

## ARTICLE IV

### MINOR SUBDIVISION SUBMISSION PROCEDURES, REVIEW PROCESSES, PLAN REQUIREMENTS, DESIGN STANDARDS, MANDATORY IMPROVEMENTS, AND CONSTRUCTION REQUIREMENTS

#### SUBMISSION AND REVIEW PROCEDURES

##### Section 401 General Procedures

A minor subdivision is a subdivision that results in the creation of less than five (5) lots, does not require any public infrastructure or street improvements, does not have any adverse impacts on either the remaining land in the original parcel or on adjoining properties, and does not conflict with the Borough Comprehensive Plan. Minor subdivisions go through a simpler approval procedure than major subdivisions do. These simpler procedures and the relevant regulations will be given in this Article. The procedures established in this Article shall apply to all minor subdivisions that require review and approval by Everett Borough. It shall be the subdivider's responsibility to observe and follow the procedures established in this Article and to submit all plans and documents as may be required herein.

401.1 Classification of Subdivision: Whenever any subdivision of land is proposed - before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted - the owner or his agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures for subdivision, which include a maximum of two (2) steps for a Minor Subdivision and three (3) steps for a Major Subdivision as follows:

- a. Minor Subdivision
  - (1) Sketch Plan (optional)
  - (2) Final Plan
  
- b. Major Subdivision
  - (1) Sketch Plan (optional)
  - (2) Preliminary Plan
  - (3) Final Plan

The requirements of this Article IV address Minor Subdivisions only. Article III addresses Major Subdivisions, Article V addresses Mobile Home Parks, Article VI addresses Land Developments, and Article VII addresses Recreational and Seasonal Land Developments. Articles VIII through X address all developments that fall under the jurisdiction of this ordinance.

401.2 Pre-Application Consultation: Prior to filing an application for approval of a subdivision within the Borough, the owner or his authorized agent, may meet with the Everett Borough Planning Commission for an official classification of his proposed subdivision. The Everett Borough Planning Commission will determine

whether the proposal shall be classified as a Minor Subdivision (or a property line change), a Major Subdivision, or a Land Development, and will make advisory comments. At this time, the Local Planning Commission may advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

- 401.3 Minor Subdivision Procedure: Minor subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 423 and shall be otherwise reviewed in accordance with the procedures and standards of Section 403 through Section 406.
- 401.4 Additional Subdivisions: Any additional subdivision or re-subdivision of a tract from which a minor subdivision has already been formed, within five (5) years of the original approval date by the Borough Council, shall be deemed to be a major subdivision and shall follow the procedure applying thereto if the total number of building lots meets or exceeds the number of building lots classified as a major subdivision by Section 202 of this Ordinance.
- 401.5 Property Line Changes: Changes in lot lines between two (2) adjacent lots of record shall be reviewed and approved by the Borough Council as a minor subdivision, and shall include plan requirements as outlined in Article IV, Section 424 of this Ordinance.
- 401.6 Official Filing Date: For the purpose of these regulations, the official filing date for required Plans shall be the date of the regular meeting of the Everett Borough Council next following the date the application and plans are received at the Borough Municipal Building -- provided that said regular meeting shall not occur more than thirty (30) days following the submission of the application. If not, the official filing date shall be the thirtieth (30th) day following the day the application has been submitted. On receipt of an application for a subdivision or land development approval, the Everett Borough Council shall affix to the application both the date of submittal and the official filing date.
- 401.7 Bedford County Planning Commission Review: A copy of all plans and attachments shall be submitted by the Borough to and reviewed by the Bedford County Planning Commission in accordance with its then prevailing rules and regulations. The Borough shall forward to the Applicant a copy of any report of the Bedford County Planning Commission. The Borough shall not take action on an application until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

401.8 Everett Borough Planning Commission Review: All plans shall be submitted to and reviewed by the Everett Borough Planning Commission for advisory comments at its regular meeting. The Borough Planning Commission may review the plans with engineering, planning, and/or other technical consultants to assist in the preparation of an advisory report for the Borough Council. The Borough shall forward to the Applicant a copy of any report of the Borough Planning Commission. The Borough shall not take action on an application until the Borough Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the Borough Planning Commission.

Section 402 Submission and Review of "Sketch Plan" (Optional)

Prior to the preparation of a "Final Plan," it should be encouraged that the Applicant confer with the Everett Borough Planning Commission for the purpose of an informal discussion concerning the proposed minor subdivision. The subdivider may submit a "Sketch Plan" following the guidelines set forth in Article IV, Section 422, of these regulations. The submission of a "Sketch Plan" is optional. When this option is chosen by the Applicant, the Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular or special meeting of the Everett Borough Planning Commission at which it is to be considered.

402.1 "Sketch Plan" Review: The Everett Borough Planning Commission will review the "Sketch Plan" with the Applicant as it related to:

- a. The Comprehensive Plan for Bedford County
- b. The Everett Borough Comprehensive Plan or any other Local Level Comprehensive Plan which may exist
- c. Other relevant ordinances which may exist
- d. The general suitability of the site for proposed development
- e. The demand for development for the type proposed and the particular location proposed
- f. The availability of necessary services and facilities
- g. The improvements and design required by these regulations
- h. Any proposals of either Local, State or Federal Governments for such improvements as highways, dams, public grounds, and any other facility that may have an impact on the proposed subdivision.

## Section 403 Official Submission of the "Final Plan"

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional "Sketch Plan", and after reviewing the Plan requirements of this ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the "Final Plan". The "Final Plan" shall conform with the requirements set forth in Article IV, Section 423, of this ordinance. Application forms for the submission of Final Plans will be available in the Everett Borough Office.

- 403.1 Application Fee: The fees for the submission and review of Minor subdivisions within Everett Borough shall be established by Resolution by the Council members.
- 403.2 Number of Copies: When submitting an application for review and approval of a "Final Plan", the Applicant shall submit six (6) copies of prints of the proposed subdivision or development plan, and supporting information along with three (3) copies of any proposed covenants to the Everett Borough Council, which will then forward copies of the Plan to the Everett Borough Planning Commission, the Bedford County Planning Commission, affected water and sewer agencies, and the Bedford County Conservation District. Copies of the letter of transmittal from the Applicant will be sent to other relevant agencies and companies such as other affected Utility Companies, Post Offices, the Everett School District, Assessors, and Fire Departments -- along with a notation that the plans are available for review in the Borough Municipal Office. In addition to filing with Everett Borough, Plans shall be concurrently submitted to appropriate officials of the Borough for action or information of such officials as appropriate.

## Section 404 Review of the "Final Plan"

Within ninety (90) days from the submission of the "Final Plan", the Everett Borough shall review and act on the Plan and notify the Applicant in writing of its action. On finding the "Final Plan" application to be in accordance with the requirements of this ordinance, the Everett Borough Council shall affix its seal on the Plan together with the certifying signature of the President of Council. Where modifications of the "Final Plan" are requested or the Plan is disapproved, the grounds for these actions must be stated in the notification and noted in the Everett Borough Council records.

- 404.1 Approval of the "Final Plan": Based on a thorough review of the details of the "Final Plan", the Borough shall approve; approve with conditions, revisions, or modifications; or disapprove the application; render its decision; and communicate its decision to the applicant within ninety (90) days after the date the "Final Plan" application was filed. The Everett Borough Council shall notify the applicant in writing of its decision no later than fifteen (15) days following the decision. The approval of the "Final Plan" by the Everett Borough Council shall not be deemed an acceptance of the proposed dedication and shall not impose any duty on any of the municipalities of Bedford County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until the municipality

in which the subdivision is located shall have accepted or made actual appropriation of the same by entry, use, or improvement. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case, cite to the provisions of the statute or ordinance relied upon. If more than five (5) acres disturbed at any one time then erosion and sedimentation need to be in place.

#### Section 405 Approval of Plats: Miscellaneous Procedures

All applications for approval of a plat shall be acted upon by the governing body within such time limits as may be fixed in this Ordinance but the governing body shall render its decision and communicate it to the applicant not later than sixty (60) days following the date of the regular meeting of the governing body next following the date the application is filed -- provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application. If not, the said sixty (60)-day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

- 405.1 The decision of the governing body shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- 405.2 When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- 405.3 Failure of the governing body to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- 405.4 Changes in the ordinance shall affect plats as follows:
  - a. From the time an application for approval of a plat is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- b. When an application for approval of a plat has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

405.5 Before acting on any minor subdivision plat, the governing body, as the case may be, may hold a public hearing thereon after public notice.

#### Section 406 Recording of the Final Plan

Within thirty (30) days after the date of the approval of the "Final Plan" by the Everett Borough Council, the Applicant shall record an original of the same in the office of the Bedford County Recorder of Deeds, and file with the Borough a Recorder's Certificate that the approved Plan has been recorded with the Deed Book and page numbers indicated. If the Applicant fails to have the Plan recorded, the decision of the Everett Borough Council is voided unless the Applicant has obtained a written extension of time approved in writing by the Borough Council. The Applicant shall proceed with the sale of lots and structures only after the "Final Plan" has been recorded with the County Recorder of Deeds. Recording the Final Plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park, open space, and other public areas to public use unless reserved by the Applicant. Within sixty (60) days of the plan being officially recorded, the municipality will reflect those changes on its official map if necessary. The approval of the Final Plan shall not impose any duty on the Borough Council concerning maintenance or improvements by ordinance or resolution.

### PLAN REQUIREMENTS

#### Section 421 Preliminary Considerations

After the effective date of this ordinance, no person, firm, or corporation proposing to make or having made a minor subdivision, within Everett Borough shall proceed with any development before obtaining approval of the proposed subdivision by the Everett Borough Council. The provisions and requirements of this article shall apply to and control all land subdivision and development involving a minor subdivision which has not been recorded in the Office of the Recorder of Deeds in Bedford County, the Commonwealth of Pennsylvania, prior to the effective date of this ordinance.

- 421.1 Discussion of Requirements: Before preparing a Sketch Plan for a minor subdivision, the Applicant should discuss with the Borough the procedure for adoption of a minor subdivision plan and the requirements of this ordinance. The Borough shall also advise the Applicant, where appropriate, to discuss the proposed

minor subdivision with those officials who must eventually approve these aspects of the subdivision plan coming within their jurisdiction.

421.2 Conformity with Master Plan: The layout of the proposed minor subdivision shall be in conformity with the Comprehensive Plan for Bedford County, the Everett Borough Comprehensive Plan as periodically updated, and any local level plan which may exist within the area of the proposed subdivision.

421.3 Site Considerations: No land shall be subdivided or developed:

- a. Unless access to the land over adequate streets or roads exist, or will be provided by the Applicant; or
- b. If such land is considered by Everett Borough as unsuitable for residential use by reason of floodplain and floodway location or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, wetlands, unfavorable topographic features, or the presence of any other features harmful to the health and safety of possible residents and the community as a whole.

#### Section 422 Sketch Plan (optional)

Prior to the official submission of the "Final Plan", a minor subdivision "Sketch Plan" may be submitted by the Applicant or property owner to facilitate an informal discussion with the Borough Council officials concerning the proposed subdivision. This informal discussion may be extremely valuable in guiding the Applicant on the proper course in the development of a subdivision thereby reducing the possibility for any costly mistakes. Submission of the "Sketch Plan" will not constitute formal filing of the plan with the Borough. The "Sketch Plan" need not be drawn to scale or contain precise dimensions.

The following items are suggested for inclusion in the "Sketch Plan" presentation:

- 422.1 Proof of Ownership;
- 422.2 Name of Owner;
- 422.3 General location within the Borough;
- 422.4 Tract boundary including all land which the Applicant intends to subdivide;
- 422.5 General topographical and physical features along with water courses, streams, ponds, flood plains, and wetlands;
- 422.6 Names of surrounding property owners;
- 422.7 North point; approximate scale and date of original drawing;

- 422.8 Streets on and adjacent to the tract;
- 422.9 Proposed general lot layout or development;
- 422.10 Proposed use of the lots or development;
- 422.11 Any other information which would be helpful in the preliminary discussion of what the Applicant intends to do;
- 422.12 Statement of general availability of utilities of water and sewer, etc.; and
- 422.13 The general location of any underground mines or undermined areas on the involved land.

#### Section 423 Final Plan

The "Final Plan" shall be drawn on a scale of at least one (1) inch equals sixty (60) feet. The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 423.1.

- 423.1 Required Information: The "Final Plan" shall contain the following information:
  - a. Notes and Data
    - (1) Date of application for subdivision approval.
    - (2) Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner.
    - (3) Name(s) and address of developer, applicant or authorized agent if different from owner.
    - (4) Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the plan.
    - (5) Tax parcel number(s) of subject tracts.
    - (6) Type of sewage disposal, and water supply to be utilized.
    - (7) Total acreage of the subject tracts, and total number of proposed lots or units.
    - (8) North point, graphic scale, date of original plan along with date and description of revisions to the plan.
    - (9) Base of benchmark for elevations on the plan.
    - (10) Proposed use of property.

- (11) Number of required parking spaces (if applicable).
  - (12) List of utility companies in accordance with Act 172, if project involves excavation.
  - (13) Legend describing symbols used on plan.
  - (14) Location map showing the proposed minor subdivision in relation to municipal boundaries, public roads, streams, and adjoining areas.
  - (15) Signed, notarized statement by the owner certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans, and authorizing recording of said plan.
  - (16) An 'Approved by Everett Borough Council' block for the signatures of the President and Secretary of the Borough Council, and a 'Reviewed by Everett Borough Planning Commission' block for the signatures of the Chairman and Secretary of the Borough Planning Commission. Space shall also be provided to fill in the date of the approval and review.
  - (17) A 'Reviewed by the Bedford County Planning Commission' block including a space for the signature of the authorized person of the Bedford County Planning Commission along with space to fill in the date of signature.
  - (18) A place for the acknowledgment of receipt and recording of the plan by the Recorder of Deeds.
  - (19) Documentation concerning the location of any underground mines on the involved land.
- b. Topographic Mapping of the subject tract showing the following information:
- (1) Exterior boundary line of tract.
  - (2) Existing streets on and adjacent to the tract; name and location of Right-of-Ways, Right-of-Way widths, cartway widths, type of surfacing, elevation of surfacing, driveway cuts, and approximate grades.
  - (3) Existing easements, including location, width, and purpose.
  - (4) Existing utilities on or adjacent to the tract including location, type, size, and invert elevation of sanitary and storm sewers, location and

size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, and power lines with utility poles, transformers, and related appurtenances.

- (5) Water courses, flood plains, wetlands, geologic features, tree masses, and other significant natural features.
- (6) Existing manmade features including structures, railroads, bridges, and driveways.
- (7) Buffer areas required by this or other relevant Ordinance.
- (8) On-lot sewage system information if applicable, including soil types, location of probes and percolation tests, and primary and replacement absorption beds.
- (9) Proposed water supply facilities and an analysis of the water supply available (if applicable)
- (10) If development proposes access to a State Highway, the following shall be placed on plans: "A Highway Occupancy permit issued by the Pennsylvania Department of Transportation is required pursuant Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law." Access to the State Highway shall be only as authorized by a Highway Occupancy Permit. Borough permit shall be applied through Everett Borough.
- (11) The location of any underground mines or undermined areas on the involved land.

c. Required Permits approvals including the following:

- (1) DEP Planning Module
- (2) PennDOT Occupancy Permit

#### Section 424 Required Information for a Property Line Change Plan:

Changes in lot lines between two (2) adjacent lots of record shall be reviewed in accordance with Article IV, Sections 404 through 406 as a final plan. However, property line change plans do not have to follow the requirements of Section 423 -- but must instead include the following information.

##### 424.1 Proof of Ownership;

- 424.2 Name of Owners;
- 424.4 Date of application for subdivision approval;
- 424.5 Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner;
- 424.6 Name(s) and address of developer, applicant, or authorized agent if different from owner;
- 424.7 Name, address, and seal of Registered Professional Engineer, Architect, Surveyer, or Landscape Architect responsible for the plan;
- 424.8 Tax parcel number(s) of subject tracts;
- 424.9 General location within the Borough;
- 424.10 Tract boundary including all land which the Applicants intend to re-divide;
- 424.11 General topographical and physical features such as streams, ponds, etc;
- 424.12 Names of surrounding property owners;
- 424.13 North point, approximate scale, and date of original drawing;
- 424.14 Streets on and adjacent to the affected tracts;
- 424.15 Existing and proposed lot lines;
- 424.16 A statement noting that "This plan is for a change in lot lines between two (2) existing lots of record, and not for the creation of any new lot"; and
- 424.17 Any other information which would be helpful in the discussion of what the Applicants propose.

## DESIGN STANDARDS

### Section 451 General Intent

In all minor subdivisions in Everett Borough adopted after the effective date of this ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever the Borough standards or other ordinances, resolutions, or regulations require standards that exceed these minimum standards, those Borough standards shall apply. Whenever the standards of this subdivision ordinance exceed those of the other municipal ordinances, the standards of this ordinance shall apply.

### Section 452 General Standards

The following general standards shall apply to all types of development addressed under Article IV. The Borough will study the following factors affecting the suitability of a proposed minor subdivision:

- 452.1 Land subject to flooding and land deemed by the Borough to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, property, groundwater, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or further aggravate or increase the existing menace.
- 452.2 Areas characterized by steep slopes [slopes greater than twenty-five (25) percent], unsuitable geologic formations, sink holes, wetlands, or other such features which restrict the usability of the land shall not be subdivided or developed unless approved by the Borough Council on a case-by-case basis.
- 452.3 In determining the suitability of land for subdivision, the Borough shall refer to the Everett Borough Comprehensive Plan, applicable studies, plans, and reports adopted by the County Planning Commission, State, and Federal agencies including the soil survey prepared by the US Department of Agriculture, Soil Conservation Service.
- 452.4 The layout or arrangement of the minor subdivision shall conform to the Bedford County Comprehensive Plan, the Everett Borough Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision shall conform to any "Local Level" Comprehensive Plan or other applicable ordinances which may exist.

#### Section 453 Lots

Within the Borough, the width and area of lots shall be no less than provided in any application or ordinance.

- 453.1 Frontage: All lots shall meet the following frontage requirements:
  - a. All lots shall have direct access to a public street;
  - b. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific topographic problems.
  - c. Lots shall be laid out in order to circulate air, consider solar access and privacy of owners.

453.2 Size: All lots shall meet the following minimum requirements:

- a. In all sections of the Borough not served by either sanitary sewer or public water facilities, each lot shall have a minimum width of one-hundred fifty (150) feet at the building line and a minimum area of forty-three thousand, five hundred sixty (43,560) square feet. In sections of the Borough requiring the utilization of on-lot sewage disposal, the minimum lot size shall be large enough to accommodate the original absorption bed, and a tested, preserved, and reserved area for a replacement absorption bed.
- b. In all sections of the Borough served by public sewerage, each lot shall have a minimum width of one hundred (100) feet at the building line and at least twenty-one thousand, seven hundred eighty (21,780) square feet in area per single family dwelling with average area of at least eighteen thousand (18,000) square feet; not less than twelve thousand (12,000) square feet in area per family for duplex dwellings with a width of not less than seventy-five (75) feet at the building line; and not less than seven thousand, five hundred (7,500) square feet in area per family for row houses and apartments.
- c. In all sections of the Borough served by both public water supply and public sewerage, each lot shall have a minimum width of seventy-five (75) feet at the building line and a minimum area of twelve thousand (12,000) square feet.

453.3 Width: Corner lots for residential use shall have a width of at least twenty (20) percent greater than the aforementioned required widths to permit appropriate building set back from and orientation to both streets.

453.4 Setback Lines: Structures built on lots shall meet the following setback lines.

- a. In all sections of the Borough, structures shall be constructed no closer than thirty-five (35) feet from front, ten (10) feet from side, and ten (10) feet from rear property lines. In sections lacking public water and/or sanitary sewer service, setbacks shall be adequate to permit the proper installation and functioning of such systems.

## Section 454 Easements

The following shall apply to easements within all minor subdivisions:

454.1 Easements with a minimum of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other public utility lines intended to serve abutting lots. Easements with a minimum of ten (10) feet shall be provided for any private utility lines. No structures or trees shall be placed within such easements.

- 454.2 Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.
- 454.3 Where a minor subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, channel, or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a stormwater system.
- 454.4 There shall be a minimum horizontal distance of one-hundred (100) feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high pressure line, or high tension electric line (greater than 34,500 volts) which may traverse the minor subdivision.

Section 455 Stormwater Drainage: Subdivision plans shall include measures which direct stormwater into the natural drainage system serving the area. The following standards apply.

- 455.1 No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from Everett Borough or Department of Environmental Protection, whichever is applicable.
- 455.2 Where a minor subdivision is traversed by a natural 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.
- 455.3 The adjacent landowners, or on a homeowners association, if applicable will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.
- 455.4 Stormwater roof drains shall not discharge water directly over a public sidewalk or into a public sewer system.
- 455.5 The subdivider or developer -- and each person, corporation, or other entity which makes any surface changes -- shall be required to prepare and submit a stormwater management plan for review and approval by the Borough which addresses the following requirements:
- a. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area;
  - b. Design drainage facilities to handle runoff from upstream areas; and

- c. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property, and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, or natural water course.
- d. Exemptions: minor subdivision developments that produce impervious areas less than the areas indicated in the following table are not required to submit a stormwater management plan. Exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, and property.

<u>Total Parcel Size (acres)</u>	<u>Exemption (sq. ft.)</u>
< 0.25	1,000
0.25 to < 0.5	2,500
0.5 to 1.0	5,000
> 1.0 to 2.0	10,000
> 2.0 to 5.0	15,000
> 5.0	20,000

455.6 Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development. The Stormwater facility must be designed to control post-development runoff for 2-, 5-, and 10-year frequency storms to pre-development levels.

- a. Detention basins shall have a spillway to protect the berm by precluding over topping. The spillway capacity shall, at minimum, be capable of handling the one hundred (100)-year storm while providing two (2) feet of freeboard. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.
- b. Control Facilities shall be designed to meet, as a minimum, the design standards and specifications of the requirements of the Bedford County Conservation District and/or the erosion and sedimentation control standards for Bedford County.

#### Section 457 Flood Hazard Area Regulations

The following standards shall apply to Flood hazard area within Everett Borough that is to be developed as a minor subdivision:

457.1 The specific purposes of these special provisions are:

- a. To regulate the subdivision or development of land within any designated Regulatory Flood Elevation in accordance with the Flood Plain Management

Ordinance of Everett Borough, in order to promote the general health, welfare, and safety of the community.

- b. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction;
- c. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood hazard area districts.

#### 457.2 Abrogation and Greater Restrictions.

To the extent that this section imposes greater requirements or more complete disclosure than any other provisions of this ordinance, in any respect, or to the extent that the provisions of this section are more restrictive than such other provisions, it shall control such other provisions of this ordinance.

#### 457.3 Disclaimer of Municipal Liability.

The grant of a permit or approval of a plan for any proposed minor subdivision to be located within any designated flood hazard area shall not constitute a representation, guarantee or warranty of any kind by the Borough, or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials, employees or agents.

#### 457.4 Application Procedures and Requirements.

##### a. Pre-Application Procedures.

- (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed;
- (2) Prospective developers shall consult the Bedford County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

##### b. Final Plan Requirements.

The following information shall be required as part of the Final Plan, in accordance with Section 423, and shall be prepared by a registered engineer or surveyor:

- (1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section;
- (2) A map showing the location of the proposed subdivision with respect to any designated Flood hazard area, including information on, but not limited to, the one hundred (100) year flood elevations, the Regulatory Flood Elevation, boundaries of the Flood hazard area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;
- (3) A map showing the exact location and elevation of all proposed buildings and structures to be constructed within any designated flood hazard area and the Regulatory Flood Elevation. All such maps shall show contours at intervals of two (2) feet within the Flood hazard area and shall identify accurately the boundaries of the flood prone areas;
- (4) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other governmental agency, or local municipality where alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community Affairs and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Everett Borough Council meeting at which such plan is to be considered.

c. Design Standards and Improvements in Designated Flood hazard areas.

- (1) General.
  - (a) Where not prohibited by this or any other laws or ordinances, land located in any designated Flood hazard area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this Ordinance, the Flood Plain Management Ordinance, and any other laws and ordinances regulating such development.
  - (b) No subdivision, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

- (c) Building sites for residences or any other type of dwelling or accommodation shall be in accordance with this Ordinance and the Flood Plain Management Ordinance.
- (d) Building sites for structures and buildings other than for residential uses shall also be in accordance with this Ordinance and the Flood Plain Management Ordinance.
- (e) If the Borough determines that only a part of a proposed plat can be safely developed in relation to the Flood Hazard Area, it shall limit development to that part and shall require that development proceed consistent with this determination.
- (f) When a developer does not intend to develop the plat himself and the Borough Council determines that additional controls are required to insure safe development, it may require the developer to improve appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(2) Drainage Facilities.

- (a) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
- (b) Plans shall be subject to the approval of the Borough Council. Drainage plans shall be consistent with any Borough stormwater management ordinance and/or as accepted by the Borough Engineer. The facilities of the to-be-developed lot shall be designed to prevent the discharge of excess run-off onto adjacent properties.

## IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

### Section 471 General

It is the purpose of this Article is to set forth the required improvements and construction standards in all minor subdivisions. Where not set forth, they shall be in accordance with the prevailing standards as established by the Borough Engineer. Alternate improvement standards may be permitted if the Borough Supervisors deem them equal or superior in performance characteristics to the standards specified herein. Additional or higher type improvements may be required in specific cases where the Borough believes it necessary to create conditions essential to the health, safety, morals, and general welfare of the citizenry of the Borough.

Any or all of the following improvements as may be required by the Borough Council, pursuant to the authority granted in the municipal code, considering the needs of the area in which the proposed minor subdivision is located. If the improvements are not completed, then satisfactory arrangements must be made with the Borough Council to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plat. The following improvements shall be installed by the subdivider.

#### Section 472 Required Improvements

- 472.1 Sanitary Waste Disposal: The method of sanitary waste disposal in a proposed minor subdivision shall be determined by the Borough, in accordance with the Act 537 Plan.
- 472.2 Water: Where an existing or proposed public water supply system is accessible to a subdivision and the capacity exists to serve the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the municipal water supply, by way of a line extenders agreement.
- In cases where no municipal or community water supply system is available, each lot in a minor subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection.
- 472.3 Stormwater Management Control: Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface run-off away from buildings and into the natural drainage system of the area. Under no circumstances shall storm sewers be connected with sanitary sewers.