and other areas normally associated with being dedicated to public use, or, the Borough shall indicate its intent to accept and/or specify its conditions of accepting the lands proposed to be dedicated to the public by the subdivider.
- 303.03 Fee - To defray a portion of the expense of review, a fee as follows shall be payable to order of the Borough of Montrose upon the filing of the preliminary plan.
1. For major subdivisions and all other land developments, thirty dollars (\$30.00) plus two dollars (\$2.00) per lot within each residential, recreational, commercial, or industrial development or other land development.
 2. For minor subdivisions, a fee of five dollars (\$5.00) plus two dollars (\$2.00) per lot or parcel.
 3. Copies of this Subdivision and Land Development Ordinance shall be provided at a nominal cost set by the Borough.
- 303.04 Engineering Costs - The cost of engineering or surveying work required by the Commission to ensure compliance with these regulations shall be borne by the developer.

Section 304. ADDITIONAL PROCEDURES FOR FINAL PLANS

- 304.01 Final Plan to be Submitted - Within one (1) year after favorable action by the Borough Council on the preliminary plan, a final plan with supporting data shall be submitted to the Borough Council for review. Otherwise, the plan submitted shall be considered as a new preliminary plan.
- 304.02 Final Plan Shall Conform with Preliminary Plan - The final plan shall conform in all respects to the preliminary plan as previously reviewed by the Borough Council and shall incorporate revisions and modifications specified by the Borough Council in its conditional approval of the preliminary plan. All approved final plans must bear signatures of the authorized representatives of the Borough Council and the effective date of the approval. Final plans shall not be reviewed by the Commission, but are to be submitted directly to the Borough Council for action.

Section 305. RECORDING FINAL PLAN

- 305.01 Required Time to Record - No more than ninety (90) calendar days after a final plan or section thereof has been approved by the Borough Council, the final plan or a reduced photo copy, shall be filed by the developer for recording with the County Recorder of Deeds. If the plan is not recorded within ninety (90) days from the final approval date, the action of the Borough Council shall become null and void.
- 305.02 Dedications - Recording of the final plan shall have the effect, unless otherwise agreed to by the Borough Council, of an offer to dedicate all streets, public ways, parks, school sites, or other such areas. However, such offer to dedicate shall place no responsibility upon the Borough concerning the improvement or maintenance of any streets, way, or area, until the actual appropriation of the same by legal action of the Borough.

SECTION 306

SUBDIVISION REVIEW AND APPROVAL PROCEDURES OUTLINE

1. Subdivider meets with Commission or Zoning Officer to determine general conformance with these regulations and such others as may affect proposals for development. (Sec. 301)
2. Sketch Plan presented to the Commission at time of considering one (1) above. (Sec. 301 and 401)
3. Subdivider must meet all requirements of the Pennsylvania Clean Streams Act regarding sedimentation and erosion control. Proof of compliance from the Susquehanna County Conservation District must be presented before preliminary plan approval.
4. A permit for municipal sewerage discharge must be obtained from the Montrose Municipal Authority and presented before preliminary plan approval.
5. Subdivider presents Preliminary Plan with supporting data to Commission for review. (Sec. 302 and 402)
6. Commission forwards plans upon receipt to County Planning Commission for review and comment. (Sec. 302)
7. After review and comment by Commission and County Planning Commission, Commission notifies subdivider and Zoning Officer that plan has been forwarded to the Borough Council for approval, modification, or disapproval. (Sec. 302)
8. Within one (1) year, subdivider submits final plan for Borough Council review. (Sec. 304)
9. Borough Council reviews final plan and notifies subdivider and Zoning Officer and Planning Commission of its action on the final plan. (Sec. 304)
10. Within ~~thirty~~ ^{seventy} (90) days from date of approval by the municipality, the final plan shall be presented to the Recorder of Deeds of Susquehanna County to be duly recorded. (Sec. 305)

ARTICLE IV

MAJOR SUBDIVISION:

APPLICATION, PLAN REQUIREMENTS

AND SUPPORTING INFORMATION

Section 401. SUBMISSION

- 401.01 Application - The developer shall submit to the Commission directly or Zoning Officer a signed Application for Review of Subdivision Plan on a form provided for that purpose by the Commission. The application shall be submitted at least thirty (30) days prior to the formal review meeting of the Commission. The application shall specify:
1. The name of the subdivision or land development.
 2. The exact location of the subdivision or land development by road.
 3. The name, address, and telephone number of the subdivider.
 4. The name, address, and the phone number of the surveyor and/or engineer who may be working on the development.
 5. The type of subdivision proposed (i.e. residential, seasonal recreation development or other land development as defined in Article II, Section 201.02, No. 62.
 6. The type of structures proposed for the subdivision or land development.
 7. The type of water supply proposed.
 8. Evidence of a permit from the Montrose Municipal Authority allowing use of the municipal sewerage system.
 9. The size of the property and the number of lots proposed.
 10. The lineal feet of any proposed streets and a statement indicating whether or not the proposed streets will be dedicated to the municipality.

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

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

- 402.01 Scale - Preliminary and final plans shall be at a scale of not more than one hundred (100) feet to the inch. Match line data shall be shown if there is more than one (1) sheet. The size of the plan shall be not less than 8 1/2" by 11" nor more than 24" by 38".
- 402.02 Information - By use of standard symbols when appropriate, preliminary and final plans shall show, and be accompanied by the following information:
 1. Subdivision or land development name or identifying title.
 2. Preliminary plans shall show the boundaries of all land owned by the developer contiguous to the proposed development. The plans shall also identify the owners of contiguous land.
 3. Layout of proposed lots, parcels and streets for all the contiguous property owned by the developer. The Commission may waive this requirement, if, with a letter of intent, the developer shows that an overall layout is unreasonable in light of the land use capabilities of the contiguous land or if he does not intend further development. In the case where a complete preliminary plan for all contiguous property has been waived by the Commission, provision for future access roads to the interior of the property may be required to be shown on the plan.
 4. North point, scale, legend and date.
 5. Name of the developer.

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

Section 403. INFORMATION TO BE SHOWN ON PRELIMINARY PLANS

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

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

13. Water and Sewage Disposal Facilities - All new buildings and discharging sewers shall be interconnected to the sewer system. The only exception to this shall be by the joint approval of the Borough Council and Municipal Authority. When applicable and where on-lot water and/or sewage disposal facilities are proposed and the proposed lot, parcel or tract size for any development is less than the minimum standards specified in Table IV of these regulations, and if on-lot sewage disposal is approved then the preliminary plan must, if required by the Commission, be accompanied by a soils log prepared by a qualified soils scientist, or otherwise qualified individual, as designated by the Commission. (One (1) soils log may be required for each lot or parcel in a development.)

Section 404. INFORMATION TO BE SHOWN ON FINAL PLANS

404.01 Plan Size and Legibility - The subdivision or land development plan submitted for final approval shall be a legible print of a permanent reproducible drawing. The size of the plan shall not be less than 8 1/2" by 11" nor more than 24" by 48".

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

1. A certified land survey map shall be prepared by a registered professional engineer or registered land surveyor of the plan.
2. Location, size, and invert elevation of all sanitary and all storm sewers, location of manholes, inlets, culverts, and all structuring for erosion and sediment control. Encroachment permit approved by the appropriate Department of Transportation, when considered necessary by said Department.
3. All dimensions shall be shown in feet and in hundredths of a foot.
4. Lot numbers, location of iron or steel corner pins for each lot.
5. Permanent monuments shall be shown.

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

1. Recommendation by the State Department of Environmental Resources that the submitted sewage planning module

has been approved and that the proposed sewer and water system are in accordance with the Department standards.

2. Street profiles and drainage details and typical cross sections for all streets as required by the Commission.
3. Statements that the applicant is the owner or equitable owner of the land proposed to be subdivided or developed, whether or not the mineral rights will be conveyed with fee title; that the development shown on the final plan is made with the owner's consent and that he desires to record the same.

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

1. The signature and seal, if one exists, of the owner or owners of the land. If the owner of the land is a corporation, the signature of the president and secretary of the corporation shall appear.
2. The certification, signature and seal of the registered professional engineer or a registered land surveyor who prepared the plan.
3. The signature of the duly authorized representative of the Borough Planning Commission, acknowledging that the plan has been reviewed by the Commission and other duly authorized officials.
4. The signature of the duly authorized representative of the Borough Council acknowledging that the plan has been approved by the Borough Council.

ARTICLE V

MINOR SUBDIVISIONS:

APPLICATION, PLAN REQUIREMENTS

AND SUPPORTING INFORMATION

Section 501. PROCEDURE

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

Section 502. APPLICATIONS FOR MINOR SUBDIVISION

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

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

Section 503. PLAN REQUIREMENTS

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

1. A scale of not more than two hundred (200) feet to the inch. The size of the paper on which the plan is drawn shall not be more than 8 1/2" by 14". Match line data shall be shown if there is more than one sheet.
2. Name of the record owner and subdivider.
3. The location of the development within the borough.
4. Tract boundaries (this information may be obtained from official tax maps or from aerial photographs) and total tract acreage.
5. North point magnetic scale, legend and date.
6. Significant topographical and physical features (water courses, tree masses, etc.).
7. Existing public roads identified by township or borough name and by state or federal traffic route or legislative route number.
8. Proposed lot or parcel lines drawn to scale and dimensions.
9. Lot or parcel areas shall be given in square feet.
10. The classification of the soils present in the proposed subdivision as defined by the Soil Conservation Service soil name.
11. The zoning classification.

503.02 Final Plans may be a certified land survey map by a registered professional engineer or registered land surveyor or otherwise owner developed acceptable map of the lots and/or parcels to be subdivided. Said plans need not include a drawing of the tract boundaries. The scale and information to be shown on or that shall accompany final plans for minor subdivisions may include, but may not be limited to, the following:

1. Plans shall be drawn to accurate scale.
2. Location of the development within the borough.
3. Name of the record owner and subdivider.
4. North point, scale, legend and date.

5. If the lot size or sizes proposed are less than the minimum standard set forth in Article VI, Table IV, and if on-lot sewage disposal is approved by the Borough Council and Municipal Authority, then either:
 - a. the final plan must be accompanied by a copy of the sewer permit for each lot or parcel, or;
 - b. the final plan must be accompanied by a statement from the municipality certified Sewage Enforcement Officer that on-lot sewage disposal is feasible for this subdivision or development, or;
 - c. a notarized statement from the subdivider/developer that certain specified lot or lots may not be developed and if such development occurs all federal, state, county, and local laws and ordinances will be complied with.
6. Provision for future: Access roads to the interior of the contiguous property owned by the subdivider or developer must be provided and shown on the plans in the event that said contiguous land does not front on the existing road in the subdivision.

ARTICLE VI

DESIGN STANDARDS

Section 601. APPLICATION OF DESIGN STANDARDS

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

Section 602. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT

602.01 General Site Criteria

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

5. Preservation of Natural Features: in all developments, care shall be taken to preserve natural features such as trees, watercourses, views, and historical features such as buildings which will add attractiveness and value to the remainder of the land.
 6. Hillside Development: where a subdivision or land development is on a site that has a slope of more than fifteen percent, the Borough Council may require larger lot sizes than the minimum requirements which are provided in these regulations.
 7. Water Frontage and Surface Drainage:
 - a. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water shall not be permitted except with approval of the Borough Council, and; where required by state statute, the Pennsylvania Department of Environmental Resources, or other applicable state agencies.
 - b. Residential building set-back lines shall be established at no less than fifty (50) feet from the normal high water line of any stream, lake, or water body.
- 602.02 Community Facilities and Comprehensive Plan Requirements - Where a proposed park; playground, school, or other public use is shown in the borough comprehensive plan and is located in whole or in part in a proposed development, the Borough Council may require the reservation of such area. The developer shall not be required to reserve the land for more than one (1) year.
- 602.03 Modifications - The standards and requirements of these regulations may be modified by the Borough Council in the case of plans for complete communities, neighborhood units, planned unit developments, or other large scale developments, which in the judgment of the Borough Council achieve the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision or land development ordinance.
- 602.04 Easements - Where a development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage without damaging adjacent properties.

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

TABLE I
LOCATIONAL CRITERIA FOR REQUIRED IMPROVEMENTS
AND RELATED STANDARDS

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

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

TABLE II
GEOMETRIC STANDARDS FOR ALL STREETS

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

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

TABLE III

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

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

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

* Without Curb

** With Curb

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

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

TABLE III (Continued)

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

Street Pavement and Construction Requirements:

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

602.08 Street System Layout

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

602.09 Street Intersections

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

602.10 Uses Fronting on Major Traffic Streets

1. Service Streets - Where a development fronts or abuts a major street as defined in Article II, Section 201.02, the Borough Council may require

marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection to abutting properties the reduction in the number of intersections with the major traffic street and the separation of local and through traffic.

2. Controlled Access - Entrances and exits to non-residential developments shall be designed so as not to interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than fifty (50) feet and when combined, shall be restricted to one hundred (100) feet. Access points shall not exceed twenty-four (24) feet in width at any interchange.
3. Protection of Grade Separation - Entrance and exit points to proposed developments shall not be located closer than one hundred (100) feet to the end of any intersection.
4. Setback Line - All setback lines will be regulated by the appropriate distance applicable in the Borough of Montrose Zoning Ordinance.
5. Residential blocks shall have a maximum length of twelve hundred (1200) feet. In the design of blocks longer than one thousand feet, special consideration shall be given to the requirements of satisfactory fire protection.
6. Cul-de-sac Streets
 - a. Cul-de-sacs, permanently designed as such, shall not exceed six hundred (600) feet (unless topography indicates a need for greater length).
 - b. The turn-around shall have a radius to the outer right-of-way radius of at least one hundred (100) feet.
7. Service Streets - Where the development abuts on or contains an existing or proposed major traffic street on which traffic volumes and vehicular speeds warrant special safety precautions, the Borough may require that marginal access streets be provided in order that no lots front on such existing or proposed major traffic streets.

602.11 Building Setback Lines

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

Section 603. RESIDENTIAL LOT STANDARDS

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

603.02 Residential Lot Sizes

Residential lot sizes, width and depth, shall be governed by the Montrose Zoning Ordinance.

603.03 Design of Residential Lots

1. All lots shall front upon a public street, existing or proposed; however, under special conditions a private road may be requested by the developer and may be approved by the Borough Council.
2. Side lot lines shall be generally at right angles or radial to street lines.
3. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the municipality.
4. Double frontage lots should be avoided except where essential to provide separation of residential developments and traffic arterials or to overcome particular topographic and orientation disadvantages.
5. Depth and width of parcels laid out or reserved for non-residential use shall be sufficient to provide satisfactory space for off-street parking and unloading.

6. Developments of fifty (50) or more lots shall have a minimum of ten percent (10%) of the total land area for open space purposes. Such land shall be improved and shall be accessible to all families residing within said tract. Arrangements satisfactory to the Borough Council shall be made for perpetual care of said open space areas.

Section 604. UTILITIES

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

Section 605. SOLID WASTE DISPOSAL

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

ARTICLE VII

SPECIALIZED REGULATIONS TO STANDARD SUBDIVISION PROCEDURES

Section 701. SPECIALIZED REGULATIONS

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

Section 702. SEASONAL DEVELOPMENT

All cottages and hunting camp developments and campsite, campground, and trailer park developments where lots are sold or leased, or other such recreational, and/or seasonal development are considered residential subdivisions, and shall be subject to the standards as specified in Article VI including those standards for minimum lot sizes. Campsite, campground, and travel trailer park developments where travelers are licensees shall be subject to the regulations as set forth in Section 703.

Section 703. TRAVEL TRAILER PARKS, CAMPSITE AND CAMPGROUNDS FOR RENTAL

703.01 General Standards - Travel trailer parks and campgrounds shall be subject to all standards set forth for mobile home parks under separate ordinance except as set forth in Subsections 703.02 through 703.06 inclusive. In addition, those improvements set forth in Article VIII which the Borough Council deems appropriate shall be required.

703.02 Travel Trailer Park and Campground Lot or Space Re- quirements

1. Minimum Lot Sizes - The minimum lot or camp space shall be forty (40) feet wide by eighty (80) feet deep and be not less than three thousand two hundred (3200) square feet in area excluding all roads, drive-ways, or rights-of-way.

2. Lot Access - All lots or camping spaces shall abut and have forty (40) feet frontage on a street of the park or campground internal street system. Campsites are not required to have frontage on a public street, but all campsites shall have access to public streets by either private streets or easements.

703.03 Parking Space Requirements

A minimum of 1.0 motor vehicle parking spaces shall be provided for each park lot or campground space within the travel trailer park or campground.

703.04 Travel Trailer Park and Campground Internal Street System Requirements

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

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

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

703.06 Recreation Area - A recreation area must be provided that is forty (40) percent of the entire area of development. The area set aside for recreation shall meet the following specifications:

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

Section 704. COMMERCIAL LAND DEVELOPMENT

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

704.02 Site Standards

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

704.03 General Design - The layout within commercial development areas shall be designed in accordance with the borough zoning ordinance and with consideration of site conditions to insure:

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

704.04 Circulation

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

704.05 Parking Area Requirements

1. Five and five tenths (5.5) spaces per one thousand square feet of gross building area shall be provided. This requirement may be reduced if the developer can show, to the satisfaction of the Borough Council, that the nature of commercial development will not generate sufficient traffic to warrant such parking requirements.
2. Where possible, parking isles shall be designed at right angles to buildings, rather than parallel, for better accessibility for pedestrians.
3. Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum distance of fifteen (15) feet.
4. The setback area between parking areas and street right-of-way lines and property lines shall be maintained as a planting area.
5. All parking areas, service drives, and entrance and exit lanes shall be graded and paved according to the specifications for paving of local subdivision streets in Table I.

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

Section 705. INDUSTRIAL LAND DEVELOPMENT

705.01 General Standards - All industrial land development plans shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith, including the submission of plans in conformity with Articles III and IV of these Regulations.

705.02 Off-street Parking - Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for one and two-tenths (1.2) employees shall be provided.

705.03 Loading Areas - All loading and unloading areas and service areas of the development shall be provided as off-street parking and shall be designed to cause no obstructions to adjacent street traffic.

705.04 General Design Standards - The layout of the industrial area shall be designed according to the borough zoning ordinance and should provide:

1. The most efficient arrangement for present use and future expansion.
2. The provision of adequate and safe space for employee and customer access and parking.

705.05 Industrial Developments - Industrial developments shall be adequately screened from adjacent residential or other incompatible use areas. All storage service or other unsightly areas within the industrial development shall be adequately screened from the adjacent developments and streets.

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

Section 706. PLANNED RESIDENTIAL DEVELOPMENTS

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

ARTICLE VIII

REQUIRED IMPROVEMENTS

Section 801. GENERAL REQUIREMENTS

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

Section 802. STREETS

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

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

Section 803. CURBS AND GUTTERS

- 803.01 Curbs - Curbs shall be provided on all streets and parking compounds located within multi-family land development, except where not located within 100 feet of curbs and gutters. Curbs shall also be required on new streets in developments which have a typical lot width of less than eighty (80) feet. Curbs may be either the vertical concrete type or rolled bituminous curb and gutter type. Bituminous curb and gutter shall not be used in major municipal collector streets. The transition from one type of curb to another shall be affected only at a street intersection. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, or bituminous curbs placed by curbing machines.

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

Section 804. SEWERS

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

Section 805. WATER

1. The subdivision or land development shall be provided with a complete water main supply system which shall be connected to the community water supply, except that, when such community water supply system is not available, or undesirable, each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources.
2. The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the Keystone Water Company. A statement of approval from the water company to which the subdivision or land development will be connected, shall be submitted to the Borough Council. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the borough and water company.
3. Fire hydrants shall be provided as an integral part of any public water supply system. Fire hydrants shall be appropriately spaced and shall not be greater than six hundred (600) feet apart, provided that a minimum hydrant pressure and flow at accepted standards shall be maintained at each hydrant.

Section 806. STORM DRAINAGE

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

Section 807. UTILITIES

Where required, telephone, electric, T.V. cable, and other such utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the borough. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

Section 808. MONUMENTS AND MARKERS

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

Section 809. PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

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

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

809.02 Performance Guarantee

1. Posting - the performance guarantee must be approved by the Borough Council and must:
 - a. be a surety bond, certified check, or other security satisfactory to the Borough Council.
 - b. be payable to the borough.
 - c. be in an amount sufficient to complete the improvements in compliance with these regulations;
 - d. in the case of cash or its equivalent, be held in an escrow fund in the name of the borough;
 - e. specify a satisfactory completion date for the improvements.
2. Return - When the improvements have been completed and approved for conformity with these regulations by a registered professional engineer or other qualified individual, employed by the Borough Council, or other person designated by the Borough Council, the guarantee must be released and returned. When any

of the required improvements have been completed and approved, as above, a portion of the security commensurate with the cost of these improvements may be released and returned.

3. Default - In the event the developer fails to install the required improvements in accordance with the final plan, the performance guarantee necessary for completion of the improvements shall be forfeited to the Borough.

809.03 Borough Council - Action on Improvements or Performance Guarantee

The Borough Council is required to assure:

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

Section 810. MAINTENANCE BOND

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

ARTICLE IX
ADMINISTRATION

Section 901. REVISION AND AMENDMENT

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

Section 902. VARIANCES

- 902.01 Hardship - In reviewing an applicant's request for a variance from these Regulations, the following criteria shall be used:
1. An unnecessary hardship should be established upon a finding of fact.
 2. The particular hardship must stem from these Regulations.
 3. The situation must be unique, not one shared similarly by other properties in the neighborhood.
 4. The hardship cannot be self-created by the property owner.
 5. Hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a variance.
 6. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or by the community as a whole.
 7. And finally, if these regulations were in existence at the time of the purchase of the parcel of land under question, the condition of the parcel itself

or the neighborhood must have changed since the time of the purchase. The changed condition must have a unique bearing on the parcel under question.

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

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

Section 903. RECONSIDERATION

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

903.02 Appeal to Court of Common Pleas

1. Any developer aggrieved by a finding, decision, or recommendation of the Borough Council may appeal such finding, decision, or recommendation to the Common Pleas Court.
2. All subdivision and land development appeals shall be filed not later than thirty (30) days after issuance of notice of the decision or report of the Borough Council. All appeals shall be in accordance with the Pennsylvania Municipalities Planning Code, Act 247 (as amended), Article V, Section 505.

Section 904. BOROUGH COUNCIL RECORDS

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

Section 905. SANCTIONS AND PENALTIES

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

905.01 Any person who, being the owner, or agent of the owner of any lots, tract or parcel of land shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers, leases or rents, or agrees or enters into an agreement to sell, lease, rent or otherwise transfer any land in a subdivision or land development as defined herein, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction hereof, such persons, or the members of such partnership, or the officers of such corporation, or the agent of any of them responsible for such violation shall pay a fine not exceeding the schedule below:

1. Failure to file - daily fine of twenty-five dollars (\$25.00) for first five days of violation, one hundred dollars (\$100) per day after five days.
2. Filing of Plans but developer did not wait for approval and/or noncompliance - minimum of two hundred fifty dollars (\$250) per day, fine not to exceed ten thousand dollars (\$10,000).

AMENDMENTS TO "SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MONTROSE, PENNSYLVANIA". (Said ordinance enacted November 5, 1979)

BE it enacted by the Borough of Montrose, Pennsylvania, that the Subdivision and Land Development Ordinance of the Borough of Montrose, Pennsylvania, enacted November 5, 1979, is amended to read as follows:

Article II, Section 202 Definitions, Paragraph 44 Subdivision and land development is amended to read:

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

Provided, however,

(1) That land divided into parcels of ten (10) acres or more not involving any new street or streets or easement of access or public improvement and when such parcels have no less than 200 feet public road or public street frontage shall be exempt.

(2) That the division of land into parcels of four (4) or less in number not involving any new streets or easement of access shall be exempt so long as said parcels are not less than 15,000 square feet and are utilizing municipal sewage disposal.

(3) That cemeteries are exempt from the provisions of this ordinance.

b. Any development of land (including but not limited to, seasonal recreation developments, campsites, camping grounds, multiple dwelling units, industrial land developments, shopping centers and other developments intended to be used for commercial or industrial purposes) even though any streets or rights-of-way may not be dedicated to public use; and lots, tracts, or parcels, may not be divided for the purpose of conveyance, transfer or sale, even though the owner does not transfer legal title or equitable title (for example, structures for rental purposes).

c. Land development is the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose by means of, or for the purpose of streets, common area, leaseholds, condominiums, building groups, or other features, involving either (a) a group of two or more buildings, or (b) a division or allocation of land or space between or among two or more existing or prospective

occupants.

d. Mobile homes and mobile home courts or parks are governed by Chapter 73 of the Borough Code adopted November 3, 1975.

Article III Procedure, Section 306 Subdivision Review and Approval Procedures Outline, is hereby amended to read:

Section 300 reading as follows and being numbered page 13:

Subdivision Review and Approval Procedures Outline

1. Subdivider meets with Commission or Zoning Officer to determine general conformance with these regulations and such others as may affect proposals for development. (Sec. 301)
2. Sketch Plan presented to the Commission at time of consideration one (1) above. (Sec. 301 and 401)
3. Subdivider must meet all requirements of the Pennsylvania Clean Streams Act regarding sedimentation and erosion control. Proof of compliance from the Susquehanna County Conservation District must be presented before preliminary plan approval.
4. A permit for municipal sewerage discharge must be obtained from the Montrose Municipal Authority and presented before preliminary plan approval.
5. Subdivider presents Preliminary Plan with supporting data to Commission for review. (Sec. 302 and 402)
6. Commission forwards plans upon receipt to County Planning Commission for review and comment. (Sec. 302)
7. After review and comment by Commission and County Planning Commission, Commission notifies subdivider and Zoning Officer that plan has been forwarded to the Borough Council for approval, modification, or disapproval. (Sec. 302)
8. Within one (1) year, subdivider submits final plan for Borough Council review. (Sec. 304)
9. Borough Council reviews final plan and notifies subdivider and Zoning Officer and Planning Commission of its action on the final plan. (Sec. 304)
10. Within thirty (30) days from date of approval by the municipality, the final plan shall be presented to the Recorder of Deeds of Susquehanna County to be duly recorded. (Sec. 305)

Section 301 Procedures, of said ordinance is hereby amended to change the present page numbers 13 to 14, 14 to 15, and 15 to 16.

Section 304.02 Final Plan Shall Conform with Preliminary Plan, is hereby amended to read:

The final plan shall conform in all respects to the preliminary plan as previously reviewed by the Borough Planning Commission and by the Borough Council and shall incorporate revisions and modifications specified by the Borough Council in its conditional approval of the preliminary plan. All approved

final plans must bear signatures of the authorized representatives of the Borough Council and the effective date of the approval. Final plans shall not be reviewed by the Commission, but are to be submitted directly to the Borough Council for action.

Article VII Specialized Regulations to Standard Subdivision Procedures, Section 706 Planned Residential Developments, is hereby amended to read:

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

Article IX Administration, Section 905.01 Sanctions and Penalties, is hereby amended to read:

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding one thousand dollars (\$1,000.00) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the municipality whose ordinance has been violated. The description of metes and bounds in

the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

Enacted and ordained this 4th day of April, 1983.

President of Borough Council

Attest:

Secretary

Approved this _____ day of _____, 1983.

Mayor