

CODIFIED ORDINANCES OF CAMBRIDGE SPRINGS

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CAMBRIDGE SPRINGS BOROUGH
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 753

AN ORDINANCE OF THE BOROUGH OF CAMBRIDGE SPRINGS, CRAWFORD COUNTY, PENNSYLVANIA TO REPEAL CHAPTER 1410 OF THE CODIFIED ORDINANCES OF THE BOROUGH OF CAMBRIDGE SPRINGS, THE FIRE LIMITS AND BUILDING CODE SECTION OF PART 14, THE BUILDING AND HOUSING CODE REGULATIONS FOR THE BOROUGH OF CAMBRIDGE SPRINGS, AND TO ENACT A NEW CHAPTER 1410 TO ADOPT THE UNIFORM CONSTRUCTION CODE IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT.

Be it Enacted and Ordained, by the Borough Council of the Borough of Cambridge Springs, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Repeal of Chapter 1410. Chapter 1410 entitled "Fire Limits" of Part 14 of the Codified Ordinances of the Borough of Cambridge Springs entitled the "Building and Housing Code" is hereby repealed in its entirety.

Section 2. Adoption of New Chapter 1410 to Adopt Uniform Construction Code. A new Chapter 1410 of Part 14 of the Codified Ordinances of the Borough of Cambridge Springs, the "Building and Housing Code" for the Borough, is hereby adopted for purposes of adopting the standard building codes comprising the Uniform Construction Code as established from time to time by the Pennsylvania Department of Labor and Industry as the Building and Housing Code for the Borough of Cambridge Springs. New Section 1410, shall read as follows:

Chapter 1410
Uniform Construction Code

1410.01 Adoption of Uniform Construction Code. The Uniform Construction Code as defined in this Ordinance and as established from time to time by the Pennsylvania Department of Labor and Industry or its successor, in accordance with the provisions of the Pennsylvania Construction Code Act, as amended, is adopted by reference as and for the Building and Housing Code of and for the Borough of Cambridge Springs.

1410.02. Authority. The authority for the adoption of the Uniform Construction Code is found in Section 501 of the Pennsylvania Construction Code Act and Section 1202(24) of the Pennsylvania Borough Code, Act 581 of February 1, 1966, as amended, 53 P.S. §46202(24), and Section 2961 of the Home Rule Charter and Optional Plans Law, 53 P.S. §2961.

1410.03. Contents of Uniform Construction Code. The Uniform Construction Code hereby adopted by reference shall consist of the following codes as adopted by regulation of the Pennsylvania Department of Labor and Industry and as published by the International Code Council, Inc.: Chapters 2 through 29, and 31 through 35 of the International Building Code, 2003 edition; ICC Electrical Code, 2003 edition; International Mechanical Code, 2003 edition; International Fuel Gas Code, 2003 edition; International Plumbing Code, 2003 edition; International Fire Code, 2003 edition; International Residential Code, 2003 edition; the International Energy Conservation Code, 2003 edition; Sections AE501-AE503 and AE601-AE605 of Appendix E of the International Residential Code; International Existing Building Code; International Urban-Wildland Interface Code; Appendix E of the International Building Code; Appendix H of the International Building Code; and Appendix G of the International Residential Code. Hereafter, the Uniform Construction Code shall consist of such other codes as may be designated and adopted, from time to time, by regulation of the Pennsylvania Department of Labor and Industry, or its successor, as part of the Uniform Construction Code in accordance with the Pennsylvania Construction Code Act, and such Codes shall automatically become the Uniform Construction Code for the Borough of Cambridge Springs upon adoption by the Department of Labor and Industry and shall be incorporated herein by reference without further action of the Borough.

1410.04. Definitions. The definitions set forth in the Pennsylvania Construction Code Act, the regulations of the Pennsylvania Department of Labor and Industry and the Uniform Construction Code, as amended from time to time, are hereby incorporated as definitions applicable to the administration and enforcement of the Uniform Construction Code. In addition, when used in this Ordinance and Code, the following words and terms shall have the following meaning:

- Borough shall mean the Borough of Cambridge Springs, the Borough Council of the Borough, and its designated officials and representatives.
- Building code official, construction code official, municipal code official, code official or code officer shall have the same meanings ascribed in the Pennsylvania Construction Code Act and Department of Labor and Industry regulation and in addition shall be the person or persons, qualified under the Pennsylvania Construction Code Act and Department of Labor and Industry regulations to perform the required administrative, inspection and enforcement responsibilities, who are employed or appointed in accordance with this Code to perform those functions and who are managed and supervised by the Borough Manager.
- Department of Labor and Industry or L&I shall mean the Pennsylvania Department of Labor and Industry or its successors.

- Owner shall mean any person with a legal or equitable ownership interest in property, and any person holding title to property by deed or other instrument duly recorded in the records of Crawford County.
- Persons Responsible shall mean any persons in possession or control of real estate by reason of a lease, contract or other legal right or claim, and all persons performing work for the Owner or Person Responsible.
- Pennsylvania Construction Code Act shall mean Act 45 of November 10, 1999, P.L. 491, as amended, found in 35 P.S. §7210.101, *et seq.*, as same shall be amended from time to time.
- Person shall mean any corporation, partnership, business trust, other association, estate, trust, foundation, natural person, governing authority for a county or municipality or any governmental entity other than the Commonwealth. In any provisions of this Code prescribing a fine or penalty, the term person shall include the officers and directors of any corporation or other legal entity with officers and directors.
- Uniform Construction Code or *UCC* shall be the Code and Codes identified in Section 3 above and such other Code and Codes adopted and established by the Pennsylvania Department of Labor and Industry, from time to time, in accordance with the provisions of the Pennsylvania Construction Code Act, as amended.

1410.05 Standards Not Established in UCC. Where the Uniform Construction Code fails to identify certain standards because they vary according to climate or other factors, such as frost levels and snow loads, the Borough Council may adopt such standards upon recommendation of the Borough's Engineer, by Resolution. Such standards, when adopted, shall be the UCC standards for the Borough.

1410.06 Administration and Enforcement.

- (A) The Uniform Construction Code shall be administered and enforced in the Borough of Cambridge Springs in accordance with the applicable provisions of the Pennsylvania Construction Code Act and regulations established from time to time by the Pennsylvania Department of Labor and Industry, by the Department of Building, Land Use, Health, Welfare and General Safety (hereinafter referred to as the Building Code Department), as provided in Chapter 236 of the Codified Ordinances of the Borough of Cambridge Springs.

(B) Administration and enforcement shall be provided in any one of the following ways:

- (1) With approval of the Borough Council, the Borough Manager may designate a qualified employee to serve as a construction code official and building code official.
- (2) With approval of the Borough Council, the Borough Manager may contract with a third-party agency, or qualified building or construction code official.
- (3) With approval of the Borough Council, the Borough Manager may contract with the Department of Labor and Industry for plan reviews, inspection and enforcement of structures other than one-family and two-family dwelling units and utility and miscellaneous use structures.
- (4) Some combination of (1), (2) and (3) above.
- (5) At the direction of Borough Council, the Borough may contract with another municipality or delegate the administration and enforcement to an intergovernmental agency under authority of the Pennsylvania Intergovernmental Cooperation laws.

(C) Building permits, plan reviews, inspections, certificates of occupancy, enforcement notices, and prosecution proceedings shall all be undertaken in conformity with the applicable requirements of the Pennsylvania Construction Code Act and the regulations adopted from time to time by the Pennsylvania Department of Labor and Industry.

1410.07. Fees. Fees for the administration and enforcement of the Uniform Construction Code including, but not limited to, fees for building permits, plan reviews, inspections, certificates of occupancy, and appeals shall be those established by Resolution of the Borough Council from time to time.

1410.08. Board of Appeals. There is hereby created a Board of Appeals to consider and decide appeals relating to the Uniform Construction Code in accordance with the applicable requirements of the Pennsylvania Construction Code Act and regulations of the Pennsylvania Department of Labor and Industry.

1410.09. Appeals Board Membership. The Board of Appeals shall consist of three members and three alternate members appointed by the Borough Council. A member of the Appeals Board shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience shall consist of licensure as an architect or engineer, substantial experience in the construction industry or such other training and experience as may be deemed appropriate for purposes of considering such appeals.

Whenever possible, Board membership should include at least one person with substantial experience or training as an electrical contractor or inspector, one person with substantial experience or training as a plumbing contractor or inspector, one person with substantial experience or training as a HVAC contractor, and one person with substantial experience or training in fire safety. The Borough may appoint a member to the Board who is not a resident of the Borough if a qualified person within the Borough is not found who satisfies the requirements. The Appeals Board shall select one of its members to be Chairman. Appeals Board members and alternates shall be appointed or reappointed at the organization meeting or at such time as a vacancy occurs. A member of the Board holds office at the pleasure of the Borough Council. No member of Borough Council or person employed by the Borough in any capacity involving the administration or enforcement of the UCC can be a member of the Appeals Board. No Appeals Board member may participate in any appeal in which he has a personal, professional or financial interest.

1410.10. Appeal Procedure. A person adversely affected by a decision of the Building or Construction Code Officer shall have the right to appeal to the Board of Appeals provided that the appeal is filed within fifteen (15) days of the day the decision, notice or order was served by the Building or Construction Code Officer or within such other time as may be provided by applicable statute or regulation. An application for appeal shall be based on a claim that the true intent of the act or Uniform Construction Code has been incorrectly interpreted, the provisions of the act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used. An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by the Borough Manager on a form provided by the Borough.

1410.11. Conduct of Board of Appeals.

- (A) The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time in accordance with the applicable requirements and provisions of the UCC and the L&I regulations, and specifically those regulations found in Sections 403.121 and 122 of the L&I regulations or amendments thereto.
- (B) The Board of Appeals shall conduct an appeal in accordance with the requirements of the regulations of the Pennsylvania Department of Labor and Industry as adopted from time to time as well as this Code. Hearings and appeal proceedings shall also be conducted in accordance with the provisions of the Pennsylvania Local Agency Law, 2 Pa.C.S. §551, *et seq.*, and in accordance with the applicable requirements of the Pennsylvania Sunshine Law, 65 Pa.C.S. §§701 through 716.
- (C) For purposes of considering an appeal, the Board shall consist of three members and whenever possible, one of the Board members hearing an appeal should be a member with experience in the subject matter of the appeal. For example, if the appeal

involved an electrical code provision, the member with electrical code experience should be a member of the Board hearing the appeal. For this purpose, the Chairman of the Board shall have authority to substitute an alternate member for a regular member to hear certain appeals.

- (D) A board of appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.
- (E) A board of appeals shall hold a hearing within sixty (60) days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.
- (F) If a stenographic record is requested by appellant or is required for any reason, as determined by the Chairman of the Board of Appeals, reasonable stenographic fees shall be paid by the appellant.
- (G) Action may be taken by a quorum of the members of the Board who have heard the appeal.
- (H) The board of appeals shall provide a written notice of its decision to the owner, building code official and the Borough Manager.

1410.12. Penalties. Consistent with the authority set forth in Sections 3301 and 3308 of the Pennsylvania Borough Code, 53 P.S. §48301 and 48308, and Section 903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, Any person who shall violate a provision of the Uniform Construction Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building or Construction Code Officer or in violation of a permit or certificate issued under the provisions of the Uniform Construction Code, or who shall fail to comply with an order issued by the Building or Construction Code Officer shall, upon conviction in a summary proceeding be sentenced to pay a fine of not more than \$1,000.00 plus costs, and in default of payment shall be sentenced to imprisonment for not more than 30 days. Each day that a violation continues shall be deemed a separate violation.

1410.13. Other Remedies. In addition to the penalty provided above, the Borough shall have the following enforcement remedies, available at law, all of which may be pursued simultaneously or in the alternative, as deemed appropriate:

- (A) Upon recommendation of the Building or Construction Code Officer, the Borough may institute an action at law or in equity against the person responsible for a violation for the purpose of securing an order:

- (1) To restrain, correct or remove the violation and to refrain from any further violation.
 - (2) To restrain or correct the erection, installation, alteration or condition of a structure, or premises, to require the removal of work in violation.
 - (3) To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of the codes or otherwise unfit for occupancy.
 - (4) To abate a public nuisance, or other health or safety hazard to the public created by such violation.
 - (5) To secure compliance with orders of the Building or Construction Code Officer relating to repairs and correction of violations.
 - (6) To obtain any appropriate remedy or relief allowed by law in the event of an unsafe building, building unfit for human occupancy, emergency situation or other public nuisance.
- (B) In the event the Building or Construction Code Officer determines that action to correct a violation or to abate a public nuisance may require the demolition or removal of any structure or part thereof, or other action likely to cause injury to real or personal property, the Building or Construction Code Officer shall make reasonable efforts to identify and locate all persons with an ownership interest in such property and serve them with notice of any orders affecting said property.
- (C) In the event it is determined by the Building or Construction Code Officer that action is required by the Borough to correct or abate a violation of the Uniform Construction Code which creates a serious health or safety hazard to the public, because of an emergency or because the persons responsible for the violation or property have failed to comply with orders issued by the Building or Construction Code Officer, whenever practical, the Officer shall give reasonable notice to the persons affected thereby of the proposed Borough action.
- (D) In the event the Borough incurs expenses in conjunction with the correction or abatement of any violation of these codes which creates a serious health or safety hazard to the public, because of an emergency or because the persons responsible for the violation or property have failed to comply with orders issued by the Building or Construction Code Officer, such expense including reasonable attorney fees and costs may be collected by means of a municipal lien against the subject property or by suit against the persons responsible for the violation or property, or in any other manner permitted by law.

1410.14. Maintenance of Code for Public Use. The Borough shall maintain a copy of the Uniform Construction Code at the Borough office which shall be available for public use, inspection and copying during regular business hours.

Section 3. Repeal. Any ordinances or parts of ordinances and building codes or regulations or provisions of the Codified Ordinances of the Borough of Cambridge Springs inconsistent or in conflict with this Ordinance and the Uniform Construction Code are hereby repealed.

Section 4. Severability. The provisions of this Ordinance and Uniform Construction Code hereby adopted shall be severable, and if any provisions shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance and Uniform Construction Code.

Section 5. Effective Date. This Ordinance and the Uniform Construction Code hereby adopted shall become effective March 1, 2004.

Ordained and Enacted the 16th day of February, 2004 by the Borough Council of the Borough of Cambridge Springs.

Borough Council of Borough of Cambridge Springs

By: _____

R. J. Gorsie

Title: _____

MAYOR

Attest:

By: _____

Debbie A. Jewell
Secretary

Reaffirmed and Reenacted the 15th day of March, 2004 pursuant to Legal Notice published on February 23, 2004 by the Borough Council of the Borough of Cambridge Springs.

Borough Council of Borough of Cambridge Springs

By: Ray J. Nonske

Title: MAYOR

Attest:

By: Ray A. Givis
Secretary

CODIFIED ORDINANCES OF CAMBRIDGE SPRINGS

PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning
Chap. 1220. Planning Commission.

CHAPTER 1220
Planning Commission

1220.01 Establishment.
1220.02 Functions.

1220.03 Duties.

CROSS REFERENCES

Planning Agencies - see Penna. Mun. Plan. Code, Art. II
Comprehensive Plan - see Penna. Mun. Plan. Code, Art. III
Subdivision and land development - see Penna. Mun. Plan. Code, Art. V
Planned Residential Development - see Penna. Mun. Plan. Code, Art. VII
Department of Planning and Community Development - see ADM. Ch. 234
Department of Building, Land Use, Health, Welfare and General Safety
- see ADM. Ch. 236

1220.01 ESTABLISHMENT.

There is hereby established a Planning Commission in and for the Borough. The Commission shall be constituted as provided by law and shall perform all the duties and may exercise all the powers conferred upon borough planning commissions by law. (Ord. 488. Passed 5-4-64.)

1220.02 FUNCTIONS.

The Planning Commission shall advise the Department of Planning and Community Development and Council upon all plans related to development in the Municipality. It shall function as the planning agency for the Municipality in all matters prescribed by law which are not assigned by any provision of these Codified Ordinances or other ordinance of the Borough to the Department of Planning and Community Development. (Ord. 562. Passed 5-9-77.)

1220.03 DUTIES.

The duties of the Planning Commission shall be to:

- (a) Promote public interest in, and understanding of, the Comprehensive Plan and community development and planning, and hold public meetings to this end;
- (b) Review and make recommendations to the Department of Planning and Community Development and Council concerning the Comprehensive Plan, the Official Map, the Zoning Code and such other related structural and land use plans as may be developed by the Department of Planning and Community Development; and
- (c) Hold public hearings when reviewing plans prepared by Municipal units identified in subsection (b) hereof.

(Ord. 562. Passed 5-9-77.)

TITLE FOUR – Subdivision and Land Development Regulations

Chap. 1240. General Provisions and Definitions.

Chap. 1242. Procedural Requirements.

Chap. 1244. Specifications for Subdivision Plans.

Chap. 1246. Design Standards and Improvement Requirements.

Chap. 1248. Assurance for Completion and Maintenance of
Improvements.

Chap. 1250. Land Development Standards and Requirements.

Appx. I – Certificates

Appx. II – Easements

Appx. III – Statement on Handling Sewage Needs

Appx. IV – Statement on PennDOT Highway Entrance
Permits.**CHAPTER 1240****General Provisions and Definitions**

1240.01	Title.	1240.07	Amendments.
1240.02	Authority.	1240.08	Resubdivision of land.
1240.03	Purposes.	1240.09	Vacation of plats.
1240.04	Jurisdiction.	1240.10	Alteration of requirements.
1240.05	Conflicting ordinances; effective date.	1240.11	Definitions.
1240.06	Interpretation, conflict and separability.	1240.99	Enforcement, violations and penalty.

CROSS REFERENCESGeneral provisions and definitions - see Penna. Mun. Plan. Code,
Art. ISubdivision and land development - see Penna. Mun. Plan. Code,
Art. VContents of subdivision and land development ordinance - see Penna.
Mun. Plan. Code, §503Enactment of subdivision and land development ordinance and amendments –
see Penna. Mun. Plan. Code, §§504, 505Effect of subdivision and land development - see Penna. Mun. Plan.
Code, §507

Enforcement; remedies - see Penna. Mun. Plan. Code, §§515.1, 515.3

Jurisdiction - see Penna. Mun. Plan. Code, §515.2

1240.01 TITLE.

This Title Four of Part Twelve of these Codified Ordinances shall be known and cited as the "Subdivision and Land Development Ordinance of the Borough of Cambridge Springs" and shall be referred to throughout this Title Four as "these Regulations."
(Ord. 720. Passed 9-13-99.)

1240.02 AUTHORITY.

Pursuant to, and subject to provisions of, the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended, Borough Council may enact a subdivision and land development ordinance regulating plats of land lying within the Borough's boundaries.
(Ord. 720. Passed 9-13-99.)

1240.03 PURPOSES.

These Regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety and general welfare of Cambridge Springs Borough;
- (b) To insure that property boundaries as created through the land subdivision and/or development process are accurately determined, marked on the land and established on a drawing which is available for public inspection;
- (c) To encourage the efficient use of land and orderly, coordinated development throughout the Borough; to insure that road systems are coordinated; that roads and their appurtenances are built to adequate standards and widths and that necessary easements or rights-of-ways are provided for storm water drainage and public utilities;
- (d) To provide, where needed, open space areas in suitable locations to enable communities to attain adequate park and recreation grounds;
- (e) To prevent development in flood hazard and unstable soils areas where such development would be vulnerable to the destructive effects of periodic flooding and the process of subsiding;
- (f) To protect, conserve and develop the natural resources of the Borough by preventing pollution of waterways, ponds and lakes, by safeguarding the water table and by protecting significant natural, scenic, historic and archaeological sites;
- (g) To assist in guiding the future growth and development of the Borough in accordance with Borough planning objectives and without harm or detriment to the public interest and welfare.

(Ord. 720. Passed 9-13-99.)

1240.04 JURISDICTION.

(a) Borough Council shall be responsible for the administration of the provisions of these Regulations. No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, contracted, opened or dedicated for public use, or travel, or for the common use of occupants at buildings, abutting thereon, no subdivision or land development shall be recorded in the County Recorders Office, no permit to erect a structure in a subdivision or land development subject to the provisions of these Regulations shall be issued (subject to the provisions established in Section 1248.02(a) of these Regulations) unless and until a plan of such subdivision shall have been approved in accordance with the provisions of these Regulations. For the purpose of these Regulations the term "sold" shall be defined as the transfer of legal or equitable title to real estate from one party to another party, to include, but not be limited to, the following manners of transfer:

- (1) The delivery of a deed
- (2) The execution of an agreement for the sale of real estate which provides that legal title to said real estate is vested at a later date at which time an agreed upon series of installment payments have been completed.
- (3) The execution of a lease of real estate which contains an option for the lessee to purchase said real estate.

(b) Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 170, all applications for subdivisions and land developments shall be forwarded upon receipt by the Borough to the Crawford County Planning Commission for review and report. The Crawford County Planning Commission or its staff shall have thirty days in which to make its review and report from the date the application (which should include sufficient plan and narrative information explaining the subdivision) was forwarded to the Crawford County Planning Commission or staff. The Borough shall not approve subdivision applications until the County Planning Commission's report or the staff report is received, provided, however, that after thirty days have elapsed since the date the application was received by the County Planning Commission or staff and no review is provided by said Commission or staff, the Borough may proceed in its action.
(Ord. 720. Passed 9-13-99.)

1240.05 CONFLICTING ORDINANCES: EFFECTIVE DATE.

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of these Regulations are hereby repealed to the extent necessary to give these Regulations full force and effect. These Regulations shall take effect five days after its enactment by Borough Council and shall remain in effect until modified or rescinded by Borough Council.
(Ord. 720. Passed 9-13-99.)

1240.06 INTERPRETATION, CONFLICT AND SEPARABILITY.

(a) Interpretation. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) Conflict With Public and Private Provisions.

- (1) Public provisions. These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- (2) Private provisions. These Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall govern. Where the privately originated provisions, including, but not limited to, easements, covenants, or private agreements, impose duties and obligations that are more restrictive than the requirements of these Regulations, and such private provisions are not inconsistent with these Regulations, then such private provisions shall be operative and supplemental to these Regulations.

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

(Ord. 720. Passed 9-13-99.)

1240.07 AMENDMENTS.

For the purpose of procuring the public health, safety, and general welfare, Borough Council may from time to time amend the provisions of these Regulations. Public hearings on all proposed amendments shall be held by Borough Council in the manner prescribed by law. Appendices attached to these Regulations are not to be considered a part of these Regulations and may be amended from time to time by the Borough Council without amending these Regulations. (Ord. 720. Passed 9-13-99.)

1240.08 RESUBDIVISION OF LAND.

For any change in the plat of an approved or recorded subdivision, if such change affects any street layout shown on such plat or an area reserved thereon for public use, such change shall be approved by Borough Council under the same procedure, rules, and regulations as for a subdivision. For any change in the plat or an approved and recorded subdivision wherein the change involves only a lot line(s) or where a land division involves a conveyance that will become part of the grantees existing lands such transaction(s) may be considered and processed as a single lot or minor subdivision and handled by the Property Survey drawing as set forth in Section 1244.02. (Ord. 720. Passed 9-13-99.)

1240.09 VACATION OF PLATS.

(a) Any plat or part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by Borough Council in like manner as plats of subdivisions and recorded and shall operate to destroy the force and effect of the plat so vacated and to divest all public rights in public uses, improvements, streets and alleys.

(b) When lots delineated on a recorded plat have been sold the plat or portions thereof may be vacated in the manner herein established providing all the owners of lots judged by Borough Council to be affected by the vacation join in the execution of such written instrument.

(Ord. 720. Passed 9-13-99.)

1240.10 ALTERATION OF REQUIREMENTS.

(a) In General. Where Borough Council finds that extraordinary hardships may result from strict compliance with the provisions of these Regulations and/or where the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve alterations to the requirements (variances) of these Regulations so that substantial justice may be done and the public interest secured, provided, however, that such alterations shall not have the effect of nullifying the intent and purpose of these Regulations, and provided further that Borough Council shall not approve alterations unless they shall make their findings based upon relevant evidence presented in each specific case that:

- (1) The granting of the alteration will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (2) The conditions upon which the request for an alteration is based are unique to the property for which the alteration is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the provisions of these Regulations are carried out;

- (4) The granting of the alteration will afford relief which represents the least modification possible to the requirements of these Regulations; and
- (5) The alteration will not be contrary to the provisions of the Comprehensive Plan of Cambridge Springs Borough.

(b) Conditions. In approving alterations Council may require such conditions as will, in its judgment, secure substantially the objectives, standards and requirements of these Regulations.

(c) Procedures. A petition for any alteration shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by Borough Council. The petition shall state fully the grounds of the petition for the alteration.
(Ord. 720. Passed 9-13-99.)

1240.11 DEFINITIONS.

(a) Usage.

- (1) Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.
- (2) The word "shall" is mandatory and not discretionary.
- (3) The words "may" and "should" are permissive.
- (4) The term "person" includes a corporation, a partnership and an incorporated association of persons.

(b) Words and Terms Defined.

- (1) **Applicant**. A landowner or developer, including his heirs, successors and assigns, who seeks authorization under the provisions of these Regulations to engage in an activity governed in whole or in part by these Regulations. An applicant may be a person, partnership, business, corporation, or an association of persons.
- (2) **Basement**. A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.
- (3) **Bench Mark**. A point in known elevation and location in or near the subdivision and tied in with established monuments in the vicinity that are maintained by the United States Coast and Geodetic Survey.
- (4) **Block**. A tract of land bounded by roads, or by a combination of roads and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of the county.
- (5) **Bond**. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit.
- (6) **Building**. Any structure constructed for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind.

- (7) **Building Setback Line.** A line established generally parallel with and measured from, the lot line coterminous with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of these Regulations. This line is also referred to as a building line.
- (8) **Campground.** A site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly which has been planned and improved for the accommodation of two or more campsites to be occupied as temporary living quarters for recreation or vacation purposes.
- (9) **Cartway.** That portion of the road right-of-way surfaced and used for vehicular travel. Cartway width is from one edge of surfacing to the other edge of the surfacing.
- (10) **Cluster Development.** A building venture to be developed by a single owner or a group of owners acting jointly involving a number of dwelling units, and in some instances uses ancillary thereto, and planned as an entity, therefore amenable to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots where lot size, bulk, yard and density requirements normally governed development.
- (11) **Conservation District.** The Crawford County Conservation District or County Conservation District (CCD).
- (12) **Covenant.** An agreement or restriction placed on a parcel of land by a previous owner and usually found in the deed.
- (13) **Crosswalk.** A public right-of-way through a block providing pedestrian access to adjacent roads or areas.
- (14) **Cul-de-sac.** A local road having one open end and being permanently terminated by a vehicular turnaround.
- (15) **Culvert.** A closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment.
- (16) **Dependent Unit.** A mobile home, travel trailer, camping trailer, truck camper or similar device containing no flush toilet and no bathtub or shower.
- (17) **Design Criteria.** (a) Engineering guidelines specifying construction details and materials. (b) Objectives, results, or limits which must be met by a facility, structure, or process in the performance of its intended functions.
- (18) **Developer.** Any landowner, agent with the permission of such landowner, who made a subdivision of land or a land development.
- (19) **Easement.** A right granted by a property owner for the use of a portion of the landowner's land by the use of a certain person or persons for a specific purpose or purposes.

- (20) Engineer. A professional engineer who is licensed as such in the Commonwealth of Pennsylvania.
- (21) Erosion. Wearing away of the lands wind and waves.
- (22) Erosion Control. The application of measures to reduce erosion of land surfaces.
- (23) Gross Land Area or Gross Acreage. The entire area of a subdivision, including lots and roads, measured to the right-of-way on any bounding roads.
- (24) Gross Residential Density. A unit of measure indicating the number of dwelling units per gross area of land. Where a density figure is given, the allowable number of dwelling units is determined by multiplying the density figure by the gross acreage.
- (25) Impervious. Not allowing or allowing only with great difficulty the penetration of water; impermeable.
- (26) Improvements. Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including, but not limited to, grading, paving, storm sewer lines and drains, changes to existing watercourses, roads and road signs, monuments, water supply facilities and sewage disposal facilities.
- (27) Independent Unit. A mobile home, travel trailer, truck camper or similar device continuing a flush toilet, or a flush toilet and a bathtub or shower.
- (28) Land Development.
 - A. Land development shall mean any of the following activities:
 - 1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
 - 2. A subdivision of land.
 - B. Land development shall not include:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

- C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub-clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.
- (29) Landowner. The legal or beneficial owner(s) of land, including the holder of an option or contract to purchase, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having proprietary interest in land, shall be deemed to be a landowner for the purpose of these Regulations.
- (30) Lot. A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- (31) Lot, Double Frontage. A lot with opposite ends both abutting on public roads.
- (32) Lot, Mobile Home. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.
- (33) Maintenance. The upkeep necessary for efficient operation of physical properties.
- (34) Mobile Home. A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- (35) Mobile Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
- (36) Mobile Home Stand. That part of an individual mobile home lot which has been reserved for the placement of the mobile home.
- (37) Monument. A point on the land of known location, which is established by a registered professional land surveyor, and used to locate property lines.
- (38) Municipality. Cambridge Springs Borough
- (39) Owner. Any person, group of persons, firm or corporation or any legal entity having legal title to or sufficient proprietary interest in land sought to be subdivided or developed under this ordinance.
- (40) PennDEP. Pennsylvania Department of Environmental Protection.
- (41) PennDOT. Pennsylvania Department of Transportation.

- (42) **Performance Standard.** A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.
- (43) **Planning Office.** The staff which serves the Crawford County Planning Commission, also called the County Planning Office or Crawford County Planning Office.
- (44) **Plat.** A plan, map or drawing on which the subdivider's plan for the subdivision of land is represented and which he submits for approval and intends to record.
- (45) **Recreational Vehicle.** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. Such vehicles are normally called: travel trailers, camping trailers, truck campers or motor homes.
- (46) **Recreational Vehicle Park.** A site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly upon which two or more recreational vehicles, used as temporary living quarters for recreation or vacation purposes, are (or are intended to be) located whether operated for or without compensation.
- (47) **Recreational Vehicle Site.** A plat of ground within a recreational vehicle park for the accommodation of either a recreational vehicle, a tent or other camping unit on a temporary basis.
- (48) **Road.** An area which primarily serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other roads. The word "road" refers to the right-of-way or easement, whether public or private, and not only to the surfaced roadway or paving or other improvements within the road right-of-way.
- (49) **Road, Arterial (Minor).** A road which serves interstate and inter county travel, and where trips are normally of long duration. Within the Borough, the two minor arterial roads include U.S. Routes No. 6 and No. 19.
- (50) **Road, Local.** A local street which would never, even with full development surrounding it, carry appreciable through traffic. This system of roads primarily serves as access for abutting property owners.
- (51) **Road, Private.** Any road which is under the jurisdiction of an individual, corporation, or trustee, or any road which is privately owned or established.
- (52) **Road, Marginal Access.** A road which is parallel and adjacent to a highway and which provides access to abutting properties while separating them from the highway, protecting local traffic from the fast moving, through moving traffic on the highway.
- (53) **Road, Public.** Any road which is shown on the subdivision plat and is, or is to be, dedicated, for public use.

- (54) **Sediment.** Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.
- (55) **Sedimentation.** The process by which mineral or organic matter is accumulated or deposited by moving water, wind, gravity or ice.
- (56) **Sight Distance.** The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 4.5 feet above the centerline of the road surface to a point in the distance 0.5 feet above the centerline of the road surface.
- (57) **Storm Sewer.** A sewer that carries intercepted surface runoff, street water and other drainage, but excludes domestic sewage and industrial waste.
- (58) **Stormwater.** That portion of precipitation which runs over the land.
- (59) **Stormwater Collection System.** Natural or man-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet, including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.
- (60) **Structure.** Any man-made object which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, but not limited to, buildings, billboards, signs, carports, porches, decks, swimming pools, walls and other building features, but not including sidewalks, drives and patios.
- (61) **Subdivider.** The owner or his agent with written authority and having detailed knowledge of the proposed subdivision.
- (62) **Subdivision.** The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development:
 Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted; and
 Provided, however, that conveyances executed for the sole purpose of settling bona fide property line disputes between adjoining owners shall not be considered subdivisions as defined herein.
- (63) **Survey, Property.** An accurate drawing prepared by a registered professional land surveyor.
- (64) **Surveyor.** A Professional Land Surveyor registered as such by the Commonwealth of Pennsylvania.
- (65) **Swale.** A low-lying stretch of land which gathers or carries surface water runoff.

- (66) Watercourse. Any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

(Ord. 720. Passed 9-13-99.)

1240.99 ENFORCEMENT, VIOLATIONS AND PENALTY.

(a) Duty of Council. It shall be the duty of Borough Council to enforce these Regulations.

(b) Civil Enforcement. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these Regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalty set forth in subsection (c) hereof.

(c) Violations and Penalty. Any person, partnership, or corporation who fails to comply with, or violates, any of the provisions of these Regulations shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars (\$1,000) per lot or parcel or per dwelling unit within each lot or parcel. Fines shall be paid to Borough Council. Each day of the existence of any violation shall be deemed a separate offense.

(Ord. 720. Passed 9-13-99.)

CHAPTER 1242 Procedural Requirements

1242.01	Classification of subdivisions and land developments.	1242.06	Final plan stage.
1242.02	Subdivision application information.	1242.07	Act 537 Sewage Facilities Planning Module.
1242.03	Subdivision review stages.	1242.08	Recording.
1242.04	Sketch plan stage.	1242.09	Assessment.
1242.05	Preliminary plan stage.	1242.10	Subdivision and land development application fees.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Subdivision and land development - see Penna. Mun. Plan. Code, Art. V

Subdivision and land development ordinances and amendments - see Penna. Mun. Plan. Code, §§503 et seq.

Effect of subdivision and land development - see Penna. Mun. Plan. Code, §507

Jurisdiction - see Penna. Mun. Plan. Code, §515.2

Enforcement; remedies - see Penna. Mun. Plan. Code, §§515.1, 515.3

1242.01 CLASSIFICATION OF SUBDIVISIONS AND LAND DEVELOPMENTS.

Each subdivision and land development under the jurisdiction of these Regulations shall be classified under one of the following five categories:

- (a) Single-Lot Subdivision. A subdivision involving the creation of a single new lot from a larger parcel of land. In reality there are two lots resulting from the single division of a parcel, the newly created lot and the remainder of the original parcel. The classification of this land division, however, for the purposes of these Regulations shall be considered a single-lot subdivision.
- (b) Minor Subdivision. A subdivision containing ten lots or less and where:
 - (1) The lots front on existing public roads which are maintained by the Borough or State government, and there is no new road proposed, and
 - (2) There are no extensions of existing sanitary sewers, storm water sewers, or water system lines, and
 - (3) There is no land area reserved or dedicated to the public, and
 - (4) There is no construction of other public improvements necessary or contemplated.

- (c) Major Subdivision. A subdivision containing eleven or more lots or a subdivision requiring either:
- (1) A new road,
 - (2) An extension of sanitary sewers, storm water sewers, or water system lines, or
 - (3) The construction of other public improvements.
- All subdivisions not classified a single-lot or minor subdivisions shall be classified as major subdivisions.
- (d) Land Development. This venture is defined in Section 1240.11(b)(28). It is further described as a building venture characterized by the fact that the development site shall remain in a single ownership (un-subdivided) or controlled by a group of owners acting jointly and structures and/or use areas are leased to prospective users, i.e. the mobile home park. Requirements and standards for land developments are established in Chapter 1250.
- (e) Cluster Development. This venture is defined in Section 1240.11(b)(10). It is further described as a building venture controlled by one land owner or controlled by a group of owners acting jointly wherein the development plan is characterized by the innovative placement of dwellings without observing the regulations normal to lot by lot development, i.e. bulk, density and use regulations. Requirements and standards for cluster developments are established in the Cambridge Springs Zoning Code. The cluster development as herein defined should be considered as a special type of land development.
(Ord. 720. Passed 9-13-99.)

1242.02 SUBDIVISION APPLICATION INFORMATION.

All subdivision plan submissions shall be accompanied by one copy of an information sheet which includes a narrative of facts and explanations relative to the subdivision. See Chapter 1244.
(Ord. 720. Passed 9-13-99.)

1242.03 SUBDIVISION REVIEW STAGES.

There shall be three stages in the subdivision review and approval process: the sketch plan stage, the preliminary plan stage, and the final plan stage.

- (a) The sketch plan stage is never mandatory, but it is recommended for major subdivisions and land developments. The preliminary and final plan stages are required for all subdivisions but may be combined as prescribed in the following sections.
- (b) The single-lot subdivision shall combine the preliminary plan and final plan stage requirements in one submission. See Section 1244.02 for submission specifications.
- (c) The minor subdivision shall require preliminary plan and final plan stage approvals; however, the submission of these two stages may be combined and occur at the same time; the preliminary and final plan stage approvals may be obtained at one time providing all required information is submitted.
- (d) The major subdivision shall require preliminary and final plan stage approvals. These approvals shall be obtained at separate meetings of Borough Council with a time interval of a minimum of one week intervening between meetings; normally the time interval will be longer.
(Ord. 720. Passed 9-13-99.)

1242.04 SKETCH PLAN STAGE.

(a) It is normally desirable for an applicant to schedule a meeting in order to discuss his proposal with Borough Council before a substantial amount of design and engineering time is invested in the development. Should the Cambridge Springs Borough Planning Commission exist, the meeting should be scheduled with said Commission. At the sketch plan stage meeting, the applicant shall present a rough plan showing such items as the proposed layout of lots, roads (if any), provisions for required utility systems, and proposals for any public facility sites such as park and recreation areas. Items of information the applicant shall provide at the sketch plan stage are listed in Section 1244.03. One copy of the sketch plan submission, in instances where the applicant utilizes this stage, shall be provided to the Council. The sketch plan stage of the review process is not mandatory.

(b) The benefits derived from a meeting with Borough Council at the sketch plan stage are as follows:

- (1) The requirements of these Regulations can be clarified.
 - (2) The proposed development can be informally examined relative to road and lot patterns, public facility improvements, utility system requirements and any other pertinent items.
 - (3) Relationships to existing conditions and proposed development in the area surrounding the subdivision can be reviewed.
 - (4) The requirements of the local Municipal government and applicable state agencies can be identified and discussed.
- (Ord. 720. Passed 9-13-99.)

1242.05 PRELIMINARY PLAN STAGE.

(a) Subdivision Requirements. The preliminary plan submission shall:

- (1) Indicate the proposed layout of the subdivision; and
- (2) Include three copies of all plans and additional narrative statements required to explain how the subdivision will be developed as set forth in Section 1244.04; and
- (3) Be filed with the Borough so that it can be reviewed by the Cambridge Springs Borough Planning Commission before it is reviewed and acted on by the Council; it should be filed with the Council a minimum of six days prior to the regular meeting date of the Planning Commission, if it is to be considered at said meeting; and
- (4) Be accompanied by the payment of a fee as is provided for in these Regulations.

(b) Review by the Cambridge Springs Borough Planning Commission. Council, upon receipt of the complete subdivision application (all submission requirements shall be included), shall forward one copy of same to the Cambridge Springs Borough Planning Commission for its review and comment. The Planning Commission shall provide its review within forty-five days of its receipt of the application; this review should be provided in a lesser time whenever possible. Note, however, that preliminary plan approval may be given by Borough Council prior to receipt of the Commission's review in which case such approval may be conditioned on possible changes resulting from the Borough Planning Commission comments.

(c) Review by Crawford County Planning Commission. Borough Council, upon receipt of the complete subdivision application (all submission requirements should be included), shall forward one copy of same to the Crawford County Planning Commission for its review and comment. In cases of subdivisions of ten lots or less the Crawford County Planning Commission staff may provide the review and report. The Crawford County Planning Commission and its staff shall have forty-five days from the date it receives the subdivision application in which to make its comment. The Council shall not give final approval to a subdivision until they receive the County Planning Commission's comments, the staff comments or until the expiration of the forty-five days, whichever occurs earliest. Note, however, that preliminary plan approval may be given prior to receipt of the County Planning Commission's review in which case such approval may be conditioned on possible changes resulting from the County Planning Commission's comments.

(d) Other Process Requirements.

- (1) Borough Council shall render its decision on the preliminary plan application and communicate it to the applicant. The Borough's decision on the preliminary plan application shall be made not later than ninety days following the date the application was accepted as completely filed. The Council should provide the decision in a lesser time whenever possible. Should the next regular meeting of Borough Council occur more than thirty days following the filing of the complete application, the said ninety day period shall be measured from the thirtieth day after the application was filed. The decision of the Council shall be communicated to the applicant in writing, delivered either personally or mailed to the applicant's last known address, no later than fifteen days following the decision. Failure of Borough Council to render a decision and communicate it to the applicant within the time stipulated and in the manner required, shall be deemed an approval of the application as presented, unless the applicant has agreed in writing to an extension of time or a change in the prescribed manner of presentation of the communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of the communication, also shall be deemed an approval of the application.
- (2) From the time an application for approval of a plat, whether preliminary or final, is properly filed and while such application is pending approval or disapproval, no amendment of the zoning, subdivision or other governing ordinance plan shall affect the decision of such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was filed. In addition, when a preliminary application has been approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as herein provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, 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

years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of preliminary approval.

- (3) In the case of a preliminary calling for the installation of improvements beyond the above-mentioned five-year period, a schedule shall be filed by the with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed as provided in Act 170, the Pennsylvania Municipalities Code, as amended.
- (4) Before acting on any subdivision plat Borough Council may hold a public meeting.

(e) Borough Council Actions on Preliminary Plan. Where Borough Council processes and renders a decision on the preliminary plan or the preliminary and final plan together the Council may take one of the following actions:

- (1) Approve the plat;
- (2) Approve the plan conditional upon additional information, corrections collateral approvals, and/or changes;
- (3) Table action on the plan until additional information, corrections or changes are made to the plan; or
- (4) Disapprove the plan if it is found that the plan does not comply with the requirements of these Regulations or other applicable ordinances or if, in its opinion, the subdivision plan would adversely affect the health, safety, or general welfare of the Borough and serve to nullify the purposes of these Regulations as established in Section 1240.03.

(f) Duration of Preliminary Plan Approval. Preliminary plan approval by the Council, except where stated otherwise, indicates the general acceptability of the subdivision layout, and all other accompanying proposals. Preliminary plan approval shall be effective for a maximum of five years unless, upon submission by the applicant in writing, an extension(s) of time is requested and subsequently granted. An extension, if granted, shall be for a period of three years. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was filed. (Ord. 720. Passed 9-13-99.)

1242.06 FINAL PLAN STAGE.

(a) Final Plan Submission. The final plan submission shall:

- (1) Include the original subdivision plat or an exact, legible tracing thereof, and three printed copies of this plat (Section 1244.06);
- (2) Include three copies of all plans, narrative statements and supporting exhibits as required in Section 1244.06; and
- (3) If the proposed subdivision is expected to be reviewed at the next meeting of Borough Council it shall be submitted to the Borough no later than six days, exclusive of weekends and official holidays, prior to said meeting.

(b) Review by Borough Planning Commission. The Borough, upon receipt of the final subdivision plat (all submission requirements shall be included), shall forward one copy of same to the Borough Planning Commission for its review. The Commission shall provide its review comment within thirty days of its receipt of the plat.

(c) Review by Crawford County Planning Commission. The County Planning Commission review should occur prior to the preliminary plan review by Borough Council. If the application has not been sent to the County Planning Commission at the preliminary plan stage, it shall be so forwarded and the requirements as set forth in Section 1242.05(c) shall be complied with before final plan approval is given by Borough Council.

(d) Other Process Requirements. The Council, upon receipt of the complete final plan submission, shall render their decision on the final plan and communicate it to the applicant. Council's action on the final plan shall be taken no later than ninety days following the date of the final plan submission. Should the next regular meeting of Borough Council occur more than thirty days following the filing of the complete final plan submission, the ninety-day period shall be measured from the thirtieth day after the complete final plan was submitted. The action of the Council shall be communicated to the applicants last known address no more than fifteen days following the action. Failure of Borough Council to render a decision and communicate it to the applicant within the time stipulated and in the manner required shall be deemed as approval of the final plan as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of the communication of the decision, in which case failure to meet the extended time or change in manner of presentation of the communication, also shall be deemed an approval of the final plan.

(e) Borough Council Action on Final Plan. Borough Council shall review the final plan application to assure its conformity with the preliminary plan as approved and the provisions of Section 1244.06. In processing and rendering decision on the final plan, the Council may take one of the following actions:

- (1) Approve the plan,
 - (2) Approve the plan conditional upon specified additions, corrections, collateral approvals, and/or changes to be made or supplied in the plan,
 - (3) Table action on the plan until additional information, corrections, collateral approvals, and/or changes are made to the plan, or
 - (4) Disapprove the plan if it finds that the plan does not comply with the requirements of these Regulations or other applicable ordinances or if, in its opinion, the subdivision plan would adversely affect the health, safety, or the general welfare of the Borough and serve to nullify the purposes of these Regulations as established in Section 1240.03. Where the subdivider must make changes to the plat three copies of each corrected or altered exhibit in the plan application shall be submitted to the Council before final approval can be granted. The action taken by Borough Council shall be communicated to the applicant in writing and where the plan is disapproved the defects in the application shall be specified.
- (Ord. 720. Passed 9-13-99.)

1242.07 ACT 537 SEWAGE FACILITIES PLANNING MODULE.

All subdivisions must either have Pennsylvania Department of Environmental Protection Act 537 Sewage Facilities Planning approval or a completed Form B-Request for Non-Building Waiver prior to approval of the plat by Borough Council.
(Ord. 720. Passed 9-13-99.)

1242.08 RECORDING.

The Borough Council approval of the subdivision plat shall be noted by the signature affixed to the approval certificate set forth in Appendix I. In instances where the final plan is given a conditional approval the subdivision plat shall not be signed until each condition has been satisfactorily met as ascertained by the Council. The plat and any other documents associated therewith requiring recording shall be recorded in the County Recorder's Office within ninety days after the Borough's final approval; otherwise the Borough's approval becomes void unless an extension of time is requested of, and granted by, the Council. The applicant shall be responsible for recording the plat and for providing to the Borough Secretary a copy of the County Recorder's receipt showing that the subdivision plat has been recorded.

(Ord. 720. Passed 9-13-99.)

1242.09 ASSESSMENT.

The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold and improvements installed.

(Ord. 720. Passed 9-13-99.)

1242.10 SUBDIVISION AND LAND DEVELOPMENT APPLICATION FEES.

(a) The Borough Council may establish a nominal schedule of fees in order to defray a portion of the cost of administering these Regulations. The fee, where required, shall accompany the preliminary plan submission. Until the application fee, should one be established, has been paid, no final action shall be taken on a subdivision application.

(b) Where review fees are charged they may include reasonable and necessary charges by the Borough's professional consultants or engineer for review and report thereon to Borough Council. Such review fees shall be based on a schedule established by ordinance or resolution and shall be reasonable in accordance with the ordinary and customary charges by the Borough Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Municipality when fees are not reimbursed or otherwise imposed on applicants.

- (1) In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten days of the billing date, notify the Borough that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- (2) In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then disputes shall be resolved in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247) as applicable.

(Ord. 720. Passed 9-13-99.)

CHAPTER 1244

Specifications for Subdivision Plans

1244.01	Application information.	1244.04	Preliminary plan stage.
1244.02	Property survey for single lot subdivision.	1244.05	Preliminary plan, the overall guide to development.
1244.03	Sketch plan stage.	1244.06	Final plan stage.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I
 Subdivision and land development - see Penna. Mun. Plan. Code, Art. V
 Subdivision and land development ordinances and amendments - see Penna. Mun. Plan. Code, §§503 et seq.
 Effect of subdivision and land development - see Penna. Mun. Plan. Code, §507
 Jurisdiction - see Penna. Mun. Plan. Code, §515.2
 Enforcement; remedies - see Penna. Mun. Plan. Code, §§515.1, 515.3

1244.01 APPLICATION INFORMATION.

All subdivision plan submissions shall be accompanied by an information sheet which includes the following facts and/or explanations relative to the subdivision.

- (a) Name of the subdivision;
- (b) Name, address and telephone number of the property owner and/or his agent, if one exists;
- (c) Name, address and telephone number of the registered professional land surveyor handling the subdivision and the registered professional engineer, registered landscape architect, and/or registered architect, if applicable for the project;
- (d) Brief description of the location of the proposed subdivision in order that it may be located on a properly map of the Borough;
- (e) Number of lots in the subdivision and the gross acreage; the area of any existing public road right-of-way shall not be included in the gross acreage figure;
- (f) Type of development proposed, whether single-family or multi-family residential, mobile homes, commercial or industrial buildings, etc.;
- (g) General statements on how sanitary waste and storm water will be handled, how potable water will be obtained, how electric power will be obtained, how any other utilities will be provided, and any other information pertinent to the review of the subdivision;
- (h) Zoning district, should one exist, applicable to the subdivision;

- (i) Additional facts on the area surrounding the subdivision, including, but not limited to, roads and other community facilities, zoning, existing uses of land, and size and condition of the upstream watershed and the characteristics of the downstream area which will receive the storm water runoff; where this information is shown on a sketch plan submission it need not be entered on the information sheet, but the sketch plan should be referred to.
(Ord. 720. Passed 9-13-99.)

1244.02 PROPERTY SURVEY FOR SINGLE LOT SUBDIVISION.

As established in Section 1242.03(b), single-lot subdivisions shall be processed in one submission to the Borough Council. The subdivision shall be titled, Property Survey, and the owner's name and address and the Borough and county in which the subdivision is located shall be indicated following the title. The drawing shall be prepared by a registered professional land surveyor and may be drawn in pencil or ink and shall be drawn on a sheet of paper eight and one-half by fourteen inches in size. If drawn in pencil, or however the work is handled, the drawing shall be on an acceptable drafting medium and sufficiently bold so as to be capable of clear and distinct reproducible copies. The property survey, once approved, shall be recorded with the property deed, and, if desired, may be recorded also as a subdivision and entered in the subdivision plat book records in the County Recorder's Office. The property survey shall include the following information:

- (a) The lengths and bearings of the lots boundary lines. Distances shall be measured at least to the nearest hundredth of a foot. Bearings shall be measured at least to the nearest twenty seconds. The error of field closure for the lot's exterior boundary shall be no greater than one foot in 5,000 feet, and all geometries of the final plat shall be balanced.
- (b) All corner points shall be monumented, including all points indicating a change in direction or a change in geometry. The nature of the monument shall be indicated. See Section 1246.10(d).
- (c) The right-of-way width and designation of existing roads adjacent to the lot. Road right-of-way shall be shown as separate and independent of the subdivided lot.
- (d) The distance(s) and bearing(s) to some described and readily locatable and permanent point outside of the subdivision preferably a nearby road intersection, an original parcel corner point or a County, State or Federal monument. Where said permanent point, outside of the subdivision, may be lost in future years, for example at the intersecting center lines of the roads, "ties" to this point shall be determined and recorded on the plat.
- (e) The assessment parcel number of the parcel of land from which the lot has been divided; this number is available in the County Assessor's Office.
- (f) The owners' names for all lands adjacent to the lot.
- (g) The location of existing easements, streams, bodies of water and other pertinent features on the lot; easements shall be explained.
- (h) The explanation, location, width and dedication of proposed easements.
- (i) Building setback line. The setback line shall be dimensioned and labeled.
- (j) A north point; the scale of the drawing shall be noted and shown graphically.
- (k) The area of the lot in square feet and/or acres.

- (l) The following certificates (See Appendix I):
 - (1) Cambridge Springs Borough Planning Commission's review;
 - (2) Crawford County Planning Commission's review;
 - (3) Borough Council's approval;
 - (4) Registered professional land surveyor's statement.
- (m) The following certificates where applicable (See Appendices I and II):
 - (1) Dedication statement;
 - (2) Utility easements, including drainage easements;
 - (3) Other easements on the site;
 - (4) Covenant statements if any.
- (n) If an individual on-lot sewage system is proposed and the site suitability analysis has not been completed by the sewage enforcement officer and submitted to Borough Council, or where, if submitted, the analysis concludes the site is unsuitable for an individual system, Statement I in Appendix III shall be entered on the plat.
- (o) Where the lot(s) abuts a State-maintained road and a highway entrance permit(s) has not been obtained from the Pennsylvania Department of Transportation (PennDOT), the statement found in Appendix IV shall be entered on the plat.
(Ord. 720. Passed 9-13-99.)

1244.03 SKETCH PLAN STAGE.

The sketch plan submission is not mandatory, but where used shall include the following information:

- (a) Sketch Plan Drawing.
 - (1) A scaled plan which may be in freehand showing the proposed layout of roads, lots and public facility sites, i.e. park and recreation areas, schools, etc. Rough sketches of the proposed handling of community, opposed to individual, sanitary sewer and water systems as well as storm water management techniques should be provided. Existing conditions on and near the site shall be shown, including, but not limited to, wooded areas, watercourses, easements, rights-of-way and utility systems;
 - (2) Topographic information represented by contour lines at an interval of ten feet or less. U. S. Geological Survey maps may be used as the basis for this information;
 - (3) Elevations, cross sections, and perspective drawings to the extent they may be useful in explaining the intent of the proposal;
 - (4) North arrow, scale indication and the date of preparation.
- (b) Narrative Statements and/or Reports. To the extent the application information and the sketch plan drawing do not convey adequately the developers intent a narrative shall be submitted dealing with the elements of the proposal.
(Ord. 720. Passed 9-13-99.)

1244.04 PRELIMINARY PLAN STAGE.

The preliminary plan submission shall include the preliminary plat and other support drawings and narrative statements as needed based on the specifications herein listed. The preliminary plat showing the land geometry shall be prepared by a registered professional land surveyor, at a convenient scale, but not at a scale greater than 1 inch to 100 feet and may be prepared in pen or pencil. The plat and other plan sheets shall be no larger than thirty-six inches by forty-two inches; where more than one sheet is used each sheet shall be suitably numbered and titled; these requirements also shall govern the engineering, construction and various supporting drawings included in the preliminary plan. Design, engineering, construction details and other necessary studies as are appropriate to the development may be prepared by a registered professional engineer, landscape architect or architect. It should be noted that the preliminary plat also may be used for the final subdivision plat and may be drawn on the drafting medium to be used for the final plat. The submission shall include the following information:

- (a) Proposed name of subdivision, and the borough and county in which it is located;
- (b) The date, scale and north point indication;
- (c) A small, scaled location map showing the area of the proposed subdivision in relation to surrounding roads and other significant features; this map shall be oriented on the plat in the same direction the subdivision is oriented;
- (d) The road patterns and names of adjacent subdivisions and the location and owners' names of adjacent parcels of un-subdivided land;
- (e) Zoning of the proposed subdivision and adjacent lands in instances where it cannot be provided clearly in the application information sheet;
- (f) Location, width (right-of-way and pavement) and type of construction of all existing roads, public and private, for the land to be subdivided and for all lands within approximately 200 feet of the proposed subdivision. For this same area, all existing easements, sanitary and storm sewers, water lines, railroads, utility right-of-ways, parks, cemeteries, watercourses, drainage ditches, swamps, low areas subject to flooding as identified on Borough flood hazard maps, permanent buildings, bridges and any other information pertinent to the evaluation of the proposed subdivision;
- (g) Plan of the proposed development including the lots, road right-of-ways, easements for water lines, storm and sanitary sewers, drainage ways and all other public utilities even where they are separate from road right-of-ways. Where it is not clear from the scaled drawings, the dimensions of elements of the proposed layout shall be given;
- (h) Topographic information shall be provided for all subdivisions wherein:
 - (1) Road improvements and/or sanitary sewer, storm water, or water utility systems are proposed; and/or
 - (2) The average area of the lots proposed is 22,000 square feet or less. Contours shall be at an interval of five feet or less and may be based on and interpolated from topographic information as obtainable from U.S. Geological Survey maps, provided, however, that where site planning considerations for roads, storm water management facilities and sanitary sewer services to serve proposed development are complex because the terrain has a considerable amount of slope and/or lot sizes are small, more detailed topographic information may be required.

- (i) Location and area of property, if any, proposed to be dedicated for public use, or to be reserved by deed covenant for the use of property owners in the subdivision;
- (j) Statement as to what private deed restrictions, if any, are proposed;
- (k) Information relative to the sewerage systems to be used in the subdivision and a summary of progress made in obtaining approvals for handling sewerage based on the requirements adopted and promulgated by the Pennsylvania Department of Environmental Protection. In instances where an existing sewage system is to be used or where additional sewer lines are to be constructed, general layout plans shall be presented; final plans are not required at this stage;
- (l) Information relative to the water supply systems to be used in the subdivision. In instances where an existing water system is to be used or where additional water lines are to be constructed, general layout plans shall be presented; final plans are not required at this stage;
- (m) Storm water management. It shall be the objective of these Regulations to manage the quantity, velocity, and direction of resulting storm water runoff in a manner which adequately protects health and property from possible injury; the administration of these Regulations shall strive to assure that the maximum rate of stormwater runoff is no greater after development than prior to development;
 - (1) For major subdivisions and land developments involving new roads, a plan, and descriptions where appropriate, of the storm water management measures and devices proposed, including, but not limited to, open flow channels, swales, detention areas, culverts, underground storm water lines, storm inlets and manholes. Storm water runoff calculations for the watershed area above (upstream from) the subdivision site and for the subdivision site itself shall be computed based on the design criteria established in Section 1246.03. Finalized calculations and plans are not required at this stage, but enough work shall be done so that the decisions can be made on the acceptability of the general layout of the subdivision or land development;
 - (2) The information required in paragraph (m)(1) hereof may be required for major subdivisions not involving new roads and for minor subdivisions where storm water management considerations are judged to be critical in the development proposal.
- (n) Typical road cross-sections showing the travel portion of the roadway, shoulder and drainage swale areas as well as the road construction specifications. Based upon topographic information, where roads are proposed in areas having a ten percent grade or more, the planned road gradients shall be shown.
- (o) Any other special proposals which may be necessary to the Borough's review, including, but not limited to, reports and/or documents indicating how subdivision improvements and development elements shall be maintained, e.g. homeowners' association organizations. (Ord. 720. Passed 9-13-99.)

1244.05 PRELIMINARY PLAN; THE OVERALL GUIDE TO DEVELOPMENT.

Although it may be the intention of the subdivider to request final plan approval on only a portion of the total area shown on the preliminary plan, a preliminary plan shall be submitted and approved for the entire area under consideration for development. Construction plans and specifications as required in a later section of these Regulations need be prepared only for a smaller area intended to be included on the final plat. (Ord. 720. Passed 9-13-99.)

1244.06 FINAL PLAN STAGE.

The final plan submission shall be considered as a continuation of the review begun in the sketch plan (where used) and preliminary plan stages of the process. Proposals submitted in the earlier stages may change through the review process as additional information is gathered and as engineering and other design studies are developed. Drawings and narratives submitted at the preliminary plan stage, revised and refined as required, shall be considered as part of the final plan submission. The final plan submission at the minimum shall consist of the subdivision plat. It also may include, depending on the complexity of the subdivision, (1) engineering and construction drawings and specifications; (2) letters, permits and certifications indicating other municipal, State and public or semi-public agencies organizations have given their review and approval to the subdivision proposals; and (3) supporting reports and documents such as a listing of covenants to be recorded with the subdivision plat, and the incorporation papers for a homeowners association. The submission specifications at the final plan stage area are as follows:

- (a) The final plat shall be signed by a registered professional land surveyor and drawn at a convenient scale, but not greater than 1 inch to 100 feet; it may be drawn in pencil or ink. If drawn in pencil it shall be sufficiently bold so as to be capable of clear and distinct reproducible copies. It shall be drawn on an acceptable drafting medium no larger than thirty-six inches by forty-two inches. Where more than one sheet is used each sheet shall be suitably numbered and titled. The plan shall include the following information:
 - (1) The name of the subdivision in prominent letters and the Borough and county in which it is located. The name shall not be a duplicate of, or be very similar to, the name of any plat previously developed for the Borough;
 - (2) The lengths and bearings of the subdivision's exterior boundary lines (which shall be delineated with a bolder line than the interior property lines in the subdivision) and all other property lines surveyed and divided, including those for roads, blocks, lots and public grounds. Where property lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines of the tier. Distances shall be measured at least to the nearest hundredth of a foot. Bearings, shall be measured at least to the nearest twenty seconds. The error of field closure for the subdivision's exterior boundary shall be no greater than one foot in 5,000 feet, and all geometries of the final plat shall be balanced;
 - (3) All exterior boundary, lot and road right-of-way corner points shall be monumented, including all points indicating a change in direction or a change in geometry. The nature of the monument shall be indicated. See Section 1246.10(d).
 - (4) A small, scaled location map showing the area of the proposed subdivision in relation to surrounding roads and other significant features; this map shall be oriented on the plat in the same direction the subdivision is oriented;
 - (5) The exact width and location of the right-of-way of all new roads and the width and location of all new easements; the names of new roads; road names shall not duplicate names already established in the Municipality. Road right-of-way shall be shown as separate and independent of the subdivided land. Easements include, but are not limited to, those for storm drainage facilities and all public and semi-public utilities; new easements shall be dedicated and explained;

- (6) The distance(s) and bearing(s) to some described and readily locatable and permanent point outside of the subdivision, preferably a nearby road intersection, or original parcel corner point, or a County, State or Federal monument. Where said permanent point, outside of the subdivision, may be lost in future years, for example at the intersecting center lines of roads, "ties" to this point shall be determined;
- (7) A number or other suitable designation for all lots or parcels within the subdivision boundary;
- (8) Building setback lines; they shall be dimensioned and labeled;
- (9) The total area in acres within the exterior boundary of the subdivision and for all lots or parcels within the subdivision boundary. Road right-of-way shall not be included in the area of the lot;
- (10) The right-of-way width and name of existing roads in or adjacent to the subdivision;
- (11) The assessment parcel number(s) of the parcel(s) of land from which the subdivision was taken; this number is available in the County Assessor's Office;
- (12) The location and width of existing easements; the location of all streams, bodies of water and other pertinent features in the subdivision; all easements shall be defined and explained;
- (13) A north point and the scale of the plat shall be noted and shown graphically;
- (14) The following certificates (See Appendix I):
 - A. Cambridge Springs Borough Planning Commission's review;
 - B. Crawford County Planning Commission's review;
 - C. Borough Supervisors approval;
 - D. Owners' declaration statement where the plat is recorded separate from the property deed and, if any, the dedication statement; and the
 - E. Registered professional land surveyor's statement.
- (15) The following certificates, statements and/or covenants only where applicable (See Appendix II).
 - A. Utility easements including drainage easements;
 - B. Other required easements; and
 - C. Covenant statements originated and enforced by the subdivider and his clients protecting and/or guiding the use of land in the subdivision. If covenants are recorded in a separate instrument such instrument shall be referenced on the plat.
- (16) Where sewage needs are handled by individual systems, one of the following statements shall be entered on the plat, provided, however, for minor subdivisions and for major subdivisions with ten lots or less, where individual system permits have been issued or approved for issue and proof thereof is submitted to the Borough, no statement needs to be entered on the plat. Statements on the handling of sewage needs are listed in Appendix III.
 - A. For minor subdivisions, Statement 2 shall be entered on the plat.
 - B. For major subdivisions with ten or less lots, Statement 2 shall be entered on the plat.
 - C. For major subdivisions with eleven lots or more, Statement 3 shall be entered on the plat.

- (17) Where the lot(s) abuts a State-maintained road and a road entrance permit(s) has not been obtained from PennDot, the statement found in Appendix IV shall be entered on the plat.
- (b) Where roads and utility system improvements are proposed final engineering and construction plans shall be prepared by a qualified professional engineer, registered professional land surveyor, landscape architect or architect and shall be part of the final plan submission. These plans shall be reviewed and approved by Borough Council; they need not be recorded in the County Recorder's Office, but they become part of the public road record. These plans shall detail the construction of improvements in the subdivision in the following areas:
- (1) Revised grades. Where a subdivision shall have forty percent or more of its land area altered or where forty percent of the development is on slopes twelve percent or greater a revised contour or grading plan shall be required. The erosion and sediment control plan may require a grading plan also.
 - (2) Road construction. Typical road cross-sections showing the travel portion of the roadway, shoulder and drainage swale areas as well as the road profile and road construction specifications.
 - (3) Sewage systems.
 - A. For subdivisions where development is proposed requiring an extension of the facilities of the Cambridge Springs Borough Sewer Authority, plans detailing said extension or any other needed improvements shall have been prepared and approved by the Authority and by the Pennsylvania Department of Environmental Protection (PennDEP), if its approval is necessary, before final approval for the subdivision shall be given by Borough Council.
 - B. For minor subdivisions and major subdivisions with ten lots or under, where the facilities of the Cambridge Springs Borough Sewer Authority are not used and where individual systems shall be used, a site suitability analysis shall be obtained from the sewage enforcement officer and Statement 2 in Appendix III shall be entered on the plat, provided, however, that this shall not be required if sewage permits have been issued for all the lots in the subdivision or there is proof that they have been approved for issue.
 - C. For major subdivisions with eleven lots or more, where the facilities of the Cambridge Springs Sewer Authority are not used, the site suitability analysis shall be completed by the sewage enforcement officer, approved by PennDEP. A copy placed in the files of Borough Council and a letter indicating PennDEP's approval shall be in the Board's file. Also Statement 3 listed in Appendix III shall be entered on the plat. All of these requirements shall be met in order to obtain final approval.
 - (4) Water supply systems. For subdivisions where development is proposed requiring an extension or addition to the Borough's public water facilities, plans detailing the extension or addition shall be submitted to the Borough and the necessary approvals obtained from the Borough and from the Pennsylvania Department of Environmental Protection, where necessary, before final approval for the subdivision can be given by Borough Council.

- (5) Storm water management. For major subdivisions involving new roads, as well as for major subdivisions and land developments not involving new roads and minor subdivisions wherein storm water management considerations are judged to be critical (Section 1244.04(m)(2)), finalized calculations and plans as listed in Section 1244.04 and subsections shall be required. Where necessary, required permits from PennDEP, the Public Utility Commission or the Pennsylvania Department of Transportation (PennDOT) shall be approved for issue. The ownership and responsibility for maintenance for all storm water management control devices shall be indicated and necessary easements covering such devices properly established.
- (6) Erosion and sediment control. The Commonwealth of Pennsylvania's Clean Streams Law, Act 222, is administered by the PennDEP. This law requires that all earth-moving activities have erosion and sediment control plans. All major subdivisions involving new roads shall have an erosion and sediment control plan which has been reviewed and determined to be adequate by the Crawford Conservation District. The erosion and sedimentation control plans of other subdivisions may also require Conservation District review under Pennsylvania law.
- (c) Where the subdivider intends to assure that subdivision improvements will be maintained through a homeowners' association, documents shall be drafted and filed in the County Recorder's Office which provide for the legal creation of such an association which shall have mandatory membership provisions and statements on its structure and responsibilities.
(Ord. 720. Passed 9-13-99.)

CHAPTER 1246

Design Standards and Improvement Requirements

1246.01	Design principles.	1246.06	Easements.
1246.02	Road related design standards.	1246.07	Sidewalks.
1246.03	Design criteria for storm water management planning.	1246.08	Road signs.
1246.04	Lotting standards.	1246.09	Roadside trees.
1246.05	Block standards.	1246.10	Construction requirements for subdivision improvements.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I
 Subdivision and land development - see Penna. Mun. Plan. Code, Art. V
 Effect of subdivision and land development - see Penna. Mun. Plan. Code, §507
 Jurisdiction - see Penna. Mun. Plan. Code, §515.2
 Enforcement; remedies - see Penna. Mun. Plan. Code, §515.1, 515.3

1246.01 DESIGN PRINCIPLES.

In planning a subdivision the applicant shall be guided by the following principles:

- (a) In planning and executing a subdivision the applicant shall comply with all laws, codes, rules, and ordinances of the Borough, the County and the State and Federal governments and all duly constituted agencies thereof.
- (b) In planning and executing a subdivision the applicant shall be guided by the currently approved comprehensive plans of the Borough and, where applicable, the County, particularly in regard to the location of roads. Where the subdivision area includes sites of historic, cultural or physiographic value and such sites are listed on the Crawford County Register of Significant Sites every possible effort shall be made to preserve and maintain the integrity of these sites.
- (c) No land shall be subdivided which is unsuitable for development by reason of flooding, poor drainage, adverse earth or rock formations, or any other condition likely to be harmful to the health, safety or welfare of future residents. Such lands shall remain un-subdivided until such time as the conditions causing the unsuitability are corrected.
- (d) In planning a subdivision the applicant should consider making reasonable allocations of land for necessary community facilities such as park and recreation grounds, school sites and other sites for needed public facilities as proposed in applicable comprehensive plans or as determined necessary through current analyses. Where allocations are made for these facilities provisions shall be made to insure that the land will be accepted and maintained by the Borough, a homeowners' association, a school board or some other organization which can assure the Borough of its ability to manage the land in keeping with the general welfare of future residents.

- (e) In designing a subdivision proposed lots shall have relationships to surrounding properties such that reasonable future lotting patterns can be developed.
- (f) Proposed roads shall be designed in careful relation to topography, natural drainage, the surrounding road network and the uses designed to be served in the development; they shall be properly integrated with the existing and proposed thoroughfares as established in Borough and County comprehensive plans. There shall be no dead-end streets. Where a street does not tie into another street, a cul-de-sac shall be used. (Ord. 720. Passed 9-13-99.)

1246.02 ROAD RELATED DESIGN STANDARDS.

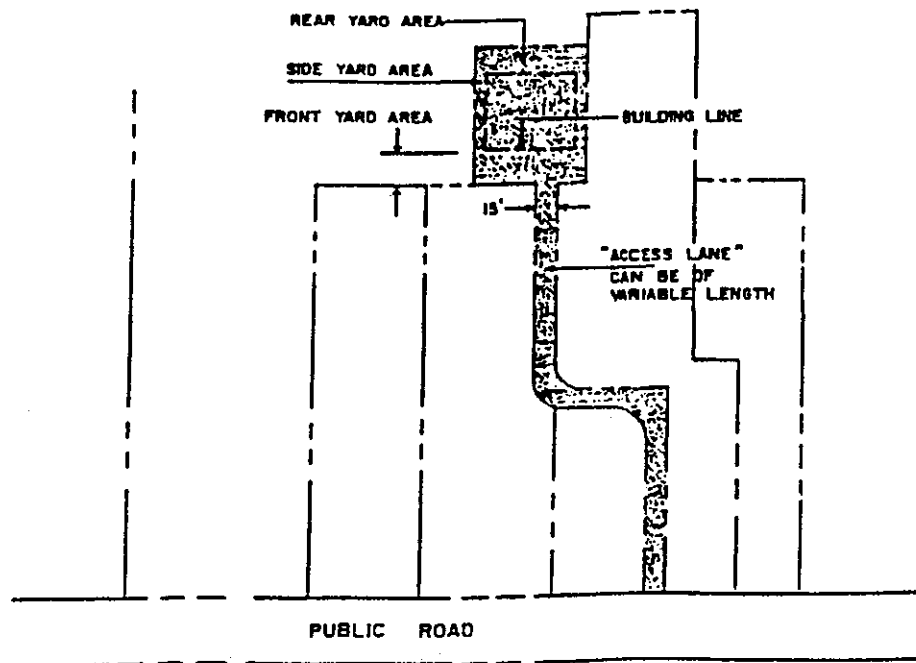
In planning a subdivision, the applicant shall observe the following requirements:

- (a) Proposed roads shall be public roads, shall be properly dedicated for public use and shall provide convenient access to all property within the subdivision. There shall be no private roads, except in cluster and land development enterprises where private roads are permitted. Each lot planned for separate ownership in the subdivision shall have a minimum of fifteen feet of frontage on a public road.

Minimum lot areas and minimum lot widths shall be as established in Section 1246.04(e). Normally the full width of a lot shall abut on a street. However, whenever it is impossible to access an existing parcel with the full width of the lot, or where a special subdivision design and management concept is believed to be appropriate for a particular site, a minimum frontage of fifteen feet may be utilized subject to review and approval by the Borough. The minimum of fifteen feet of frontage on a public road permits the use of an "access lane" to the public street (private streets in some instances) as shown in the following drawing (Figure 1) where the minimum width of "access lane" shall be fifteen feet. In instances where the "access lane" is used, the lot width, lot area and yard requirements shall be established beginning at the location where the "access lane" terminates and the bulk of the property begins.

FIGURE I

LOT SERVED BY AN "ACCESS LANE"



- (b) Proposed roads, except those clearly designed for internal circulation only, shall be extended to the boundary lines of the tract to be subdivided unless prevented by topographic or other physical conditions, or unless in the opinion of Borough Council such extensions are not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (c) The applicant shall be responsible to develop the subdivision's road network based upon the classification system established as follows: See Appendix IV for designations in the Borough:
 - (1) Arterial roads. These roads provide inter-Municipal, inter-County and inter-State connections; they serve to link settlement centers, major public facilities, employment and shopping centers and areas of high density population. This category of road includes minor arterial, major collector and minor collector roads as established and defined in the Federal Functional Classification System and as set forth and discussed in the Crawford County Comprehensive Plan.
 - (2) Collector roads. These roads link neighborhoods and have continuity within the County's municipalities and often interconnect municipalities. They invariably serve the dual function of handling through traffic movements and of serving as access to adjacent property. This category of road is set forth and discussed in the Crawford County Comprehensive Plan.

- (3) Local access roads. These roads are primarily for access to adjacent property and have their chief significance in giving a subdivision or a neighborhood form and pattern. They shall be laid out to discourage through traffic.
- (4) Alleys. Alleys may be provided especially in commercial and industrial subdivisions and perhaps in row house (townhouse) developments, in order to facilitate service access to the proposed buildings. Alleys are privately owned roads, and provisions for repair and maintenance must be provided by the subdivider.
- (d) In Table 1, design standards for arterial, collector and local roads are established. Curbed roads may be required where the gross residential density is 4.0 residential lots per acre or greater.
- (e) Where a subdivision borders on, or contains, an existing or proposed minor arterial road, Borough Council may require that access points to the road be limited by one of the following means or some acceptable alternative:
 - (1) The lot pattern in the subdivision should be so organized that the back yards of lots abut the minor arterial road and the front yards abut a local or collector road essentially parallel to the minor arterial in which case vehicular access to the lots occurs from the local road. The back yards of the lots should be screened in an appropriate manner from the minor arterial road. Access from the minor arterial to the subdivision shall be by means of public road intersection(s).
 - (2) The lot pattern in the subdivision should be so organized that the lots front on a marginal access road which would be located between the highway and the subdivision.
- (f) In cul-de-sacs, the minimum right-of-way for the turnaround area, generally circular in shape, shall be 100 feet in diameter. The minimum cartway shall be seventy feet in diameter. There shall be no limitations on the length of a cul-de-sac road. For cul-de-sac type roads Borough Council may authorize alternative turnaround arrangements other than the circular form, provided it is shown that the alternatives can accommodate equally safe and convenient turning movements.
- (g) Roads normally should intersect at, or nearly at, right angles. Proposed new intersections along one side of an existing road shall, wherever practicable, coincide with existing intersections on the opposite side of said road. No more than two streets shall intersect at the same point. Road jogs with centerline offsets of less than 150 feet should be avoided wherever possible.
- (h) Where curbed road construction is used, the minimum curb radius at the intersection of two roads shall be fifteen feet.

TABLE I
DESIGN STANDARDS FOR ROADS

(All figures indicate feet except where noted otherwise.)

ROADS				
	Arterial	Collector	Local Access	Alley
Minimum Width Right-of-Way ⁽¹⁾	60 – 80	50	50	20
Minimum Width Traveled Way or Cartway	24 w/s ⁽²⁾	20 w/s ⁽²⁾	20 w/s ⁽²⁾	12
	44 w/c ⁽³⁾	36 w/c ⁽³⁾⁽⁴⁾	30 w/c ⁽³⁾	
Maximum Grade ⁽⁵⁾	5	10	10	10
Minimum Grade ⁽⁵⁾	1	1	1	1
Minimum Radius of Curve	500	200	—	—
Minimum Length of Tangents Between Reverse Curves	200	100	—	—

At all changes in road grades where the algebraic difference in the grades exceeds 1%, vertical curves designed in conformance with sound engineering practice shall be provided to permit the following sight distances; for local roads, 150 feet; for collector and arterial roads, 300 feet.

- Notes:
- (1) Right-of-way widths in excess of the standards designated shall be required whenever, due to topography, additional width is necessary to provide for the construction of adequate earth slopes not in excess of a 1 ½ : 1 gradient.
 - (2) w/s indicates with road shoulders; however the width given does not include the road shoulders.
 - (3) w/c indicates with curb construction and the distance is measured face of curb to face of curb.
 - (4) Collector roads utilizing curb construction shall have 60 foot rights-of-way.
 - (5) Figure indicates percent.
- (Ord. 720. Passed 9-13-99.)

1246.03 DESIGN CRITERIA FOR STORM WATER MANAGEMENT PLANNING.

(a) Storm water runoff shall be calculated on the basis of a twenty-four duration rainfall and a fifty-year frequency storm.

(b) The preferred method of calculating storm water runoff shall be the Soil Conservation Service, Soil Cover Complex method, found in the Service's Engineering Field Manual or in the publication Urban Hydrology for Small Watersheds, Technical Release No. 55.

(Ord. 720. Passed 9-13-99.)

1246.04 LOTTING STANDARDS.

(a) Lotting plans shall be worked out with due regard to the topography and to the necessity for accommodating sewer and water utilities, whether of on-lot construction or otherwise. Each lot shall allow for convenient driveway access from a public road. Lotting arrangements shall be developed with due regard to the overall best use of land; lotting patterns which block opportunities for the reasonable utilization of nearby land shall be avoided.

(b) Lot lines shall be generally at right angles to the public road. Corner lots shall have adequate width to accommodate building setbacks from two roads.

(c) Lot lines shall follow Municipal boundaries rather than cross them, whenever possible, in order to avoid jurisdictional problems.

(d) Lot lines shall be drawn to allow for the road right-of-way. Where the subdivision or land development occurs only on one side of the road a distance of one-half of the road right-of-way from the centerline of the road shall be allowed for the public right-of-way.

(e) Minimum lot area and lot width shall be as established in the Zoning Code of Cambridge Springs Borough. In all instances, lot sizes and configurations shall be adequate to accommodate sewer and water supply needs.

(f) Minimum building setback lines shall be as established in the Zoning Code of Cambridge Springs Borough. Building setback lines may be greater than established herein.

(g) In planning lot patterns, excessive depth of lots in relation to width should be avoided. A proportion of 4.0 (length) to 1.0 (width) should be considered maximum.

(h) Double frontage lots should be avoided, except where necessary to overcome specific disadvantages of topography or other conditions such as location adjacent to an arterial highway. Where double frontage lots are platted, the subdivider should handle vehicular access to the lots so that access occurs from local and not arterial roads.

(i) Subdivisions should contain no useless remnants of land.
(Ord. 720. Passed 9-13-99.)

1246.05 BLOCK STANDARDS.

(a) Block lengths in residential areas generally should not exceed 1500 feet.

(b) Pedestrian crosswalks not less than ten feet wide may be required through the center of blocks more than 800 feet long where convenient access to schools, playgrounds, shopping facilities or other community facilities can be achieved.
(Ord. 720. Passed 9-13-99.)

1246.06 EASEMENTS.

(a) Electric power and telephone utility easements, where located at rear or side lot lines, should be centered on these rear or side lot lines. Utility easements along side and rear property lines shall be a minimum of fifteen feet wide and shall be centered on the lot lines. Where such easements are located along the front lot line adjacent to the public road, they shall be a minimum of ten feet in width.

(b) Where a subdivision is traversed by a watercourse, easement designations of sufficient width to accommodate the twenty-four hour duration fifty-year frequency storm shall be shown. The minimum easement width shall be twelve feet.

(c) Easements for fencing and/or tree and shrub plantations for purposes of screening may be required between residential lots and commercial or industrial lots and along arterial highway frontages.

(d) Whenever a road, planned to have continuity beyond the proposed subdivision, is temporarily stubbed or dead-ended awaiting the subdivision of adjacent land, a generally "square-shaped" area a minimum of 10,000 square feet shall be provided on a temporary basis for a vehicular turnaround. A temporary easement may be established on adjacent lots in order to obtain sufficient area for said turnaround. This easement shall terminate when the stubbed road is extended, and a statement to this end shall be entered on the plat.
(Ord. 720. Passed 9-13-99.)

1246.07 SIDEWALKS.

Where the gross residential density of a subdivision is 4.0 (dwelling units per gross acre) or greater Borough Council may require the construction of sidewalks. Sidewalks, where constructed, shall be located in the public road right-of-way, shall be a minimum of three feet in width and shall be separated from the road curb by a minimum of four feet.
(Ord. 720. Passed 9-13-99.)

1246.08 ROAD SIGNS.

All roads shall be provided with road signs approved by the Cambridge Springs Borough Council.
(Ord. 720. Passed 9-13-99.)

1246.09 ROADSIDE TREES.

The subdivider should consider planting trees in an appropriate location in the public right-of-way. Tree varieties shall be used which are recognized as appropriate for roadside planting and shall be placed no closer than forty feet, center to center.
(Ord. 720. Passed 9-13-99.)

1246.10 CONSTRUCTION REQUIREMENTS FOR SUBDIVISION IMPROVEMENTS.

The following construction requirements and specifications shall be considered as minimums necessary to protect the general health, safety and welfare and promote the convenience of the public. Improvements may be built to higher standards than those set forth in these Regulations, provided they are approved by Borough Council.

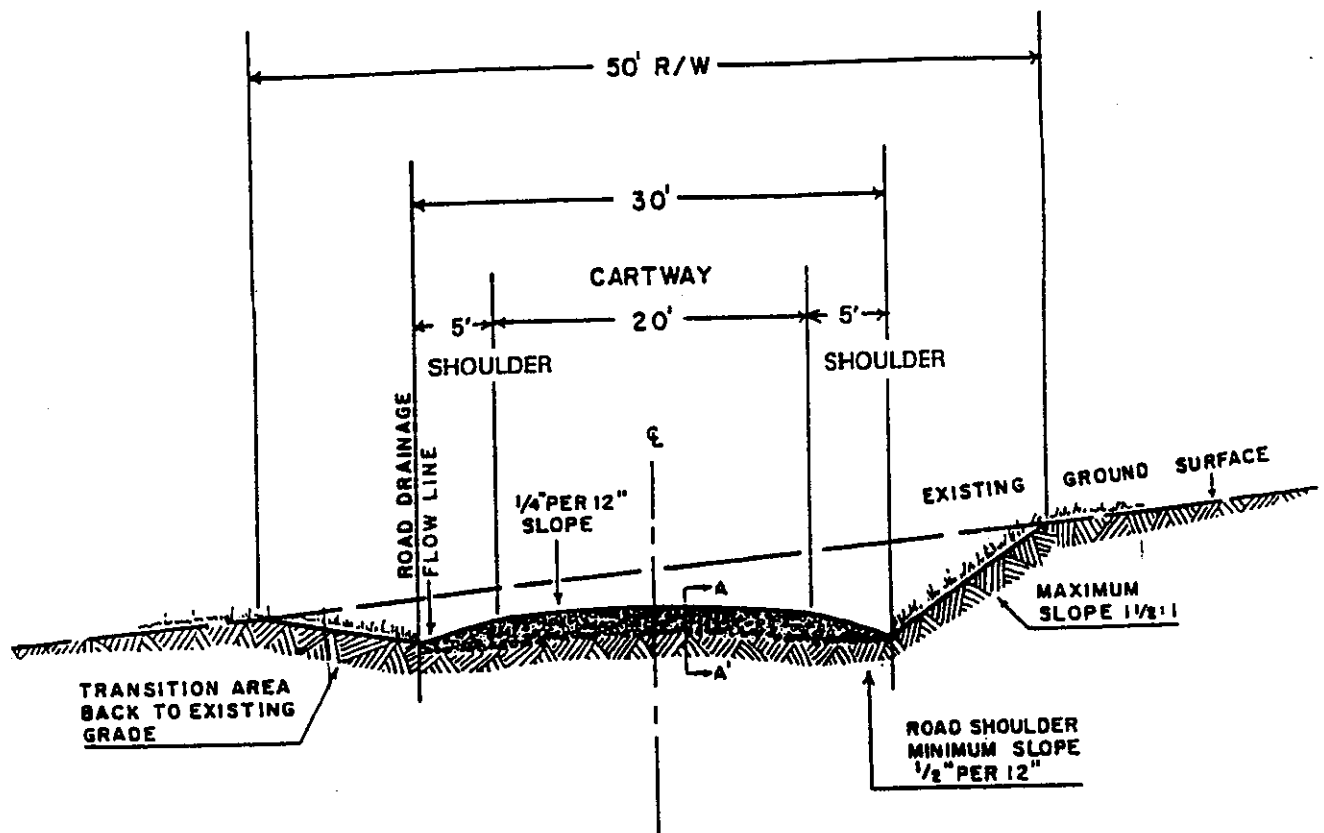
(a) Road Specifications for Gravel Roads.

- (1) Layout standards. From the flow line of one road ditch to the flow line of the ditch on the other side of the road, where ditches are constructed in the right-of-way and there is no fill slope(s), there shall be a minimum distance of thirty feet. Centered in the right-of-way there shall be a minimum cartway (travel-way) of twenty feet. The cartway shall be crowned with a minimum slope of one-fourth inch per one foot on both sides on the crown. The next five feet on each side of the cartway shall be a transitional area to the flow line of the road drainage ditch and shall be considered as the road shoulder. This shoulder area shall have a minimum slope of one-half inch per one foot, but shall be constructed in a manner so as to effect a uniform transition from the edge of the road surface (cartway) construction to the drainage ditch flow line. See accompanying road specification drawing for gravel roads, Figure 2. The remainder of the right-of-way distance, ten feet on either side of the drainage ditch flow line, as a transition is made to the edges of the right-of-way, shall be handled at a maximum gradient of one and one-half to one.
- (2) Sub-grade preparation. The sub-grade shall be formed from a ditch line (thirty feet minimum) approximately sixteen inches below finished grade and shaped to the road cross-section requirements. At the drainage ditch flow line the subgrade shall be no less than ten inches below finished grade. The sub-grade shall be brought to a firm, thoroughly compacted condition. Any soft or unsuitable material shall be removed and replaced with firm, suitable material.
- (3) Road surfacing. Where a density of less than three dwelling units per acre is proposed, eight inches of high quality, well graded bank run gravel shall be placed and compacted on the sub-grade. On top of the bank run gravel, eight inches of select granular material (PennDOT No. 2RC) shall be placed and compacted to form the finished grade on the cartway section (twenty feet minimum width) of the road. Transitional areas (road shoulders) shall be constructed from the edge of the cartway to the flow line of the road drainage ditch utilizing a bottom coarse of the bank run gravel overlain by a coarse of select granular material (PennDOT No. 2RC). Throughout the shoulder area, each coarse of material shall be maintained at approximately equal depths.

All select granular material (PennDOT No. 2RC) shall meet the requirements set forth in Section 703.3 of the Pennsylvania Department of Transportation Specification Publication 408 (1994).

The bank run gravel and the select granular material shall be uniformly spread in loose layers not to exceed four inches in depth and without segregation of the coarse and fine material. Each layer shall be compacted utilizing a roller meeting the requirements of Section 108.05(c) 3a or 3b of the Pennsylvania Department of Transportation Specification Publication 408 (1994). Satisfactory compaction will be determined by the stability of the material under the compaction equipment. If, in the opinion of Borough Council, the material deforms excessively under the compaction equipment or otherwise is determined unsatisfactory, the developer shall remove, replace, and recompact the material until a satisfactory finished road is provided.
(Ord. 720. Passed 9-13-99.)

FIGURE II
 "GRAVEL"
 ROAD SPECIFICATION
 FOR
 LOCAL & COLLECTOR ROADS
 (ROAD SHOULDER CONSTRUCTION)



NOT TO SCALE

NOTE:

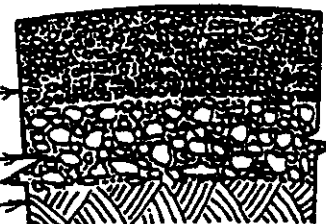
LINE SHOWING ROAD CROWN
 IN DRAWING EXAGGERATED
 FOR CLARITY

SECTION A-A'

8" SELECT GRANULAR
 MATERIAL (PennDOT #2RC)

8" OF BANK
 RUN GRAVEL

COMPACTED SUBGRADE



NOT TO SCALE

(b) Road Specifications for Bituminous Roads (Flexible Pavements).

- (1) Bituminous road surfacing. Where a density of three dwelling units per acre or greater is proposed, or where, in the judgment of Borough Council, the frequency of travel justifies it, a bituminous road surface shall be constructed. Said bituminous road shall be built to the standards established in this subsection and as shown in Figure 3, Bituminous Road. Road Specification For Local & Collector Roads.
- (2) Layout standards. From the flow line of one road ditch to the flow line of the ditch on the other side of the road, where ditches are constructed in the right-of-way and there is no fill slope(s), there shall be a minimum distance of thirty-six feet for a local road and forty feet for a collector road. Centered in the right-of-way there shall be a minimum cartway (travel-way) of twenty feet. The cartway shall be crowned with a minimum slope of one-fourth inch per one foot on both sides of the crown. The next six feet on each side of the cartway shall be considered as the road shoulder. This shoulder area and the transitional area from the shoulder area to the flow line of the ditch shall have a minimum slope of three-fourth of an inch per one foot. The construction of the shoulder area and the transitional area shall be handled in a manner so as to effect a uniform transition from the edge of the road surface (cartway) construction to the drainage ditch flow line. See the accompanying road specification drawing. The remainder of the right-of-way distance, seven feet on each side of the drainage ditch flow line for a local road and ten feet for a collector road, shall be used for a transition to the edges of the right-of-way and shall be handled at a maximum gradient of 1½:1 for a local road and 2:1 for a collector road.
- (3) Clearing and grubbing. All vegetation, top soil, roots, soft spots and other objectionable material shall be excavated and removed from the cartway and shoulder areas and from all the areas to be filled which are located within the right-of-way.
- (4) Subgrade preparation. The subgrade shall be formed to extend under the full cartway and shoulder area (thirty-two feet minimum for both local and collector roads) approximately fifteen inches below the finished grades of the cartway and shoulder areas, unless there is a base required then it shall be approximately twenty-seven inches below the finished grade of the cartway area and shaped to the road cross-section requirements. The subgrade shall be as specified in "Section 210 Subgrade, Form 408 PennDOT Specification, 1983". The subgrade shall be brought to a firm, thoroughly compacted condition. Any soft or unsuitable material shall be removed and replaced with firm, suitable material.
- (5) Subbase. A subbase course may be required at the discretion of the Council when poor drainage and/or soft subgrade conditions exist. If required, the subbase shall consist of twelve inches of compacted crushed aggregate as specified in Section 350 Subbase, Form 408 PennDOT Specifications, 1994". The subbase shall be spread and compacted in approximately three layers, and shall extend under the full cartway and shoulder area.

- (6) Base. The base shall consist of twelve inches of compacted aggregate placed on the completed subgrade or base if required. The base course shall be as specified in "Section 350 Subbase, Form 408 PennDOT Specifications, 1994". The aggregate shall be Type C or better, No. 2A, and No. OGS. The material shall be spread and compacted as described and shall extend under the full cartway and shoulder area. Any surface irregularities that exceed one-half inch under a template or straightedge shall be corrected by loosening the surface and removing or adding material as required and thoroughly compacting the entire area.
- (7) Binder or leveling course. A compacted binder course two inches thick shall be constructed on the completed subbase. The binder course shall be as specified in "Section 421 Bituminous Binder Course ID-2, Form 408 PennDOT Specifications, 1994". Construction requirements shall be as set forth in "Section 401.3". Prior to the laying of the binder course, a prime coat shall be applied to the subbase as specified in "Section 461 Bituminous Prime Coat".
- (8) Wearing course. A compacted wearing course one inch thick shall be constructed on the completed binder course. The wearing course shall be as specified in "Section 420 Bituminous Wearing Course ID-2, Form 408 PennDOT Specifications, 1994". Construction shall conform to "Section 403". The course shall meet the Skid Resistance Level (SRL) letter designation based on the daily traffic as required by the current PennDOT directive.
- (9) Road shoulders. Road shoulders shall be constructed along both edges of the paved cartway and shall be no less than six feet wide. The shoulders shall be graded flush to the pavement surface and the adjacent grades and shall not impede the drainage of water from the paved cartway surface to the road drainage ditches.

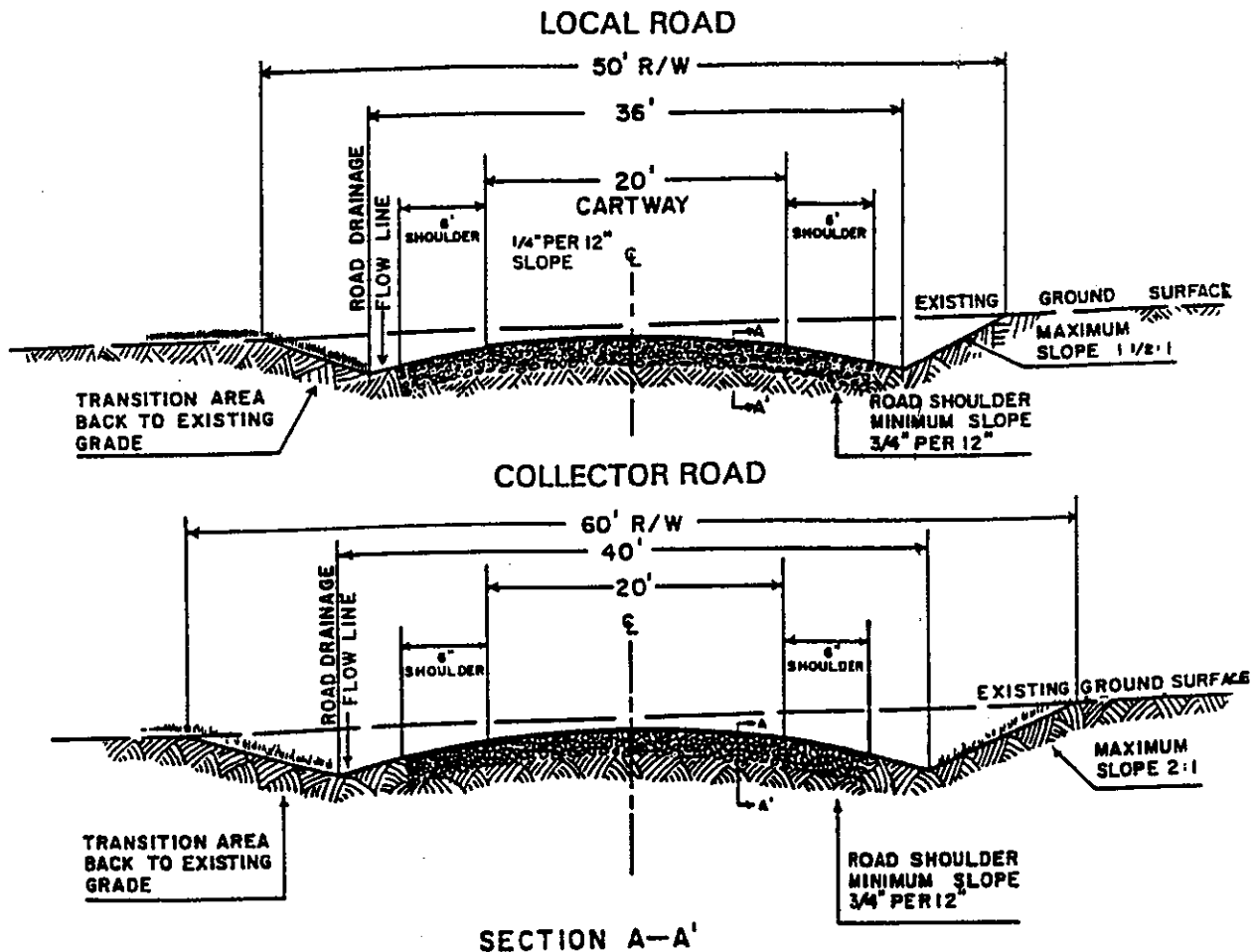
The shoulders shall be constructed of a three-inch deep compacted layer of select granular material (PennDOT No. 2RC) placed over the compacted base aggregate.

All select material (PennDOT No. 2RC) shall meet the requirements set forth in Section 703.3 of the Pennsylvania Department of Transportation Specification Publication 408 (1994).
- (10) Aggregate materials placement and compaction. All aggregate materials, including subbase, base, and select granular material, shall be uniformly spread in loose layers not to exceed four inches in depth and without segregation of the coarse and fine materials. Each layer shall be compacted utilizing a roller meeting the requirements of Section 108.05(c) 3A or 3B of the Pennsylvania Department of Transportation Specification Publication 408 (1994). Satisfactory compaction will be determined by the stability of the material under the compaction equipment. If, in the opinion of Borough Council, the material deforms excessively under the compaction equipment or otherwise is determined unsatisfactory, the developer shall remove, replace, and recompact the material until satisfactory results are achieved.

- (c) Road Signs. Road signs shall be located on the northeast corner of each intersection, where practical, and shall indicate the name of the subdivision road as established on the subdivision plat. The signs shall be identical to the typical sign construction used in the Borough and shall be mounted in a concrete footing two feet deep and ten – twelve inches in diameter.
- (d) Survey Monuments. The minimum specification for monuments shall be iron rods or pipes not less than two feet long; they shall be driven a minimum of eighteen inches into the ground. In cases where obstructions are encountered making it impractical to install this specification, alternative monumentation is permissible, and it shall be indicated on the plat.
- (e) Curbs. Curbs, where constructed, may be either the vertical type or the rolled curb and gutter type. They shall be constructed of Portland cement concrete with expansion joints every twenty feet.
- (f) Sidewalks. Where constructed, sidewalks shall be of concrete construction. They shall be a minimum of three feet wide and four shall have a minimum cross slope of two percent.
- (g) Sanitary Sewerage Systems. All public sewerage system improvements shall be designed and constructed in accordance with the requirements of Borough Council and the Pennsylvania Department of Environmental Protection.
- (h) Water Supply and Distribution System. All public water system improvements shall be designed and constructed in accordance with the requirements of Borough Council and the Pennsylvania Department of Environmental Protection.
- (i) Storm Water Management Control Devices. Storm sewers, where used, drainage channels and swales shall be constructed in accordance with accepted, current engineering practice and shall be sized based upon the design criteria established in these Regulations. The following additional specifications are established:
 - (1) Where drainage ditches or swales have gradients greater than eight percent or where soil conditions provoke greater than normal surface runoff, drainage ditches shall be rip-rapped or paved.
 - (2) Drainage culverts, where used, shall be constructed of galvanized or concrete pipe and shall be a minimum of fifteen inches in diameter. Headwalls should be constructed at the ends of culverts wherever possible.
 - (3) In the design of storm drainage facilities special consideration shall be given to the avoidance of problems which may arise from the concentration of runoff onto adjacent properties. Where storm water shall be gathered concentrated in newly formed swales and waterways within a subdivision or land development and discharged or drained over lands beyond the boundaries of the subdivision or land development, the applicant shall reserve or obtain easements over all lands affected thereby. Where this cannot be done, the water shall be diffused so that it does not enter the adjacent property in a concentrated flow pattern where it did not do so in its natural state.
- (j) Bridges. Bridges shall be designed in accordance with PennDOT and PennDEP requirements. The developer must obtain the required permits and/or approvals. Bridges of primary benefit to the subdivider as determined by Borough Council shall be constructed at the full expense of the subdivider. The sharing of expense between the subdivider and the Borough for the construction of bridges of only partial benefit to the subdivider shall be fixed by special agreement between Borough Council and the subdivider.

- (k) Electric Power, Telephone and Cable Television Lines. Wherever feasible, electric power, telephone and cable television lines shall be placed in underground conduits.
(Ord. 720. Passed 9-13-99.)

FIGURE III
"BITUMINOUS"
ROAD SPECIFICATION
 FOR
LOCAL & COLLECTOR ROADS
 (ROAD SHOULDER CONSTRUCTION)



NOT TO SCALE

NOTE:
 LINE SHOWING ROAD CROWN AND
 AREA OF SUBBASE IN DRAWING
 EXAGGERATED FOR CLARITY.

1" WEARING COURSE
 2" BINDER COURSE
 12" COMPACTED CRUSHED AGGREGATE
 BASE
 12" COMPACTED CRUSHED AGGREGATE
 SUBBASE AT DISCRETION OF SUPERVISORS
 UNDER CONDITIONS SPECIFIED IN SECTION
 409.1A (e)
 COMPACTED SUBGRADE

NOT TO SCALE

2000 Replacement

CHAPTER 1248
Assurance for Completion and Maintenance of Improvements

1248.01	Assurance of improvements.	1248.06	Remedies to effect completion of improvements.
1248.02	Processing requirements for the assurances of improvements.	1248.07	Inspection while construction is in progress.
1248.03	Amount and time of maintenance assurances.	1248.08	Construction of improvements before final plan approval.
1248.04	Improvements under the jurisdiction of other public entities.	1248.09	Park, recreation and/or open space areas.
1248.05	Acceptance by Borough Council of improvements and release of financial security.		

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I
 Subdivision and land development - see Penna. Mun. Plan. Code, Art. V
 Effect of subdivision and land development - see Penna. Mun. Plan. Code, §507
 Jurisdiction - see Penna. Mun. Plan. Code, §515.2
 Enforcement; remedies - see Penna. Mun. Plan. Code, §515.1, 515.3

1248.01 ASSURANCE OF IMPROVEMENTS.

The final plat of a proposed subdivision shall not be approved by Borough Council until appropriate assurances for the construction of improvements have been provided. Examples of the improvements referred to are roads, storm water drainage, sewer and water system improvements, etc. Assurances may be provided in any of the following ways:

- (a) Early Construction. The subdivision improvements, including, but not limited to, roads, road signs, storm water management devices, may be constructed and accepted by the Borough subject to maintenance guarantees as established in these Regulations, said construction being accomplished by the subdivider after preliminary plan approval and prior to final plan approval by Borough Council.
- (b) Performance Bond. A performance bond may be negotiated by the subdivider for the improvements as listed in Chapter 1246 and in subsection (a) hereof. Said bond must be acceptable to Borough Council before the final plan can be approved. The performance bond shall be for 110 percent of the estimated cost of all improvements shown on the final subdivision plan. All bonds shall be with companies licensed to do business in the Commonwealth.
- (c) Collateral. Cash or acceptable collateral, covering 110 percent of the estimated cost of all the improvements shown on the final subdivision plan. This collateral shall be placed in an escrow account assignable to the Borough.

- (d) Letter of Credit. A lending institution's letter of credit may be considered adequate assurance, provided the Borough agrees to this arrangement. Such letter shall assure to the Borough 110 percent of the estimated cost of all the improvements shown on the final subdivision plan.
(Ord. 720. Passed 9-13-99.)

1248.02 PROCESSING REQUIREMENTS FOR THE ASSURANCES OF IMPROVEMENTS.

(a) Financial Security Generally. Performance bonds, collateral accounts, and/or letters of credit shall provide for and secure to the public the completion of the improvements in the subdivision plan and program on or before the date established in the developer's proposal and approved in the Borough's final plan approval.

(b) Amount of Financial Security.

- (1) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of ninety days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110 percent.
- (2) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of its Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the developer.

(c) Increasing Amount of Financial Security. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

(d) Construction of Improvements by Stages. In the case where development is projected over a period of years, the Borough may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

(e) Release or Reduction in the Amount of Financial Security. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough, and the Borough shall have forty-five days from receipt of such request within which to allow its Engineer to certify, in writing, to the Borough that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed. Upon the recommendation of the Borough Engineer that the release be denied, the Borough shall notify the party of the denial of the request. If the Borough fails to act within said forty-five day period, the Borough shall be deemed to have approved the release of funds as requested. The Borough may, prior to final release at the time of completion and certification by its Engineer, require retention of ten percent of the estimated cost of the aforesaid improvements.

(Ord. 720. Passed 9-13-99.)

1248.03 AMOUNT AND TIME OF MAINTENANCE ASSURANCES.

(a) Financial Security for Eighteen Months. Where the Borough accepts dedication of all or some of the required improvements following completion, the Borough may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent to of the actual cost of installation of said improvements.

(b) Conduct Through the Eighteen-Month Maintenance Period. Once Borough Council accepts the improvements, it is responsible for the maintenance activities. Should financial security for a period of eighteen months be obtained from the developer to assure the integrity of the improvements, through this time period the improvements should be monitored by the Council. Should the Borough determine that the developer performed inadequate, substandard construction work subsequent to the initiation of the eighteen-month period, Borough Council, no later than ninety days prior to the end of the eighteen-month maintenance period, shall so inform, by letter, the developer documenting the deficiencies in the improvements and scheduling a meeting on the applicable site with the developer. The developer and Borough Council shall collaborate on remedies for any deficiencies so that by the expiration of the eighteen-month period, the Borough can authorize the release of the financial security covering the maintenance period. Should the parties be unable to reach a satisfactory agreement regarding the listed deficiencies at the end of the eighteen-month period, the Borough may take the necessary steps to utilize the funds in the financial security to remedy the deficiencies. (Ord. 720. Passed 9-13-99.)

1248.04 IMPROVEMENTS UNDER THE JURISDICTION OF OTHER PUBLIC ENTITIES.

(a) If water mains or sanitary sewer lines, or both, along with apparatus or facilities relating thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Borough authority separate and distinct from Borough Council, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Borough authority and shall not be included within the financial security otherwise regulated in this chapter.

(b) If financial security has been provided in lieu of the completion of improvements required as a condition for the final plan approval as set forth in these Regulations, the Borough shall not condition the issuance of building, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted on the final plat upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed. (Ord. 720. Passed 9-13-99.)

1248.05 ACCEPTANCE BY BOROUGH COUNCIL OF IMPROVEMENTS AND RELEASE OF FINANCIAL SECURITY.

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Borough Council in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough shall, within ten days after receipt of such notice, direct and authorize its Engineer to inspect all of the aforesaid improvements. The Engineer shall, thereupon, file a report, in writing, with the Borough, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty days after receipt by the Borough Engineer of the aforesaid authorization from Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

(b) No road may be accepted by the Council unto the buildings and improvements are completed on fifty percent or greater of the lots served by said road.

(c) Borough Council shall notify the developer, within fifteen days of receipt of the Engineer's report, in writing by certified or registered mail, of the action of the Borough with relation to the improvements.

(d) If Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

(e) If any portion of the said improvements shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

(f) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of Borough Council or its Engineer.

(g) Borough Council may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements (and for plan review fees). Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Engineer (or consultant) for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer (or consultant) to the Borough when fees are not reimbursed or otherwise imposed on applicants.

- (1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed Engineer expenses;
- (2) If, within twenty days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, the applicant and Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary;
- (3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately;
- (4) In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within twenty days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years;

- (5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.
(Ord. 720. Passed 9-13-99.)

1248.06 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

In the event that any improvements which may be required have not been installed as provided in these Regulations or in accord with the approved final plan, Borough Council is hereby granted the power to enforce any corporate bond, or other security, by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.
(Ord. 720. Passed 9-13-99.)

1248.07 INSPECTION WHILE CONSTRUCTION IS IN PROGRESS.

During the construction of road and storm water drainage improvements, the subdivider shall be required to notify Borough Council at least twenty-four hours before critical points in the construction process so the Borough may make inspections. In the case of roads, the subdivider shall notify the Borough, at the minimum, before each of the following operations:

- (a) For gravel roads before the gravel material is deposited on the compacted subgrade; for bituminous roads before the gravel subbase course and/or the aggregate base is deposited on the compacted subgrade.
- (b) For gravel roads before the top course of gravel is laid and rolled in place; for bituminous roads before the wearing course and the binder course are laid in place on top of the required under-construction. Borough Council, in order to complete its inspection of bituminous roads, may require the developer to provide core borings of the finished roadway, in order to insure proper depth, thickness and compaction of the road construction.
(Ord. 720. Passed 9-13-99.)

1248.08 CONSTRUCTION OF IMPROVEMENTS BEFORE FINAL PLAN APPROVAL.

(a) When the subdivider elects to begin construction of required improvements before Borough Council has approved the final plan as permitted in Section 1248.01(a), he shall obtain a written statement from the Borough indicating that the preliminary plan, including all engineering and construction plans and specifications, has been reviewed and approved. In no event shall work on the construction of improvements begin before the preliminary plan has been approved by the Borough. Where engineering plans in the preliminary plan application are not completed in sufficient detail for actual construction and the subdivider intends to construct improvements before final plan approval is requested the subdivider shall complete these more detailed plans in order that the Borough can provide a written statement authorizing early construction.

(b) When construction of improvements is begun based upon preliminary plan approval all improvements shall be completed within twenty-four months from the date of such approval. Should circumstances develop where the work cannot be completed in this time period, upon request by the subdivider, extensions of time may be granted by the Borough otherwise the subdivider shall re-obtain preliminary plan approval.
(Ord. 720. Passed 9-13-99.)

1248.09 PARK, RECREATION AND/OR OPEN SPACE AREAS.

In instances where park, recreation and/or open space areas are platted and dedicated for the use of the general public or for the use of the residents of the subdivision there shall be some assurance as to the maintenance of such areas either through the acceptance of said areas by Borough Council or through the creation of a homeowners' association which would assume the maintenance responsibilities.
(Ord. 720. Passed 9-13-99.)

CHAPTER 1250

Land Development Standards and Requirements

1250.01	Jurisdiction.	1250.06	Design standards for apartment complexes and shopping centers.
1250.02	Classification of land developments.	1250.07	Mobile home park developments.
1250.03	Procedures.	1250.08	Assurance for completion and maintenance of improvements.
1250.04	Site plan requirements.		
1250.05	General design standards.		

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I
 Subdivision and land development - see Penna. Mun. Plan. Code, Art. V
 Effect of subdivision and land development - see Penna. Mun. Plan. Code, §507
 Jurisdiction - see Penna. Mun. Plan. Code, §515.2
 Enforcement; remedies - see Penna. Mun. Plan. Code, §515.1, 515.3

1250.01 JURISDICTION.

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 170, and as such are subject to regulation. Land developments include, but are not limited to, mobile home parks, recreational vehicle parks, campgrounds, apartment complexes and shopping centers. These developments are characterized by the fact that the development site is in a single ownership and the buildings and/or use areas are rented or leased to prospective users. There is no division of land typical of land subdivision actions, although buildings and/or use areas may be sold at the time of development or at some future time through cooperative or condominium arrangements. No applicant shall construct land developments as defined herein until:

- (a) The final plan has been approved by Borough Council and recorded as established in Section 1242.06.
 - (b) A valid permit from the Pennsylvania Department of Environmental Protection, where applicable, has been approved for issue to the applicant;
 - (c) A valid occupancy permit has been secured from the Borough or from the Pennsylvania Department of Transportation for highway right-of-way occupancy for the purpose of constructing access facilities; and
 - (d) All stormwater management requirements as outlined in Section 1244.04(m) have been complied with.
- (Ord. 720. Passed 9-13-99.)

1250.02 CLASSIFICATION OF LAND DEVELOPMENTS.

Land developments are classified as either minor land developments or major land developments.

- (a) **Minor Land Development.** Any land development involving the construction of only one commercial, industrial or any other nonresidential building and including an individual apartment building of three or more dwelling units where the development involves less than 12,000 square feet of impervious or semi-impervious surface (buildings, parking lots, driveways, walkways, etc.), and where no new public or private roads are proposed, shall be classified as a minor land development
- (b) **Major Land Development.** Any land development not classified as a minor land development shall be generally classified as a major land development.
(Ord. 720. Passed 9-13-99.)

1250.03 PROCEDURES.

In processing a land development the three stages procedure established in these Regulations for land subdivisions shall be used: sketch plan (Section 1242.04, not mandatory), preliminary plan (Section 1242.05), and final plan (Section 1242.06) stages. The land development shall be processed, and submission requirements shall be the same as that required for subdivisions. For minor land developments, applicants may combine the preliminary and final plan stages into one review stage, provided that all required information for both stages is submitted. The final site plan shall be recorded in the County Recorder's Office.

(Ord. 720. Passed 9-13-99.)

1250.04 SITE PLAN REQUIREMENTS.

(a) In addition to the applicable requirements, including stormwater management plan requirements, for preliminary (Section 1244.04) and final (Section 1244.06) subdivision plans outlined in these Regulations, each land development site plan shall include the following:

- (1) Existing site conditions (topography, drainage, tree clusters, buildings, utilities, streets, and adjacent properties),
- (2) Proposed developments, including buildings (with frontal elevations), parking, vehicular and pedestrian access areas, landscaping and utility location and size,
- (3) Property information with a boundary survey with bearings and distances completed by a professional land surveyor,
- (4) A parking and access plan with estimated parking demands and traffic flows, and
- (5) A complete landscaping plan that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties.

(b) Minor land developments may be approved without providing the information required by paragraphs (a)(1), (4) and (5) hereof.

(Ord. 720. Passed 9-13-99.)

1250.05 GENERAL DESIGN STANDARDS.

(a) Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic.

(b) The developer shall demonstrate that the proposed parking and access layout is adequate for the parking demands and vehicular and circulation generated by the proposed development.

(c) The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including, but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management devices.

(d) The site plan shall provide for adequate visual screening and protection of noise from adjacent properties through building design, street layout, plantings and landscaping. Service and waste storage and disposal areas shall be planned and constructed such that they are not visible from adjacent uses.

(e) Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Private streets shall meet Borough standards regarding sub-grade preparation, base, and surfacing construction.

(f) Landscape treatment shall be provided to enhance architectural features, strengthen vistas, and provide shade, and provide adequate visual and noise buffering for adjacent properties.

(g) Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. (Ord. 720. Passed 9-13-99.)

1250.06 DESIGN STANDARDS FOR APARTMENT COMPLEXES AND SHOPPING CENTERS.

Where the standards established in this section conflict with the standards set forth in the Zoning Code of Cambridge Springs Borough, the standards in these Regulations shall be applicable.

(a) Vehicular access connections to the surrounding existing road network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic.

(b) For apartment complexes for the elderly there shall be a minimum of .5 parking spaces per dwelling unit. For all other apartment complexes there shall be a minimum of 2.0 parking spaces per dwelling unit.

(c) For shopping centers there shall be a minimum of 2,500 square feet of off-street parking space for each 2,000 square feet of building area, including storage areas, but excluding basement areas.

(d) For apartment complexes the maximum density in dwelling units per gross acre shall be 12.0.

(e) Service areas, including the locations for garbage and trash storage and pick-up, for the land development, shall be planned and constructed such that they are internal to the development and not a physical or visual nuisance to surrounding development.

- (f) The site plan shall demonstrate that building locations and areas for vehicular circulation have been chosen with reasonable regard to the natural character of the land.
(Ord. 720. Passed 9-13-99.)

1250.07 MOBILE HOME PARK DEVELOPMENTS.

(a) Minimum Area Requirements. The minimum gross area of a property on which a mobile home park is developed shall be two contiguous acres of land which are not subject to flood hazards or the hazards of insect or rodent infestation.

(b) Required Facilities.

- (1) Each mobile home stand shall contain only a single-family unit and shall be supplied with connections to sanitary sewer, water and electrical systems.
- (2) Each mobile home shall have toilet, bathtub or shower, heating system, and kitchen in good working order.
- (3) Adequate storage facilities conveniently located to all lots in the park shall be provided for storage of often-used outdoor equipment, furniture, tools and other normal possessions which are used infrequently and which cannot be conveniently stored in a typical mobile home.
- (4) Adequately sized and sited refuse handling facilities shall be provided in the development.

(c) Site Requirements.

- (1) The locations of the mobile home stands shall be carefully related to the topography and to each other, preserving as much of the natural site as possible.
- (2) Mobile home lots shall have a minimum of 5,000 square feet. Double wide mobile home lots shall have a minimum of 6,000 square feet. All lots shall have direct access to the internal road system. Each stand shall be provided a patio area at least 100 square feet in area with a least dimension of eight feet. Each stand shall be provided a minimum of one off-street parking space which shall contain a minimum of 200 square feet with the smallest dimension being ten feet. Driveways, parking spaces and patios shall be constructed of permanent, stable, dust free materials and be adequate for use during all seasons.
- (3) Overall in the mobile home park there shall be a minimum of two parking spaces for each mobile home stand. See paragraph (d)(2) hereof following.
- (4) Stands shall be constructed of an appropriate material, properly graded, compacted and drained so as to be durable and provide an adequate setting for the mobile homes. The mobile homes shall be fastened to a foundation slab or footings and tied down to secure against up-lift, sliding or overturning. A gradient on the stands shall occur in only one direction perpendicular to an edge and shall be a maximum of four percent.
- (5) There shall be a minimum distance of twenty feet between each mobile home including accessory structures attached thereto and any portion of any other structure in the park. There shall be a minimum distance of fifteen feet between each individual unit and the edge of the nearest abutting internal street or park area. There shall be a minimum distance of

ten feet between each unit and a pedestrian walkway. There shall be a minimum distance of fifty feet between each unit and the mobile home park boundary line.

- (6) Walks shall be planned and constructed so as to provide safe and convenient access throughout the park connecting individual stands to common recreation areas, to all facilities, and to each other. Connecting walks shall be a minimum of three feet wide and walks on individual lots shall be a minimum of one and one-half feet wide. Walks shall provide an all-weather walking surface, and be reasonably free from mud, dust, and standing water.
- (7) A recreation and park areas shall be provided to serve the residents of the mobile home park. A minimum of ten percent of the gross acreage shall be established and developed as a recreation and park area.

(d) Access and the Internal Road System.

- (1) The minimum width of the portion of the site used for vehicular access from the public road to the mobile home park shall be sixty feet.
- (2) The internal road system may be privately owned and maintained and shall be designed for safe and convenient access to provide a sound, all-weather driving surface, and be reasonably smooth and free from mud, dust and standing water. The travelway or cartway surface of the roads shall be a minimum width of fourteen feet for one-way roads and twenty feet for two-way roads; where on-street parking is permitted eight feet of road surface (cartway) shall be added to each side of the road on which on-street parking is permitted. On-street parking maybe used to meet the requirement of paragraph (c)(3) hereof. Road surface widths as required herein do not include the road cross-sectional areas devoted to storm water drainage.

(e) Skirting on Mobile Homes. All mobile homes shall be covered or skirted around the entire base of the structure in such a manner that continuous facades exist from the ground upwards. The material forming this enclosure shall be compatible with the remainder of the structure and shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

(f) Visual Relation to Surrounding Area. Screening that is immediately perceived throughout all seasons of the year may be required at the boundaries of the mobile home park depending on the nature of the site and its relation to the uses in the surrounding area. Screening shall consist of landscape plantings (natural or introduced), fences, walls, or terrain features or any combination of these devices. If open fencing, such as chain-link fence is used, it should be installed within plantings so as not to be easily visible from inside or outside the park. (Ord. 720. Passed 9-13-99.)

1250.08 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as roads, parking areas and storm water drainage devices), which are to be privately maintained or maintained by a private (nonpublic) organization created by the developer, there is no need for Borough acceptance of the site improvements (roads, storm water drainage devices). However, in these instances roads and storm water drainage shall be designed and built to the standards established in these Regulations and the Borough shall ascertain that these improvements are, in fact, built to the standards. Where the developer does not intend to maintain the improvement and where a homeowners' association or similar organization will not be organized for these responsibilities Borough Council shall be ultimately responsible for maintenance activities and the provisions of Chapter 1248 are applicable to the processing of the proposal. (Ord. 720. Passed 9-13-99.)

APPENDIX I

CERTIFICATES

The following certificates shall be placed on all plats and/or site plans. The language of the certificates need not be exactly as shown hereunder, but it shall convey in a reasonable way the same information and/or assurances.

1. Borough Council's Statement

THIS PLAT WAS GIVEN FINAL APPROVAL BY CAMBRIDGE SPRINGS BOROUGH COUNCIL ON _____
(DATE)

(signature of authorized approving official)

2. Professional Land Surveyor's Statement

I, _____, hereby certify that I am a professional land surveyor currently registered in the State of Pennsylvania, that this plat correctly represents a survey completed by me, that all monuments shown hereon actually exist, and that their location and material are accurately shown.

(date)

(signature)

3. Review Statement from the Crawford County Planning Commission

REVIEWED BY THE CRAWFORD COUNTY PLANNING COMMISSION ON _____, 20____. THE SIGNATURE HEREON DOES NOT ESTABLISH APPROVAL OR DISAPPROVAL OF THIS SUBDIVISION, BUT INDICATES THE COMMISSION HAS MADE REVIEW COMMENTS WHICH HAVE BEEN PROVIDED TO THE LOCAL MUNICIPALITY AND THE SUBDIVIDER AND WHICH ARE PART OF THE PUBLIC RECORD.

(signature of authorized official)
(Ord. 720. Passed 9-13-99.)

APPENDIX II

EASEMENTS

Depending on the nature of the subdivision or land development the following easements may be required on the plan and/or site plans. The language of these easements need not be exactly as shown hereunder but it shall convey in a reasonable way the same information and/or assurances.

1. Utility Easement:

An easement is hereby granted to all public utility companies, and their respective successors and assigns, to install, place and maintain sewers, water mains, gas mains, conduits, cables, poles and wires, either overhead or underground with all necessary braces, guys, anchors, and other appliances in, upon, along and over the strips of land designated on the plat and marked UTILITY EASEMENT, for the purpose of serving the public in general with sewer, water, gas, electric, and telephone service, together with the right to enter upon the said easements for public utilities at all times for any and all of the purposes aforesaid and to trim and keep trimmed any trees, shrubs, or saplings that interfere with any such utility equipment. No permanent buildings shall be placed on said easement.

2. Drainage Easement:

An easement is hereby granted to the Borough and/or the Homeowners' Association for the purpose of maintaining a drainage waterway upon the land designated on the plat as DRAINAGE EASEMENT. No structures or planting shall be placed or maintained in this easement which will interfere with the intended drainage functions of this easement nor with necessary and normal maintenance and/or drainage installation operations if such be required.

APPENDIX III

STATEMENT ON HANDLING SEWAGE NEEDS

Where individual systems (on-lot systems) shall be necessary to handle sewage needs one of the following statements may be required to be placed on the plat.

1. Sewage needs on this lot require an individual system, the permit for which is not guaranteed through the approval of this plat and which must be issued by the Borough before building can legally proceed.
2. Sewage needs on each of these lots require an individual system, the permits for which are not guaranteed through the approval of this plat and which must be issued by the Borough before building can legally proceed.
3. Individual systems shall be necessary to handle sewage needs in this subdivision. Soils in this subdivision have been examined by a sewage enforcement officer and have been found generally suitable for individual systems; however, a buyer shall know that building activity cannot legally proceed on any lot prior to the issuance, by Borough Council, of an individual sewage system permit for said lot.

APPENDIX IV

STATEMENT ON PENNDOT HIGHWAY ENTRANCE PERMITS

Lots (enter appropriate lot numbers) abut State maintained roads. Where vehicular entry into the aforementioned lots is proposed, highway entrance permits must be obtained from PennDOT. No building permits shall be issued by the Borough and no building construction shall be initiated on said lots until highway entrance permits are obtained. Approval of this plat by the Borough does not guarantee that said highway entrance permits will be issued.

TITLE SIX – Zoning

- Chap. 1260. General Provisions and Definitions.
- Chap. 1262. Administration, Enforcement and Penalty.
- Chap. 1264. Amendments.
- Chap. 1266. Establishment, Purpose and Regulations of Zoning Districts;
Official Zoning Map.
- Chap. 1268. Supplementary Regulations.
- Chap. 1270. Performance Standards.
- Chap. 1272. Sign Regulations.
- Chap. 1274. Parking and Loading Requirements.
- Chap. 1276. Non-conformities.
- Chap. 1278. Conditional Uses, Special Exceptions and Variances.
- Chap. 1280. Cluster Developments.

CHAPTER 1260

General Provisions and Definitions

- | | |
|---|---|
| <p>1260.01 Title.</p> <p>1260.02 Provisions of Zoning Code declared to be minimum requirements.</p> <p>1260.03 Separability.</p> <p>1260.04 Repeal of conflicting ordinances; effective date.</p> | <p>1260.05 Status of applications submitted prior to effective date.</p> <p>1260.06 Cambridge Springs Borough development objectives.</p> <p>1260.07 Definitions.</p> |
|---|---|

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Ordinance provisions - see Penna. Mun. Plan. Code, §§603, 603.1

Purposes - see Penna. Mun. Plan. Code, §604

Statement of community development - see Penna. Mun. Plan. Code, §606

1260.01 TITLE.

This Title Six of Part Twelve of these Codified Ordinances shall be known and shall be known and cited as the "Zoning Ordinance of Cambridge Springs Borough" and shall be referred to throughout this Title Six as "this Zoning Code." (Ord. 718. Passed 1-25-99.)

1260.02 PROVISIONS OF ZONING CODE DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements. Whenever the requirements of this Zoning Code are at variance with the requirements of any other lawfully adopted regulations or ordinances, the more restrictive or those imposing the higher standards shall govern.
(Ord. 718. Passed 1-25-99.)

1260.03 SEPARABILITY.

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Zoning Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 718. Passed 1-25-99.)

1260.04 REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE.

The Cambridge Springs Borough Zoning Ordinance, adopted April 8, 1968, as amended, is hereby repealed upon the effective date of this Zoning Code. All other Zoning ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect. This Zoning Code shall take effect five days after its enactment. (Ord. 718. Passed 1-25-99.)

1260.05 STATUS OF APPLICATIONS SUBMITTED PRIOR TO EFFECTIVE DATE.

All applications for zoning permits submitted prior to the effective date of this Zoning Code shall be processed and approved subject to the provisions of the Cambridge Springs Borough Zoning Ordinance adopted April 8, 1968, and the amendments thereto, provided, however, that zoning permits issued under the provisions of the 1968 Zoning Code shall be voided one year after the effective date of this Zoning Code if an occupancy permit cannot be issued for the activity covered under the permit and there has not been continuous and/or substantial progress made towards accomplishing said activity. Where a permit is threatened to be voided under this section, the applicant may request Borough Council to extend the one-year period to allow for completion of the activity covered under the zoning permit issued based on the 1968 Zoning Code and Borough Council may grant such extension of time that it decides is reasonable. (Ord. 718. Passed 1-25-99.)

1260.06 CAMBRIDGE SPRINGS BOROUGH DEVELOPMENT OBJECTIVES.

The following objectives establish the general ends which the Borough seeks to achieve through the enactment and administration of this Zoning Code. These objectives are set forth explicitly and implicitly in the Cambridge Springs Borough Comprehensive Plan adopted by Borough Council in February 4, 1997.

- (a) Promote the optimum use of land, using the Cambridge Springs Borough Land Use Plan as a guide to future development.
- (b) Promote the highest and best use of the few remaining large vacant parcels within the Borough.
- (c) Ensure that all land uses be compatible to adjacent areas and that appropriate buffers be provided where necessary.
- (d) Promote a variety of housing types in the Borough (low-density, high-density, owner-occupied, apartments, etc.) in a manner that is affordable, reasonable and consistent with the small town character of Cambridge Springs.
- (e) Promote affordable and fair housing in the Borough.
- (f) Make the Borough an attractive place to conduct business by removing unreasonable barriers to development.
- (g) Promote the strengthening and revitalization of Cambridge Spring's Central Business District to adequately serve the residents of the Cambridge Springs Area.
- (h) Make better uses of the Borough's natural features, e.g. French Creek and Jackson Run. (Ord. 718. Passed 1-25-99.)

1260.07 DEFINITIONS.

(a) Meaning of Words and Terms. It is not intended that this section include all words that may be subject to various interpretations which are used in this Zoning Code. The words and terms used in this Zoning Code shall be interpreted as having the same meaning they have in normal, "everyday" usage, unless defined differently herein.

- (1) **Abandoned.** To cease or suspend from developing or maintaining a structure, building or use for a period of one year. If a structure, building or use is destroyed by a random act of nature (fire, tornado, flood, hurricane, etc.) it must be redeveloped within a one-year time frame or it shall be considered "abandoned."
- (2) **Abutting.** Property that shares a common boundary line with another piece of property. The two land parcels are next to each other with a shared lot line.
- (3) **Accessory Use or Structure.** A use or structure customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience and necessities of occupants of the principal use or structure, and which is located on the same lot with the principal use or structure. Off-street parking and loading serving the principal structure or use on a property shall be considered an accessory use; the storage of recreational vehicles is also an accessory use (see Section 1270.03).
- (4) **Adjacent.** That which lies near or close to; in the neighborhood or vicinity of.
- (5) **Adjoining.** That which touches or is contiguous to, as distinguished from lying near.
- (6) **Alley.** A public street which affords only a secondary abutting property and is not intended for general traffic.
- (7) **Alteration.** As applied to a building or structure, means a physical change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- (8) **Amendment.** Any change in the language of this Zoning Code, including a change in the permitted uses in any district; or any change involving an alteration in the zoning districts established on the Official Zoning Map. The authority for an amendment lies solely with the Municipal governing body.
- (9) **Antique Shops.** A place offering primarily antiques for sale. An antique for the purposes of this Zoning Code shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty years old.
- (10) **Applicant.** One who seeks permission or authorization under the provisions of this Zoning Code to engage in an activity governed in whole or in part by this Zoning Code. The applicant may be a person, partnership, business or corporation.
- (11) **Arcade.** A place of business where an individual, association, partnership or corporation maintains four or more amusement devices for public use.
- (12) **Auditorium.** A building or structure where facilities are provided for athletic, civic, educational, cultural, political, religious or social events.

- (13) **Automobile Repair Business, Major.** A business involved with general repair, replacement of automobile parts, rebuilding, or reconditioning of engines, body repair, and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating for both passenger and commercial vehicles.
- (14) **Automobile Repair Business, Minor.** A business involved with general repair, replacement of automobile parts, rebuilding, or reconditioning of engines, body repair, and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating for passenger vehicles only.
- (15) **Automobile Retail Business.** A building or open lot used for the display or sale of new or used automobiles and/or trucks.
- (16) **Basement.** A portion of a building all or partly underground, having at least one-half of its height below the average level of the adjoining ground and wherein at no point is there an entrance at, or nearly at, outside grade level. A basement shall not be considered a story for the purpose of this Zoning Code. For only the Floodplain Overlay District, FO, of this Zoning Code, the term "basement" shall be defined as any area of the building having its floor subgrade (below ground level) on all sides.
- (17) **Bed and Breakfast.** A dwelling occupied by a family and used incidentally or secondarily to provide accommodations and meals to transient travelers, and includes a tourist home, but does not include a boarding house, rooming house, group home, hotel or motel.
- (18) **Boarding House or Rooming House.** A building having a residential character and occupied by the landowner or his agent, where six or fewer rooms are available for sleeping or lodging, with or without common dining facilities, for persons on a commercial basis. The term includes tourist home. The term does not include hotel, motel, dormitory, bed and breakfast, or group home.
- (19) **Borough Council.** The governing body of Cambridge Springs Borough, also referred to as Council, and the Borough.
- (20) **Breezeway.** A roofed open passage connecting two or more buildings.
- (21) **Buffer Areas.** A portion of land, usually linear in shape, together with a specified type and amount of planting thereon and/or any structures such as fences or walls and/or land forms (a mounded area) which may be required between land uses to eliminate or minimize conflicts between said land uses.
- (22) **Building.** Any covered structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, goods, or property.
- (23) **Building Envelope.** Indicates the buildable area on a lot defined by the minimum required front yard depth, rear yard depth, and side yard width requirements and maximum height requirements, within which a building can be erected.
- (24) **Building Height.** The vertical distance measured from the average elevation of the finished grade of a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

- (25) **Building Line.** An imaginary line located at a fixed distance from a lot line and interpreted as being the nearest point that a building may be constructed to the lot line. It may also be referred to in some instances as a setback or yard line or a front yard line in the instances where the front yard (the yard adjoining the access road) is at issue.
- (26) **Building, Principal.** A building in which is conducted the main or principal use of the lot on which said building is situated.
- (27) **Bulk Regulations.** The combination of controls which may establish the maximum size of a building and its location on the lot. Components of bulk regulations may include: height of building; location of exterior walls with respect to lot lines; building coverage; yard requirements; and the amount of lot area provided per dwelling unit. Their purpose is to assure sufficient light, air and open space, and to prevent an overcrowding of the land.
- (28) **Car Wash.** Refers to a building or structure containing facilities for the washing of motor vehicles.
- (29) **Carport.** A structure designed for the storage of motor vehicles, which may be a building or part of a building, or may be a roof supported entirely by posts, or by posts and part of the dwelling or building, where at least forty percent of the structure is open sided.
- (30) **Church.** Refers to a building dedicated to religious worship and may include a church hall; church auditorium; Sunday school; manse; convent; parish hall; or private school; as well as a day nursery or child care center operated in the church building.
- (31) **Civic/Cultural Building.** Any non-residential building, structure, or facility used by the general public, whether occupied by any Federal, State, County, or Municipal agency, or private non-profit association. Examples include Municipal buildings, court facilities, museums, armories, social service agency offices, libraries and government offices.
- (32) **Clinic.** A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those in need of medical, dental or surgical attention, but who are not provided with room or board or kept overnight on the premises.
- (33) **Club/Lodge.** A building or portion thereof or premises owned or operated for a social, literary, political, educational, and/or recreational purpose primarily for the exclusive use of members and their guests.
- (34) **Cluster Development.** A building venture developed by a single owner or a group of owners acting jointly involving a number of dwelling units, often of various types, common areas, and in some instances commercial uses ancillary thereto, and planned as an entity, therefore amenable to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots where height, lot size, yard and land use requirements normally govern development. The cluster development resembles the planned residential development.
- (35) **Commission, Planning.** The legally appointed Planning Commission of Cambridge Springs Borough, sometimes referred to as the Commission in this Zoning Code.

- (36) **Common Area.** Any space designed for joint use of residents of a mobile home park, a recreational vehicle park, a campgrounds or other residential development. Such area is intended for recreation and open space use and shall not include areas devoted to vehicular circulation.
- (37) **Compatibility.** Refers to land uses or developments that can exist side by side or nearby without harming the health or safety of people, creating a nuisance or devaluing property.
- (38) **Comprehensive Plan.** A plan or any portion thereof, adopted by a planning commission and/or the legislative authority of a municipality, showing the general location and extent of present and proposed land uses and physical facilities, including housing, industrial and commercial uses, major streets, parks, schools, and other community buildings. The plan establishes the goals, objectives, and policies of a community.
- (39) **Conditional Use.** An activity or use not permitted outright in this Zoning Code, but which may be permitted by the Borough Council. See Section 1278.02.
- (40) **Condominium.** A type of apartment or townhouse development where people own their unit and share all common and exterior facilities.
- (41) **Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes. An application to add one dwelling unit to a single-family detached dwelling, turning the building into a two-family detached dwelling, shall be considered a conversion under the terms of this Zoning Code.
- (42) **Contiguous.** Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous.
- (43) **Conversion Dwelling Unit.** The remodeling of a single-family or a two-family dwelling to accommodate one additional dwelling unit.
- (44) **Council.** The Cambridge Springs Borough Council.
- (45) **Day Care Center.** An agency offering group care to five or more children who do not have the same parentage for a portion of or all of a day and on a regular schedule more often than once a week.
- (46) **Density.** A unit of measure; the number of dwelling units per acre of land. Where a density figure is given, the allowable number of dwelling units permitted, based on this figure, is determined by multiplying the density (gross or net whichever is applicable) by the acreage under consideration.
 - A. **Gross Density.** The number of dwelling units per acre of the total land to be developed.
 - B. **Net Density.** The number of dwelling units per acre of land where the acreage involved includes only the land devoted to residential uses and common or publicly available park and recreation areas and does not include the area devoted to public or private streets.
- (47) **Dedication.** Giving land to the Borough for public use such as roads, sidewalks, or parks.
- (48) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

- (49) **Drive-in Establishment.** A business that accommodates its patrons' automobiles and from which occupants may make purchases, transact business, bank, or view motion pictures or other entertainment. A restaurant or other business establishment selling prepared food for immediate consumption shall be deemed a drive-in establishment if:
- A. Table service is not provided or provided only incidentally or secondarily to the primary service of selling food from a counter or window; or
 - B. Tables for the consumption of food within the premises are not provided or provided only secondarily; or
 - C. Any food is packaged to facilitate its consumption at places other than within the structure, and parking or pickup drives are located on the premises.
- (50) **Dwelling.** A building, or portion thereof, used for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, apartment hotels, motels, rooming and boarding houses, or recreational vehicles.
- (51) **Dwelling, Attached.** A dwelling which is joined to another dwelling at one or more sides by a party wall or walls. This includes the townhouse, but does not include the semi-detached dwelling. Where this dwelling type is referred to in this Zoning Code there must, by definition, be three or more dwellings attached, side by side, in a group.
- (52) **Dwelling, Converted.** A dwelling house which has been altered or converted to provide two or more dwelling units.
- (53) **Dwelling, Multifamily.** A building under one roof arranged for occupancy by three or more dwelling units, but not including attached dwellings.
- (54) **Dwelling, Seasonal.** A dwelling intended for resort purposes and normally occupied on a seasonal or short-term basis.
- (55) **Dwelling, Single-Family Detached.** A dwelling accommodating one family and having no party wall or walls in common with an adjacent house or houses.
- (56) **Dwelling, Two-Family Detached.** A building accommodating two families living independently of each other, and having no party wall or walls in common with an adjacent house or houses.
- (57) **Dwelling Unit Area.** Refers to a building or portion thereof containing one or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units intended for the separate and exclusive use of the persons occupying the unit.
- (58) **Earth-moving Activity.** Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil or rock.
- (59) **Easement.** A right given by a land owner to another person, corporation or utility for limited use of the land. It is usually written into the deed to the land and commonly permits utility lines, sidewalks, or driveways to cross private and/or public property.

- (60) **Eating Establishment.** Refers to a building or part thereof used for the serving of food or refreshments to the public, with the serving and consumption of food taking place within the building, except for a terrace or patio or other open areas adjacent to the building where the serving and consumption of food and refreshments may take place on a temporary or seasonal basis.
- (61) **Egress.** The act of leaving a site or building.
- (62) **Encroachment.** An extension of a building or part of a building or a fence or driveway onto land which is not owned by the owner of the structure(s). Generally, the encroachment is illegal and unauthorized.
- (63) **Erosion.** The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.
- (64) **Essential Services.** (See Section 1268.04.)
- (65) **Existing.** Refers to the existence of a use or structure on the date of enactment of this Zoning Code.
- (66) **Family:** Refers to:
 - A. A single person occupying a dwelling unit and maintaining a household; or
 - B. Any number of persons related by blood, marriage, or adoption, occupying a dwelling unit, living together and maintaining a common household; or
 - C. Not more than four unrelated persons occupying a dwelling unit and maintaining a common household, or not more than three unrelated persons occupying a dwelling unit with any number of persons related by blood, marriage, or adoption; or
 - D. A supervised family-like community living arrangement, of a permanent/non-transient character, for a group of disabled or handicapped persons as defined by the Fair Housing Act, where the number of supervisors, administrators, caregivers or other staff on the premises at one time sufficient for the proper and safe care of the residents is no more than three.
- (67) **Family Day Care Homes.** Facilities in which care is provided at one time to four, five, or six children who are not relatives of the care giver, and where the care areas are used as a family residence.
- (68) **Farm Market.** The use of land, buildings or structures or part thereof for the purpose of selling fruit, vegetables, meat, eggs, poultry, or other locally grown or produced edible commodities.
- (69) **Fast Food Outlet/Take-out.** A building or structure or part thereof where broiled, fried, baked, or prepared food is offered for sale or sold to the public for consumption on or off the premises and includes a dairy bar, refreshment room or stand, but does not include a full-service restaurant where meals are served to customers at tables on the premises.
- (70) **Floodplain Area.** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

- (71) **Floor Area, Gross.** In the case of a dwelling, the aggregate of the areas of all habitable rooms measured from the exterior faces of the exterior walls, but excluding any detached accessory buildings, a breezeway, unenclosed sunroom, porch and/or verandah, attic, cellar or basement. In the case of a building other than a dwelling, it shall mean the aggregate of the area of all floors devoted to retail sales, customer service and/or office use, manufacturing, and warehousing measured from the outside face of exterior walls, but shall not include mezzanine areas, mechanical rooms, common walls, stairwells, garbage, and electrical rooms, parking structures and similar uses ancillary to the main use.
- (72) **Floor Area Ground.** The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).
- (73) **Floor Area of a Non-Residential Building.** The sum of the gross horizontal area of the several floors of a non-residential building, excluding, where applicable, stair, elevator and maintenance shafts, and display windows. All dimensions shall be measured between exterior faces of walls.
- (74) **Floor Area of a Residential Building.** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use. All dimensions shall be measured between exterior faces and walls.
- (75) **Funeral Home.** A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.
- (76) **Garage, Private.** A detached accessory building or portion of a principal building used for the parking or storage of automobiles, travel trailers, boats, other vehicles and/or other miscellaneous material belonging to the occupants of the premises, and for not more than one additional vehicle owned and used by others.
- (77) **Garbage.** Solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.
- (78) **Group Home.** A supervised community living arrangement for disabled or handicapped persons as defined by the Fair Housing Act, together with supervisors and caregivers.
- (79) **Guest Room.** A room or suite of rooms which contain no facilities for cooking and which are used or maintained for gain or hire by providing accommodations to the public.
- (80) **Habitable Room.** Refers to a room designed for living, sleeping, eating or food preparation, including a den, library, sewing room or enclosed sun room.

- (81) **Health Care Facilities.** A building or buildings in which medical, dental or other health science professional care is provided, including, but not limited to, doctors or dentists offices; clinics providing emergency or other types of medical services; establishments providing support to health care providers such as laboratories, physical therapy and technical service providers, and ambulance services. The term does not include hospitals, rehabilitation, nursing skilled care, group homes, or related institutions or any place providing overnight care.
- (82) **Home Lot Occupation.** The primary use of a building on a property (where there is also located a principal building used as a dwelling, mobile home or modular home) for gainful employment involving the manufacture, provision or sale of goods and/or service.
- (83) **Home Occupation.** A secondary use of a dwelling unit and/or building accessory thereto for gainful employment, involving the manufacture, provision, or sale of goods and/or service, provided that:
 - A. There is no external storage of goods or materials;
 - B. There are no more than two persons employed other than a member of that family;
 - C. Such home occupation is clearly secondary to the main residential character of the dwelling house or dwelling unit (less than fifteen percent of the floor area can be devoted to any home occupation), nor create or become a public nuisance in particular with regard to noise, traffic, or parking;
 - D. There is no mechanical or other equipment used except that which is customarily employed in dwellings for domestic or household purposes;
 - E. The parking requirements as set forth in Chapter 1274 shall apply to any home occupational use;
- (84) **Hotel.** A building providing rooming units for the temporary lodging of persons for a fee, with or without meals, in which there are eight or more sleeping rooms and an outside entrance in common, but not including motels.
- (85) **Ingress.** The act of entering a site or building.
- (86) **Junk.** Any discarded material or articles, including, but not limited to, scrap metal, abandoned vehicles and machinery, paper or glass. Junk material shall not include garbage kept in containers for periodic disposal which is regulated by the Pennsylvania Department of Environmental Protection.
- (87) **Junk Yard.** Any place where three or more articles of junk, as defined, are stored or accumulated outside of a totally enclosed building or structure, or where the business of buying or selling junk is carried on.
- (88) **Kennel.** A structure where four or more domesticated animals more than six months old are kept and fed and where the activity is engaged in with the object of breeding, training, or boarding animals for profit.

- (89) **Land Development.** The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; a subdivision of land; provided, however, that there are exceptions from this definition for residential conversions and the construction of accessory buildings as given in Section 503 (11) of the Pennsylvania Municipalities Planning Code.
- (90) **Landscaped Open Space.** The open unobstructed space at grade on a lot, which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and includes surfaces walk, patio or similar area, but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.
- (91) **Library.** A building containing printed and pictorial material, music, videos, and computers for public use for purposes of study, reference and recreation.
- (92) **Loading Space, Off-Street.** Space logically and conveniently located for bulk pickups and deliveries from vehicles and accessible to such vehicles when existing and/or required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street, lane, or alley right-of-way.
- (93) **Lot.** Land occupied or to be occupied by a building and its accessory buildings, if any, together with yard spaces as are required under the provisions of this Zoning Code, having not less than the minimum area and width required by this Zoning Code and having its principal frontage on a public road or street or on such means of access as may be determined adequate in accordance with the provisions of this Zoning Code.
- (94) **Lot, Corner.** A lot located in the intersection of two or more streets.
- (95) **Lot Coverage.** The percentage of the lot area covered by the horizontal projections for the area of all buildings and structures measured at ground level.
- (96) **Lot Depth.** The horizontal distance between the front and rear lot lines.
- (97) **Lot, Double Frontage.** A lot other than a corner lot with frontage on more than one street.
- (98) **Lot Frontage.** The front of a lot is the portion of the lot nearest the major abutting street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to the streets may be considered frontage, but once the front yard is designated (See Yard, Front) the remaining yards are established by definition.
- (99) **Lot, Interior.** A lot other than a corner lot.
- (100) **Lot, Reverse Frontage.** A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

- (101) **Mobile Home.** A transportable, single-family dwelling intended for permanent occupancy, containing one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term does not include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days.
- (102) **Mobile Home, Double or Triple Wide.** A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single building while retaining its individual chassis for possible future transport.
- (103) **Mobile Home Lot.** A designated portion of a mobile home development designed for the accommodation of one mobile home and its accessory structures.
- (104) **Mobile Home Park.**
- A. A site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly, upon which two or more mobile homes, used for living, eating or sleeping quarters by persons not related to the proprietor or his agent, are (or are intended to be) located, whether operated for or without compensation; the land shall be under ownership aforementioned at the time the initial and basic park improvements are made, after which time ownership may be extended to the users of the park under some accepted form.
 - B. (This definition has been inserted in this Zoning Code to have applicability only in the Floodplain Overlay District.) A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.
- (105) **Mobile Home Stand.** That area of a mobile home lot which has been reserved for the placement of a mobile home.
- (106) **Manufacturing, Heavy.** Refers to those manufacturing processes which do not meet the standards outlined for light manufacturing.
- (107) **Manufacturing, Light.** The assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within 400 feet, including production of the following goods: electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).
- (108) **Modular Home (Wheelless Modular).** A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one structure, normally requiring prefabricated panels, trusses, plumbing truss, and other prefabricated sub-elements to be incorporated into the structure at the site.

- (109) **Motel.** A building or group of buildings, whether detached or in connected units, used as individual sleeping units for eight or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, and similar terms.
- (110) **Museum.** A building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.
- (111) **Non-conforming Structure.** A structure or part of a structure not complying with the applicable provisions in this Zoning Code, which structure lawfully existed prior to the enactment of this Zoning Code.
- (112) **Non-conforming Use.** A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Code which use was lawfully in existence prior to the enactment of this Zoning Code.
- (113) **Noxious.** When used with reference to any use or activity in respect of any land, building, structure, use or activity which, from its nature or from the manner or varying on same, creates or is liable to create destructive gas or fumes, dust, objectionable odor, noise, vibration, unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.
- (114) **Nuisance.** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- (115) **Nursing or Convalescent Home.** Any building containing sleeping rooms where persons are housed and furnished with meals and nursing care for hire.
- (116) **Occupancy Permit.** Official certification that a building conforms to applicable laws and may be used for habitation.
- (117) **One-Hundred Year Flood.** A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of occurring each year, although the flood may occur in any year.
- (118) **Park.** A park, playground or play field, including therein one or more athletic fields, field houses, community centers, bleachers, swimming pools, wading pools, greenhouses, band stands, skating rinks, tennis courts, bowling greens, curling rinks, refreshment rooms, arenas or similar uses. This definition does not include trailer camp or mobile home park.
- (119) **Parking Area.** Indicates an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes, but shall not include any part of a public street or lane. "Parking area" may include a private garage.
- (120) **Parking Lot.** Refers to any parking area whether or not such parking area is required pursuant to the provisions of this Zoning Code.

- (121) **Parking Space.** Refers to an area exclusive of any aisles or ingress and egress lanes, for the temporary parking or storage of motor vehicles, and may include a private garage.
- (122) **Permitted Use.** An activity or use permitted outright or as a matter of right in this Zoning Code.
- (123) **Personal Service Establishment.** A business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is only accessory to the provisions of such services, including, but not limiting the generality of the foregoing, the following: barber shops, beauty shops, tailor shops, laundry or dry-cleaning shops, depots for collecting dry cleaning, shoe repair shops.
- (124) **Planned Residential Development.** An area of land controlled in the initial planning phase by one landowner or development group and which is to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in terms of bulk regulations, type of dwelling, density, and required open space to the regulations established in any one Residential District created, from time to time, under the provisions of a zoning ordinance. The planned residential development resembles the cluster development.
- (125) **Planning Code.** The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as re-enacted and amended.
- (126) **Playground.** An area of landscaped open space equipped with children's equipment such as slides, swings or wading pools.
- (127) **Principal Use and/or Structure.** The main or dominant use and/or structure occurring on an individual lot.
- (128) **Private Garage.** Refers to a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and which is fully enclosed and not open, but excludes a carport or other open shelter.
- (129) **Professional Office.** The office or studio of a lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesperson, appraiser, insurance broker or agent, teacher, planner, or similar occupation. "Professional office" does not include a veterinary, dental, chiropractic, or medical profession. Professional offices may also include corporate offices, or similar offices where clerical, sales, or related administrative functions are performed for a business in which the primary service or goods production is located elsewhere.
- (130) **Public Notice.** A notice published once each week for two successive weeks in a newspaper of general circulation in the Municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second notice shall not be less than seven days from the date of the hearing.
- (131) **Public Utility Structure.** Buildings, structures and facilities relating to the furnishing of utility services to the public (e.g. pump stations, transformers, and water towers)
- (132) **Reconstruction.** The cleaning, repairing, restoring or renovation of a building to a safe and/or better condition.

- (133) **Recreational Vehicle.** A vehicle primarily designed and utilized as temporary living quarters for recreational, camping, or travel use, whether selfpropelled or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailers, truck campers, motor homes and similar types of vehicles. It shall also include house trailers used for such purposes. The term shall not mean or include a mobile home or seasonal dwelling.
- (134) **Recreational Vehicle Park.** A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles for transient use consisting of two or more recreational vehicle stands or lots.
- (135) **Recycling Center.** A structure for which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.
- (136) **Refuse.** All non-putrescible waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, household bedding, cardboard, cans, crockery, rags, yard cleanings and containers, and objects made of glass, plastic, metal, rubber, paper, wood, and the scraps and parts therefrom.
- (137) **Regulatory Flood Elevation.** The 100-year flood elevation plus a freeboard safety factor of 1/2 feet.
- (138) **Renovation.** The repair, strengthening or restoration of a building to a safe condition, but does not include its replacement.
- (139) **Retail Store.** A building or part of a building in which goods, wares, merchandise, or articles are offered or kept for sale at retail, but does not include any establishments otherwise defined or classified herein.
- (140) **Right-of-way.** A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates curbs, lawn strips, sidewalks, lighting, and drainage facilities.
- (141) **School, Public or Private Accredited.** Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.
- (142) **Screening.** A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.
- (143) **Service Station.** A site including the structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for the repair, polishing, greasing, washing, spraying, cleaning or general servicing of such motor vehicles.
- (144) **Setback Line.** A line established by this Zoning Code generally parallel with and measured from the lot line coterminous with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this Zoning Code. This line is also referred to as a building line or a setback.

- (145) **Sign.** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.
- (146) **Sign, Freestanding.** A sign which is mobile or portable or where the sign is not securely attached to the ground or to any other structure.
- (147) **Sign, Ground or Pole.** A sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (148) **Sign, Non-Point-of-Sale.** A sign advertising the name of a firm, goods, and/or services not provided on the same premises; sometimes referred to as a directional sign, or an off-premises advertising sign.
- (149) **Sign, Overhanging.** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such a building. The surface of an overhanging sign is at or nearly at a right angle to the building facade and has one or two advertising surfaces.
- (150) **Sign, Point-of-Sale.** A sign which advertises the name of a firm, major enterprise, goods and/or services offered for sale on the same premises.
- (151) **Sign, Structure.** Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including buildings, billboards, signs (except such signs as are expressly exempted from obtaining zoning and building certificates), carports, porches, and other building features, but not including sidewalks, drives or patios.
- (152) **Sign, Surface Area.** The entire area within a single contiguous perimeter enclosing the extreme limits of lettering, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Only one side of a free-standing or projecting double-faced sign shall be included in calculating surface area providing that the two display surfaces are joined at an angle no greater than sixty degrees.
- (153) **Sign, Wall.** A sign painted or attached to the face of the outside wall of any building and supported by such wall which projects no more than twelve inches from such a building.
- (154) **Solar Collector.** A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply.
- (155) **Solar Energy System.** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
- (156) **Special Exception.** An activity or use not permitted outright in this Zoning Code, but which may be permitted by the Zoning Hearing Board through procedures established in this Zoning Code (see Section 1278.01).
- (157) **Spot Zoning.** The zoning of an isolated piece of property for a land use which is not characteristic of or compatible with the surrounding area. It usually occurs when a particular owner is singled out to be favored for a use which would not normally be considered appropriate with the existing development plans. Spot Zoning is not an acceptable form of development under the Pennsylvania Municipalities Planning Code.

- (158) **Story.** The portion of a building, other than an attic or cellar, included between any floor level and the floor, ceiling, or roof next above it.
- (159) **Structure.** Anything constructed or erected, which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, but not limited to, buildings, billboards, signs, carports, porches, swimming pools, fences, walls, wellhead casings, and other building features, but not including sidewalks, drives and patios.
- (160) **Structure, Temporary (Residential).** No residentially related temporary structure shall maintain a ground coverage greater than eighty square feet.
- (161) **Subdivision.** The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided that (a) the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, and (b) conveyances executed for the sole purpose of settling bona fide property line disputes between adjoining owners, shall be exempted.
- (162) **Subgrade.** Below ground level.
- (163) **Substantial Improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.
- (164) **Thoroughfare of Street.** The full width between property lines bounding every public right-of-way of whatever nature, with a part thereof to be used for vehicular traffic and designed as follows:
 - A. **Arterial Street.** A general term denoting a highway primarily for through traffic. Arterial streets are always continuous and are of inter-municipal importance.
 - B. **Collector Street.** Streets that are continuous and that serve primarily as connections between the arterial streets and local streets which terminate on either end at arterial or other collector streets
 - C. **Cul-de-sac.** A local street usually of short length with one end connecting to another street and the other end terminating in a vehicular turnaround.
 - D. **Dead End Street.** A street having only one outlet for traffic that lacks a vehicular turnaround.
 - E. **Local Street.** A street not having significant continuity and used primarily for providing access to abutting property.
- (165) **Thrift Shop.** A shop operated by a charitable organization which sells donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.
- (166) **Tourist Home.** A building other than a hotel, motel, rooming house or conversion dwelling unit where lodging accommodations are offered to transient guests. Period of stay would normally range from one night to several weeks.

- (167) **Travel Trailer.** A vehicular portable structure, mounted on a chassis and designed as a temporary dwelling for travel, recreation and vacation uses and which is: (a) identified by the manufacturer as a travel trailer, (b) no more than eight feet in width, and (c) is of any weight and normally having a body length not exceeding thirty-two feet.
- (168) **Use.** The purpose for which a lot or a building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained and "USES" shall have a corresponding meaning. "USE", when used as a verb, or "TO USE" shall have a corresponding meaning.
- (169) **Variance.** Legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted. A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning district.
- (170) **Veterinarian's Clinic.** A place used for the care, diagnosis, and treatment of diseased, ailing, or injured animals by a qualified and licensed person. This term does not include kennels or animal shelters.
- (171) **Warehousing.** A building used by a commercial group or the general public for the storage of goods and materials. For the purposes of this Zoning Code, warehousing also includes self-service or "mini" storage facilities.
- (172) **Water Supply.** An adequate distribution system of underground piping and related storage, including pumping and purification appurtenances operated by the Borough of Cambridge Springs and/or any public utilities commission for public use.
- (173) **Watercourse.** The natural channel for a stream of water.
- (174) **Yard.** The open space on a lot which is unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this ordinance. Yard requirements unless otherwise stated are measured from the property lines.
- (175) **Yard, Front.** A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard depth. For corner lots, one of the abutting streets, for the purpose of this Zoning Code, shall be designated as the frontage street in order to establish the front lot line and, accordingly, the front yard. All other yards are established by definition once the front yard is fixed. Note, the front or main door of a building need not be located on the facade facing the designated front yard.
- (176) **Yard, Exterior Side.** A side yard which adjoins a street.
- (177) **Yard, Interior Side.** A side yard which adjoins another lot, an alley, or lane separating such side yard from another lot.
- (178) **Yard, Rear.** A yard extending along the full length of a rear lot line and back to a line drawn parallel with such rear lot line at a distance therefrom equal to the required rear yard. The rear yard and side yards overlap.
- (179) **Yard, Side.** A yard extending along the side lot line drawn parallel with such side lot line at a distance therefrom equal to the required side yard width. The side yard shall begin where the front yard ends and shall extend to the rear lot line. The side yards and rear yard overlap.

- (180) **Zoning Hearing Board.** A board appointed by the Borough Council in order to provide for the administrative requirements set forth in this Zoning Code; also referred to as the Board.
- (181) **Zoning Permit.** A form issued by the Borough permitting construction of a structure in accordance with plans that have been approved by the Municipality. Prior to issuance of a zoning permit the development will be checked for compliance with local codes, this Zoning Code and land development subdivision requirements.

(b) Interpretation of Words. For the purpose of this Zoning Code certain terms or words used herein shall be interpreted as follows:

- (1) The word "shall" is mandatory;
- (2) The word "may" is permissive;
- (3) The word "should" is a preferred requirement;
- (4) Words used in the present tense shall include the future;
- (5) Words used in the singular shall include the plural;
- (6) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

CHAPTER 1262
Administration, Enforcement and Penalty

1262.01	Zoning Officer.	1262.08	Expiration of zoning permit.
1262.02	Planning Commission.	1262.09	Assurance of compliance (certificate of occupancy).
1262.03	Zoning Hearing Board.	1262.10	Construction and use to be as provided in application, plans, permits and certificates.
1262.04	Relationships between Zoning Officer, Zoning Hearing Board and Council.	1262.11	Complaints regarding violations.
1262.05	Actions requiring zoning permits.	1262.12	Fees.
1262.06	Zoning permit application requirements.	1262.13	Municipal liability.
1262.07	Approval of zoning permit.	1262.99	Penalties for violations.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Appointment and powers of Zoning Officer - see Penna. Mun. Plan. Code, §614

Enforcement of zoning codes - see Penna. Mun. Plan Code, §616.1 et seq.

1262.01 ZONING OFFICER.

A Zoning Officer shall be appointed by Borough Council. The Zoning Officer shall administer this Zoning Code. He may not hold any elective office in the Borough. The Zoning Officer shall have the following duties:

- (a) Receive applications for zoning permits, including sign permits, and issue same; administer this Zoning Code in accordance with its literal terms; but shall not have the power to permit any construction, any use, or any change of use, which does not conform to this Zoning Code;
- (b) Identify and register all non-conforming uses and structures existing in the Borough on the effective date of this Zoning Code;
- (c) Assure that permitted development complies with the approved application; the issuance of a certificate of occupancy is optional;
- (d) Maintain a permanent file of all applications for zoning permits, certificates of occupancy and all other actions as he is required to perform under this Zoning Code;
- (e) Inspect premises as may be necessary;
- (f) Order the action necessary to correct any violation of this Zoning Code where violations are found to exist;
- (g) Order discontinuance of illegal uses of land, buildings, or structures, removal of illegal structures, and discontinuance of any illegal work;
- (h) Institute civil enforcement proceedings as a means of enforcing this Zoning Code when acting within the scope of his employment; and
- (i) As authorized, utilize proceedings before district magistrates to enforce the provisions of this Zoning Code. (Ord. 718. Passed 1-25-99.)

1262.02 PLANNING COMMISSION.

The Cambridge Springs Borough Planning Commission shall have the following duties:

- (a) Review all proposed conditional use applications and amendments to this Zoning Code and make recommendations to the Borough Council thereon;
- (b) From time to time as needs arise, propose to the Borough Council amendments to this Zoning Code;
- (c) Conduct other reviews and make recommendations as required by the provisions of this Zoning Code. (Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

1262.03 ZONING HEARING BOARD.

(a) Creation; Membership. The Borough Council shall create a Zoning Hearing Board. The Board shall consist of three members appointed by Council. Each member shall be a resident of the Borough. The term of office of the members shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, except that no more than one member of the Board may also be a member of the Planning Commission. As provided for in the Pennsylvania Municipalities Planning Code, the Borough Council may appoint at least one but no more than three residents of the Borough to serve as alternate members of the Zoning Hearing Board.

(b) Organization of Board. The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms as such and may succeed themselves. The Board may make and alter rules and forms for its procedures, consistent with laws of the Borough and the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to Council once a year. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, in which case the decision shall be made by the Board, provided, however, that the appellant or the applicant, as the case may be, in addition to the members of the Board and interested parties, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. Interested parties shall be any person affected by the application who has made timely appearances of record before the Board and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered interested parties enter appearances in writing on forms provided by the Board for that purpose. Within the limits of funds appropriated by Council, the Board may employ or contract for a secretary, clerk, and legal counsel.

(c) Functions of the Board.

- (1) A public notice shall be given for all hearings of the Zoning Hearing Board. In addition to the public notice, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- (2) The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or the determination made by the Zoning Officer in the administration of this Zoning Code.

- (3) The Board shall hear challenges to the validity of this Zoning Code and/or the Zoning Map and any parts thereof, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
 - (4) The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Code, strictly applied, inflict unnecessary hardship upon the applicant. The Board may vary the application of any requirements of this Zoning Code wherein strict enforcement would result in practical difficulty or unnecessary hardship that would deprive the applicant of a reasonable use of his land or building. A variance may be granted if it meets the requirements listed in Section 1278.05.
 - (5) The Board shall review and issue special exception permits for any of the uses requiring such permits under the terms of this Zoning Code. The Board shall hear and decide requests in accordance with the established standards and criteria.
- (d) Board Procedures.
- (1) The hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code (Act 247), as amended, and such rules, not inconsistent therewith, as the Board may adopt. The Board or if such be the case, the Hearing Officer, shall conduct the hearings and make decisions in accordance with the following requirements.
 - (2) Any appeal for a variance from the strict requirements of this Zoning Code or an appeal for an order, decision or interpretation of the Zoning Officer shall be taken by filing a notice of appeal with the Zoning Officer who shall as soon as possible transmit said notice of appeal to the Zoning Hearing Board. The Zoning Officer shall transmit to the Board all of the documentary material constituting the record upon which the action for appeal was taken.
 - (3) The appellant shall, at the time of filing this appeal, pay the Zoning Officer a fee as determined by the Borough Council to defray or help defray the cost of the appeal, including advertising.
 - (4) Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Council may designate by ordinance. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or, in the absence of ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.
 - (5) The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
 - (6) The Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.

- (7) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (8) The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an equal opportunity to be present.
- (9) The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written material received in evidence shall be made available to any party at cost. Proceedings may be taped.
- (10) The Board shall hold the required hearing within sixty days from the date of the applicant's request for the hearing. The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
- (11) Where the Board fails to hold the required hearing within the time limit required and/or where the Board fails to render a decision within the time period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
- (12) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed not later than one day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail, or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- (13) No person shall be allowed to file any proceeding with the Board later than thirty days after any application for development has been approved by an appropriate Borough official, agency, or body if such procedure is designed to secure the reversal or to limit the approval in any manner unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given.
(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

1262.04 RELATIONSHIPS BETWEEN ZONING OFFICER, ZONING HEARING BOARD AND COUNCIL.

It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Zoning Officer and that such questions shall be presented to the Zoning Hearing Board only on appeal from the decision of the Zoning Officer, and that recourse from the decisions of the Zoning Hearing Board shall be in the courts as provided by law. It is further the intent of this Zoning Code that the duties of the Council shall not include hearing and deciding questions of interpretation and enforcement that may arise. (Ord. 718. Passed 1-25-99.)

1262.05 ACTIONS REQUIRING ZONING PERMITS.

(a) In General. No structure, as defined in Section 1260.07, shall be constructed, erected, moved, added to, or altered; nor shall any structure, or land use be established or changed in use, except that a zoning permit is lawfully obtained in full compliance with the provisions of this Zoning Code; providing, however, that (1) structures such as sidewalks, steps, driveways, terraces, patios, flagpoles, doghouses, and lawn furniture such as benches, birdbaths, and sundials shall not require a zoning permit, and (2) alterations to building interiors not affecting the external form and size of a building, and alterations involving shingling and siding where no substantial change is made to the building form or size shall not require a zoning permit although such alterations, where the value of the improvement exceeds one thousand dollars (\$1,000), shall require a zoning permit.

(b) Linkage With State Permitting Actions. Where the State Bureau of Labor and Industry has regulatory authority under the Fire and Panic Law, Act 299, and regulates places of public assembly, commercial, institutional and industrial buildings, apartment buildings of two or more dwelling units, a zoning permit shall not be issued to an applicant until the State has approved the applicant's plans and given them a file number which number shall be noted on the zoning application. (Ord. 718. Passed 1-25-99.)

1262.06 ZONING PERMIT APPLICATION REQUIREMENTS.

The application for the zoning permit shall be signed by the owner, or applicant, or his authorized agent attesting to the truth and accuracy of all information. The application shall contain at least the following information:

- (a) Name, address and phone number of applicant
- (b) Legal description of property
- (c) Existing use of property
- (d) Proposed use of property
- (e) Description of work contemplated
- (f) Zoning District
- (g) Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of an existing building on the lot, if any; the location and dimensions of the proposed building(s) or alterations; and the location of drives and drive entrances
- (h) Building heights
- (i) Number and location of off-street parking spaces, and loading spaces where applicable

- (j) Number of dwelling units where applicable
- (k) Estimated cost
- (l) Such other matters as may be necessary to determine conformance with and provide for the enforcement of this Zoning Code.
(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99)

1262.07 APPROVAL OF ZONING PERMIT.

Within fifteen days after receipt of an application, the Zoning Officer shall either approve or disapprove the application, provided, however, that the Zoning Officer may take an additional fifteen days in rendering his decision, in which case he shall notify the applicant of this fact before the initial fifteen day period has elapsed. One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copy either approved or disapproved and attested to the same by his signature. One copy of the plans, similarly marked, shall be retained by the a Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use, structure or alteration is in conformance with the provisions of this Zoning Code.

The Zoning Officer also shall provide one copy of the complete, approved application for a zoning (building) permit to the Crawford County Assessors Office in the Courthouse so that the Assessor's property files can be kept updated and for purposes of maintaining County records of development activity. (Ord. 718. Passed 1-25-99.)

1262.08 EXPIRATION OF ZONING PERMIT.

If the work described in the application has not been completed within one year from the date of issuance of the zoning permit, said permit shall expire and shall be revoked by the Zoning Officer. Written notice of the revocation shall be given to the applicant together with notice that further work shall not proceed unless and until a new zoning permit has been obtained. Prior to the expiration of the permit the Zoning Officer may grant one extension of time of up to six months where, in his judgment, the request is reasonable given the circumstances of the particular project. Where the Zoning Officer denies an extension of time, his decision may be appealed to the Zoning Hearing Board or the applicant may re-apply for a zoning permit. (Ord. 721. Passed 11-8-99.)

1262.09 ASSURANCE OF COMPLIANCE (CERTIFICATE OF OCCUPANCY).

It shall be the responsibility of the Zoning Officer to assure that the applicant has performed the development activities as established in the approved permit application including any additional requirements fixed by the Zoning Hearing Board or Borough Council where special exception and conditional uses are approved. In performing this function the Zoning Officer may issue a certificate of occupancy. The certificate of occupancy, if issued, indicates that the building and/or proposed use is in compliance with the zoning permit as issued and is in compliance with the provisions of this Zoning Code. Where the applicant is not in compliance he shall be so notified by a written statement indicating reasons for the non-compliance. Continuing non-compliance shall be considered a violation of this Zoning Code and shall be prosecuted as provided for herein.
(Ord. 718. Passed 1-25-99.)

1262.10 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS AND CERTIFICATES.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Officer authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Uses, arrangements, or construction at variance with that authorized shall be deemed a violation of this Zoning Code.
(Ord. 718. Passed 1-25-99.)

1262.11 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Officer who shall investigate the matter and take action thereon as provided by this Zoning Code.
(Ord. 718. Passed 1-25-99.)

1262.12 FEES.

Borough Council may establish a schedule of fees for zoning permits, certificates of occupancy, appeals, amendments and other matters pertaining to this Zoning Code. Until all applicable fees, charges, and expenses have been paid no action need to be taken on any application or appeal.
(Ord. 718. Passed 1-25-99.)

1262.13 MUNICIPAL LIABILITY.

The granting of a zoning permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure or use and shall create no liability upon, or a course of action against, such public official or employee for any damage that may result pursuant thereto.
(Ord. 718. Passed 1-25-99.)

1262.99 PENALTIES FOR VIOLATIONS.

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Code shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00), plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Zoning Code to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Code shall be paid over to the Borough.

(b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

(c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.
(Ord. 718. Passed 1-25-99.)

CHAPTER 1264 Amendments

1264.01	Authority of Council.	1264.04	Procedures for amendments.
1264.02	Initiation of amendments.	1264.05	Mediation.
1264.03	Contents of amendment application.		

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Appointment and powers of Zoning Officer - see Penna. Mun. Plan. Code, §614

Enforcement of zoning codes - see Penna. Mun. Plan Code, §616.1 et seq.

1264.01 AUTHORITY OF COUNCIL.

Whenever the public necessity and convenience, the general welfare, or good zoning practices require it, Borough Council may, subject to the procedures and requirements set forth herein, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property established in this Zoning Code.
(Ord. 718. Passed 1-25-99.)

1264.02 INITIATION OF AMENDMENTS.

Amendments to this Zoning Code may be initiated through proper application in the following ways:

- (a) By resolution of Borough Council;
- (b) By resolution of the Borough Planning Commission; and
- (c) By a landowner who desires to challenge on substantive grounds the validity of this Zoning Code claiming that the provisions of this Zoning Code prohibit or restrict the use or development of land in which he has an interest. An amendment proposed in this manner shall be known as a curative amendment and shall be heard and decided upon as provided for in this Zoning Code and in Sections 609.1, 609.2 and 916.1 of the Pennsylvania Municipalities Code, Act 247 as amended.

1264.03 CONTENTS OF AMENDMENT APPLICATION.

The application for an amendment shall contain at a minimum the following:

- (a) Name, address and phone number of applicant.
- (b) Specific language or proposed amendment to the text, and/or the legal description of any district or boundary change.
- (c) The present use and zoning district.
- (d) The proposed use and zoning district.
- (e) An accurate map at a reasonable scale showing property lines, streets, existing and proposed zoning and other items that may clarify the application and/or may be required by the Zoning Officer.

- (f) Where applicable a listing of all property owners within, contiguous to, and directly across the road from the parcel proposed to be rezoned. Also all other property owners that may have a substantial interest in the proposed amendment shall be listed.
- (g) A narrative (illustrated with mapped information where applicable) explaining the applicant's viewpoint of how the proposed change will impact (1) the community's public facilities, (2) the natural features of the site and its surroundings, and (3) the land use patterns in the vicinity of the proposed change.
- (h) A statement on how the proposed amendment relates to the Borough's Comprehensive Plan.
- (i) A fee as may be established by Borough Council.
(Ord. 718. Passed 1-25-99.)

1264.04 PROCEDURES FOR AMENDMENTS.

(a) In the instance of the initiation of a zoning amendment by a landowner the application shall be filed with the Zoning Officer. Before a proposed amendment may be voted on by Borough Council opportunities shall be offered the Borough Planning Commission and the Crawford County Planning Commission to review the amendment. Borough Council shall hold a public hearing on the proposed amendment pursuant to public notice before taking action.

(b) The Borough shall submit each proposed amendment to the Cambridge Springs Borough Planning Commission and the Crawford County Planning Commission at least thirty days prior to the scheduled public hearing soliciting their recommendations. Comments by the planning commissions should be in writing and should be in the hands of Borough Council no later than the date of the scheduled public hearing.

(c) If the proposed amendment involves a Zoning Map change, a notice of the scheduled public hearing shall be conspicuously posted by the Borough at points deemed significant by the Borough along the perimeter of the tract of land which is the subject of the zoning amendment in order to notify potentially interested citizens. This posting shall be done at least one week prior to the date of the hearing.

(d) If, after a public hearing is held on an amendment, the proposed amendment is revised to include land previously not affected by the proposal, or, if substantial alterations are made in the text of the ordinance, the Council shall hold another public hearing, pursuant to public notice, and shall provide for reviews as established in subsection (c) hereof before proceeding to a decision on the amendment.

(e) Public notices of proposed zoning amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place in the Municipality where copies of the proposed amendment may be examined. The time and place of the hearing also shall be indicated.

(f) If the amendment is adopted, within thirty days after the enactment a copy of the amendment shall be forwarded to the Crawford County Planning Commission.
(Ord. 718. Passed 1-25-99.)

1264.05 MEDIATION.

As permitted in Act 247, as amended, the Borough offers a mediation option as an aid to amending this Zoning Code should the above stated process not prove to be satisfactory for the applicant and should the Borough and the mediating parties both agree on the use of this technique. Section 908.1 of Act 247, as amended, provides the guidelines for the mediation option.

(Ord. 718. Passed 1-25-99.)

CHAPTER 1266

Establishment, Purpose and Regulations of Zoning Districts; Official Zoning Map

1266.01	Establishment of Zoning Districts.	1266.07	T Transitional District.
1266.02	Official Zoning Map.	1266.08	M Manufacturing District.
1266.03	Interpretation of district boundaries.	1266.09	I Institutional District.
1266.04	Compliance with district regulations.	1266.10	R-1 Single-Family Residential District.
1266.05	B-1 Central Business District.	1266.11	R-2 Multi-Family Residential District.
1266.06	B-2 General Business District.	1266.12	OP Open Space District.
		1266.13	FO Floodplain Overlay District.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Classifications - see Penna. Mun. Plan. Code, §605, 805-A

1266.01 ESTABLISHMENT OF ZONING DISTRICTS.

In order to carry out the purposes of this Zoning Code, Cambridge Springs Borough is hereby divided into the following zoning districts:

B-1 Central Business District
B-2 General Business District
T Transitional District
M Manufacturing District
I Institutional District
R-1 Single-Family Residential District
R-2 Multi-Family Residential District
OP Open Space District

(Ord. 718. Passed 1-25-99.)

1266.02 OFFICIAL ZONING MAP.

The districts, as established in Section 1266.01, are shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted as part of this Zoning Code. The Official Zoning Map shall be identified by the signature of the Mayor of Cambridge Springs Borough and attested by the Borough Secretary.

(Ord. 718. Passed 1-25-99.)

1266.03 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules apply:

- (a) District boundaries indicated as following the centerlines of (or following along the rights-of-way of streets, highways, alleys or streams) shall be construed to follow said centerlines.
- (b) District boundaries indicated as following platted lot or property boundary lines shall be construed as following said platted lot or property boundary lines.
- (c) District boundaries indicated as following Municipal limits shall be construed as following such Municipal limits.
- (d) District boundaries indicated graphically as parallel to the centerlines of the streets, highways, alleys or streams or indicated graphically as parallel to property boundary lines shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.
- (e) Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules set forth in subsections (a) to (d) hereof, he/she shall refer the matter to the Zoning Hearing Board which shall be responsible for interpreting the district boundary. (Ord. 718. Passed 1-25-99.)

1266.04 COMPLIANCE WITH DISTRICT REGULATIONS.

The regulations for each district set forth in this Zoning Code shall be minimum regulations and shall apply as hereinafter provided. No land shall be used or occupied and no structure or part thereof shall be constructed, reconstructed, moved, structurally altered or occupied except in conformity with the regulations specified for the district in which it is located, and except as regulated in applicable sections of this Zoning Code. (Ord. 718. Passed 1-25-99.)

1266.05 B-1 CENTRAL BUSINESS DISTRICT.

(a) Purpose. The purpose of this district is to foster a variety of retail and services business uses in a traditional downtown setting that is conducive to pedestrian access.

(b) Permitted Uses.

- (1) Retail Businesses
- (2) Restaurants
- (3) Taverns
- (4) Clubs/Lodges
- (5) Theaters
- (6) Professional Offices
- (7) Financial Institutions
- (8) Amusements/Arcades
- (9) Antique Shops
- (10) Farm Market
- (11) Funeral Homes
- (12) Personal Service Establishments
- (13) Gymnasiums/Health Clubs
- (14) Health Care Facilities
- (15) Civic/Cultural Buildings
- (16) Municipal Buildings

CAMBRIDGE SPRINGS BOROUGH
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 750

AN ORDINANCE OF THE BOROUGH OF CAMBRIDGE SPRINGS TO AMEND THE ZONING ORDINANCE AND OFFICIAL ZONING MAP OF THE BOROUGH OF CAMBRIDGE SPRINGS BY EXPANDING THE EXISTING GENERAL BUSINESS ZONING DISTRICT (B-2) ON THE EAST SIDE OF FOUNTAIN AVENUE TO INCLUDE THE AREA BETWEEN GRAY ALLEY AND THE BOROUGH BOUNDARY LINE ON THE NORTH AND THE SITE OF THE FORMER PRESBYTERIAN HOME ON THE SOUTH SIDE OF GRAY ALLEY PRESENTLY ZONED MULTI-FAMILY RESIDENTIAL, TO ALLOW THE EXPANSION OF COMMERCIAL RELATED USES IN THIS AREA.

Be it Enacted and Ordained, by the Borough Council of the Borough of Cambridge Springs, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. The zoning district of the area of land described below, as established by Section 1266.01 of the Codified Ordinances of the Borough of Cambridge Springs is hereby amended to change the area of land described below from Multi-Family Residential (R-2) to General Business (B-2):

An area of land consisting of those lands bordered on the west by North Main Street, on the south by Gray Alley, on the north by the Cambridge Springs Borough boundary line, and on the east by the eastern line of Fountain Street as extended northward to the Borough boundary line; and consisting of those lands being rectangular in shape approximately 94 feet by approximately 188 feet, bordered on the west by North Main Street and on the north by Gray Alley, being identified by tax assessment no. 1606-025, and being the site of the former Presbyterian Home.

The land area affected by this change is shown more particularly on the map, a copy of which is attached hereto and marked Exhibit A.

Section 2. The official zoning map of the Borough of Cambridge Springs as adopted by Section 1266.02 of the Codified Ordinances of the Borough of Cambridge Springs is hereby amended by incorporating the zoning map change shown on the map attached hereto as Exhibit A as a part of the official zoning map of the Borough of Cambridge Springs.


Section 3. Repealer. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 4. Severability. Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

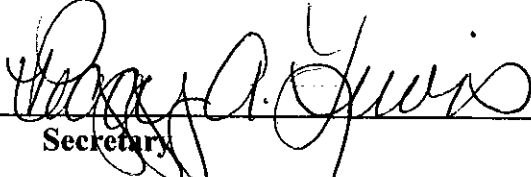
Section 5. Effective Date. This Ordinance shall take effect and be in force from and after it is advertised in accordance with the provisions of the Borough Charter.

Ordained and Enacted by the Borough Council of the Borough of Cambridge Springs this
10th day of March, 2003.

The Borough of Cambridge Springs

By: 
Mayor or Presiding Officer

Attest:

By: 
Secretary

[seal]

- (17) Parking Lots/Garages
- (18) Multi-family Residential Structures
- (19) Essential Services
- (20) Accessory Uses

(c) Special Exceptions.

- (1) Service Stations (Sections 1278.03 and 1278.04(a))
- (2) Public Utility Structures (Sections 1278.03 and 1278.04(h))

(d) Conditional Uses.

- (1) Churches (Sections 1278.03 and 1278.04(b))
- (2) Drive-in Establishments (Sections 1278.03 and 1278.04(d))
- (3) Hotels (Sections 1278.03 and 1278.04(e))
- (4) Nursing and Convalescent Homes (Sections 1278.03 and 1278.04(m))

(e) Bulk Regulations. The bulk regulations outlined within the B-1 Zone are for lots that are currently serviced by both Municipal water and sewerage.

Minimum Lot Area	4,000 Sq. Ft.
Gross Floor Area – dwelling units in the second and third story of a non-residential building	residential floor area 50 % of lot area
Minimum Lot Width	50 Feet
Front Yard Setback	0 Feet
Interior Side Yard Setback	0 Feet
Exterior Side Yard Setback	0 Feet
Lot Coverage – for all principal and accessory uses	40 % of lot area

(Ord. 718. Passed 1-25-99.)

1266.06 B-2 GENERAL BUSINESS DISTRICT.

(a) Purpose. The purpose of this district is to foster a variety of retail and services business uses in both an auto and pedestrian oriented setting.

(b) Permitted Uses.

- (1) Retail Businesses
- (2) Restaurants
- (3) Taverns
- (4) Wholesale Businesses
- (5) Clubs/Lodges
- (6) Theaters
- (7) Service Stations
- (8) Professional Offices
- (9) Financial Institutions
- (10) Personal Service Establishments
- (11) Amusements/Arcades
- (12) Antique Shops
- (13) Car Washes
- (14) Farm Markets

- (15) Funeral Homes
- (16) Nurseries
- (17) Health Care Facilities
- (18) Civic/Cultural Buildings
- (19) Municipal Buildings
- (20) Parking Lots/Garages
- (21) Multi-family Residential Structures
- (22) Accessory Structures/Uses
- (23) Essential Services

(c) Special Exceptions.

- (1) Auto Repair Business: Minor (Sections 1278.03 and 1278.04(a))
- (2) Auto Retail Businesses (Sections 1278.03 and 1278.04(c))
- (3) Bed and Breakfasts (Sections 1278.03 and 1278.04(f))
- (4) Churches (Sections 1278.03 and 1278.04(b))
- (5) Hotels (Sections 1278.03 and 1278.04(e))
- (6) Motels (Sections 1278.03 and 1278.04(e))
- (7) Public Utility Structures (Sections 1278.03 and 1278.0(h))

(d) Conditional Uses.

- (1) Drive-in Establishments (Sections 1278.03 and 1278.04(d))
- (2) Shopping Centers (Section 1278.03)

(e) Bulk Regulations. The bulk regulations outlined within the B-2 Zone are for lots that are currently serviced by both Municipal water and sewerage.

Minimum Lot Area	5,000 Sq. Ft.
Gross Floor Area – dwelling units in the second and third story of a non-residential building	residential floor area 50 % of lot area
Minimum Lot Width	50 Feet
Front Yard Setback	0 Feet
Interior Side Yard Setback – combined minimum setback	18 Feet*
Exterior Side Yard Setback	12 Feet
Lot Coverage – for all principal and accessory uses	40 % of lot area

* provided that one interior side setback be no less than 10 feet.
(Ord. 718. Passed 1-25-99.)

1266.07 T TRANSITIONAL DISTRICT.

(a) Purpose. The purpose of this district is to provide sufficient land area for the flexible conversion of residential uses to residentially harmonious commercial uses.

(b) Permitted Uses.

- (1) Single-Family Dwellings
- (2) Two-Family Attached Dwellings
- (3) Attached Dwellings
- (4) Multi-family Dwellings
- (5) Bed and Breakfasts

- (6) Churches
- (7) Family Day Care Homes
- (8) Funeral Homes
- (9) Health Care Facilities
- (10) Home Occupations
- (11) Home Lot Occupations
- (12) Rooming Houses
- (13) Parking Lots
- (14) Personal Care Homes
- (15) Professional Offices
- (16) Public Parks and Playgrounds
- (17) Accessory Structures/Uses
- (18) Essential Services
- (19) Laundromat and dry cleaning

(c) Special Exceptions.

- (1) Auto Repair Business: Minor (Sections 1278.03 and 1278.04(a))
- (2) Day Care Centers (Sections 1278.03 and 1278.04(g))
- (3) Personal Service Establishments (Section 1278.03)
- (4) Public Utility Structures (Sections 1278.03 and 1278.04(h))

(d) Conditional Uses.

- (1) Limited Retail Business (Sections 1278.03 and 1278.04(i))

(e) Bulk Regulations. The bulk regulations outlined within the T Zone are for lots that are currently serviced by both Municipal water and sewerage.

Residential Uses

Minimum Lot Area	Lot area existing at passage of this ordinance
Minimum Lot Width	Lot width existing at passage of this ordinance
Front Yard Setback	20 Feet
Interior Side Yard Setback – combined minimum setback	18 Feet*
Exterior Side Yard Setback	20 Feet
Lot Coverage – for all principal and accessory uses	35% of lot area

* provided that one interior side setback be no less than 8 feet.

Non-Residential Uses

Minimum Lot Area	Lot area existing at passage of this ordinance
Minimum Lot Width	Lot width existing at passage of this ordinance
Front Yard Setback	25 Feet
Interior Side Yard Setback – combined minimum setback	20 Feet*
Exterior Side Yard Setback	20 Feet
Lot Coverage – for all principal and accessory uses	50% of lot area

* provided that one interior side setback be no less than 10 feet.
(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

1266.08 MANUFACTURING DISTRICT.

(a) Purpose. This district is established to provide for goods producing uses, wholesale uses and other light industrial uses.

(b) Permitted Uses.

- (1) Auto Repair Business: Major
- (2) Commercial Bakeries
- (3) Commercial Laundries
- (4) Construction Industry
- (5) Farm Equipment Dealers
- (6) Light Manufacturing
- (7) Municipal Buildings
- (8) Research Laboratories
- (9) Recycling Centers
- (10) Supply Yards
- (11) Truck Terminals
- (12) Warehouses
- (13) Wholesale Businesses
- (14) Accessory Structures/Uses
- (15) Essential Services

(c) Special Exceptions.

- (1) Animal Shelters (Section 1278.03)
- (2) Heavy Manufacturing (Section 1278.03)
- (3) Kennels (Sections 1278.03 and 1278.04(j))
- (4) Public Utility Structures (Sections 1278.03 and 1278.04(h))

(d) Conditional Uses.

- (1) Amusements (Section 1278.03)
- (2) Restaurants (Section 1278.03)
- (3) Retail Businesses (Section 1278.03)
- (4) Taverns (Section 1278.03)
- (5) Mobile Home Parks (Section 1278.03)

(e) **Bulk Regulations.** The bulk regulations outlined within the M Zone are for lots that are currently serviced by both Municipal water and sewerage.

Minimum Lot Area	20,000 Sq. Ft.
Minimum Lot Width	125 Feet
Minimum Lot Depth	160 Feet
Front Yard Setback	50 Feet
Interior Side Yard Setback – combined minimum setback	30 Feet*
Exterior Side Yard Setback	25 Feet
Lot Coverage – for all principal and accessory uses	70% of lot area
Landscaped Open Space – minimum	5% of lot area

* provided that one interior side setback be no less than 10 feet.
(Ord. 718. Passed 1-25-99.)

1266.09 I INSTITUTIONAL DISTRICT.

(a) **Permitted Uses.**

- (1) Churches
- (2) Cemeteries
- (3) Civic/Cultural Buildings
- (4) Municipal Buildings
- (5) Parking Lots
- (6) Public Parks and Playgrounds
- (7) Public or Private Accredited Schools
- (8) Accessory Structures/Uses
- (9) Essential Services

(b) **Special Exceptions.**

- (1) Day Care Centers (Sections 1278.03 and 1278.04(g))
- (2) Public Utility Structures (Sections 1278.03 and 1278.04(h))

(c) **Conditional Uses.**

- (1) Correctional Facilities (Section 1278.03)

(d) **Bulk Regulations.** The bulk regulations outlined within the I Zone are for lots that are currently serviced by both Municipal water and sewerage.

Minimum Lot Area	8,000 Sq. Ft.
Minimum Lot Width	80 Feet
Front Yard Setback	30 Feet
Interior Side Yard Setback – combined minimum setback	30 Feet*
Exterior Side Yard Setback	20 Feet
Lot Coverage – for all principal and accessory uses	35% of lot area
Landscaped Open Space – minimum	25% of lot area

* provided that one interior side setback be no less than 10 feet.
(Ord. 718. Passed 1-25-99.)

1266.10 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**(a) Permitted Uses.**

- (1) Single-Family Detached Dwellings
- (2) Family Day Care Homes
- (3) Public Parks and Playgrounds
- (4) Accessory Structures/Uses
- (5) Essential Services

(b) Special Exceptions.

- (1) Home Occupations (Sections 1278.03 and 1278.04(k))
- (2) Public Utility Structures (Sections 1278.03 and 1278.04(h))

(c) **Bulk Regulations.** The bulk regulations outlined within the R-1 Zone are for lots that are currently serviced by both Municipal water and sewerage.

Minimum Lot Area – corner lot	8,500 Sq. Ft.
Minimum Lot Area – all other lots	8,000 Sq. Ft.
Minimum Lot Width	80 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet
Interior Side Yard Setback – combined minimum setback	15 Feet*
Exterior Side Yard Setback	15 Feet
Lot Coverage – Residential Uses	30% of lot area
Lot Coverage – All other uses	40% of lot area

* provided that one interior side setback be no less than 5 feet.
(Ord. 718. Passed 1-25-99.)

1266.11 R-2 MULTI-FAMILY RESIDENTIAL DISTRICT.**(a) Permitted Uses.**

- (1) Single-Family Detached Dwellings
 - (2) Two-Family Detached Dwellings
 - (3) Attached Dwellings
 - (4) Multi-family Dwellings
 - (5) Family Day Care Homes
 - (6) Churches
 - (7) Public Parks and Playgrounds
 - (8) Accessory Structures/Uses
 - (9) Essential Services
- (Ord. 718. Passed 1-25-99.)

(b) Special Exceptions.

- (1) Bed and Breakfasts (Sections 1278.03 and 1278.04(f))
- (2) Home Occupations (Sections 1278.03 and 1278.04(k))
- (3) Home Lot Occupations (Section 1278.04(k))
- (4) Personal Care Homes (Sections 1278.03 and 1278.04(l))
- (5) Public Utility Structures (Sections 1278.03 and 1278.04(h))

(c) Conditional Uses.

- (1) Day Care Centers (Sections 1278.03 and 1278.04(g))
- (2) Nursing or Convalescent Homes (Sections 1278.03 and 1278.04(m))
- (3) Public or Private Accredited Schools (Section 1278.03)

(d) Bulk Regulations. The bulk regulations outlined within the R-2 Zone are for lots that are currently serviced by both Municipal water and sewerage.

Detached Single-Family Dwellings and Other Non-Residential Permitted Uses

Minimum Lot Area – corner lot	6,500 Sq. Ft.
Minimum Lot Area – all other lots	6,000 Sq. Ft.
Minimum Lot Width – corner lot	60 Feet
Minimum Lot Width – all other lots	50 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet
Interior Side Yard Setback – combined minimum setback	15 Feet*
Exterior Side Yard Setback	15 Feet
Lot Coverage	35% of lot area

* provided that one interior side setback be no less than 5 feet.

Multi-Family Dwellings, Semi-Detached Dwellings and Converted Dwelling House

Minimum Lot Area – corner lot	6,000 Sq. Ft.
Minimum Lot Area – all other lots	5,500 Sq. Ft.
Minimum Lot Width – corner lot	70 Feet
Minimum Lot Width – all other lots	50 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet
Interior Side Yard Setback – combined minimum setback	20 Feet*
Exterior Side Yard Setback	15 Feet
Lot Coverage	35% of lot area

* provided that one interior side setback be no less than 10 feet.

(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

1266.12 OP OPEN SPACE DISTRICT.

(a) Purpose. The purpose of this district is to set aside portions of the Borough that are not conducive to development because of flooding conditions, soils, or slope to be used for open space and recreation

(b) Permitted Uses.

- (1) Public Parks and Playgrounds
- (2) Golf Courses
- (3) Accessory Structures/Uses
- (4) Essential Services
- (5) Municipal Buildings

(c) Special Exceptions.

(1) Public Utility Structures (Sections 1278.03 and 1278.04(h))

(d) Bulk Regulations.

Minimum Lot Area	7,500 Sq. Ft.
Minimum Lot Width	75 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet

(Ord. 718. Passed 1-25-99.)

1266.13 FO FLOODPLAIN OVERLAY DISTRICT.

(a) Purpose. The Floodplain Overlay District is intended to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and government sources, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and impairment of the tax base by (1) regulating uses, activities and development which, acting alone or in combination with other existing or future use, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies; (2) restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding; (3) requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; (4) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

(b) Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Zoning Code is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights maybe increased by man-made or natural causes. This Zoning Code does not imply that areas outside the Floodplain Overlay District, or that land uses permitted within such Districts, will be free from flooding or flood damage. This Zoning Code shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that may result from reliance on this Zoning Code or any administrative decision lawfully made thereunder.

(c) Identification of Flood Hazard Areas. The identified flood hazard areas shall be those areas of Cambridge Springs Borough subject to the 100-year flood which are identified as Zone A areas on the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) dated August 2, 1990, or the most recent revision thereof. These flood hazard areas (Zone A areas) are delineated on Cambridge Springs Borough's Zoning Districts Map as the Floodplain Overlay District, FO.

(d) Determination of the 100-Year Flood Elevation. For the purposes of this Zoning Code, the 100-year flood elevation shall be used as the basis for regulation. When available, information from Federal, State and other acceptable sources shall be used to determine the 100-year elevation, as well as a floodway area, if possible. When no other information is available, the 100-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who

shall certify that the technical methods used correctly reflect current accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

(e) Changes in Identification of Area. The delineation of the identified Floodplain Overlay District (flood hazardous area) may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted by the U. S. Corps of Engineers or other qualified agencies or individuals document the need for such changes. Prior to any such change approval must be obtained from the Federal Insurance Administration.

(f) Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Hearing Board and any party aggrieved by this decision may appeal to Borough Council. The burden of proof shall be on the applicant.

(g) Overlay Concept. The identified flood hazard areas in the Borough are delineated as the Flood Hazard Overlay District. This District is overlaid on the other zoning districts of the Borough and serves as a supplement to the provisions of the underlying districts. In the identified flood hazard area as delineated by the Flood Hazard Overlay District the development and/or use of any land shall be permitted only as it is in compliance with the requirements of this District as set forth herein and with any other applicable Borough codes and ordinances. Where there is a conflict between the requirements of the Flood Hazard Overlay District and those of an underlying district the more restrictive provisions and/or those pertaining to the flood hazard area shall apply. In the event any provisions concerning the Flood Hazard Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying district provisions remain applicable.

(h) Issuance of Zoning Permit.

- (1) A zoning permit shall be issued only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- (2) Prior to the issuance of any building and zoning permit the application shall be reviewed to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U. S. Clean Water Act, Section 404, 33 U.S.C. 1334. No permit shall be issued until this determination has been made.

- (3) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by Borough Council and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Borough Council prior to any alteration or relocation of any watercourse.
- (4) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation.

(i) Application Procedures and Requirements. If proposed construction or development is located entirely or partially within an identified flood hazard area the applicant shall provide, in addition to the normal requirements of this Zoning Code, the following more specific information:

- (1) A plan of the entire site drawn at a scale of one inch equals 100 feet or less showing:
 - A. North arrow, scale and date
 - B. A location showing the vicinity in which the proposed development is to be located
 - C. Topography based on the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of two feet
 - D. All property dimensions and the size of the site expressed in acres or square feet
 - E. The location of existing streets and other accessways affecting the proposed development with information concerning widths, pavement types and elevations
 - F. The location of existing bodies of water, watercourses, buildings, structures and other public or private facilities and any other natural or man-made features affecting or affected by, the proposed development
 - G. The location of the identified Floodplain Overlay District (flood hazard area) boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities
 - H. A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:
 1. All proposals are consistent with the need to minimize flood damage;
 2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.

- (2) Plans of all proposed buildings, structures and other improvements drawn at a suitable scale showing the following:
 - A. Detailed architectural or engineering drawings including building size, floor plans, sections and exterior building elevations as appropriate
 - B. Proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum of 1929
 - C. Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood
 - D. Detailed information concerning any proposed flood-proofing measures
 - E. Cross-section drawings for all proposed streets and other accessways and parking areas showing all rights-of-way and pavement widths
 - F. Profile drawings for all proposed streets and vehicular accessories including existing and proposed grades
 - G. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities
 - H. Soil types
- (3) The following data and documentation:
 - A. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand 100-year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100-year flood. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.
 - B. Detailed information needed to determine compliance with paragraph (o)(7) hereof (Storage), and subsection (p) hereof (Development Which May Endanger Human Life), including:
 - 1. The amount, location and purpose of any materials or substances referred to in paragraph (o)(7) hereof and subsection (p) hereof which are intended to be used, produced, stored or otherwise maintained on site;
 - 2. For any proposed structure regulated under subsection (p) hereof, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above mentioned materials or substances during a 100-year flood.
 - C. The appropriate component of the Department of Environmental Protection "Planning Module for Land Development".
 - D. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

(j) Review by the Crawford Conservation District. A copy of all applications and plans for any proposed construction or development in any identified flood hazard area to be considered for approval shall be submitted by the Zoning Officer and to the Crawford Conservation District for review and comment prior to the issuance of a permit. The recommendation of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

(k) Changes. After the issuance of a permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

(l) Permit Required From Pennsylvania Department of Environmental Protection. Within this District, which delineates the extent of the identified flood hazard area in the Borough, no new construction or development shall be located within the area measured fifty feet landward from the top-of-bank by any watercourse unless a permit is obtained from the Department of Environmental Protection (PennDEP), Bureau of Dams and Waterway Management.

(m) Elevation Requirement for Residential Structures. Within any identified floodplain area, the lowest floor (including basement) of any new residential structure, or any substantial improvement to an existing residential structure, shall be at least one and one-half feet above the 100-year flood elevation. Fully enclosed spaces below the floor shall be prohibited.

(n) Elevation Requirement for Non-Residential Structures.

- (1) Within any identified floodplain area, the lowest floor (including basement) of any new non-residential structure, or any substantial improvement to an existing non-residential structure, shall be at least one-half foot above the 100-year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Fully enclosed spaces below the lowest floor shall be prohibited.
- (2) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one-half foot above the 100-year flood elevation, shall be flood-proofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(o) Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood hazard area:

- (1) Fill. If fill is used, it shall:
 - A. Extend laterally at least fifteen feet beyond the building line from all points;
 - B. Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
 - C. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
 - D. Be no steeper than one vertical to two horizontal, unless substantiated data justifying steeper slopes are submitted to, and approved by, the Zoning Officer; and
 - E. Be used to the extent to which it does not adversely affect adjacent properties.
- (2) Drainage. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (3) Sanitary sewer facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems), shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- (4) Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damage;
- (5) Streets. The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.
- (6) Utilities. All utilities such as gas lines, electrical and telephone systems being placed in an identified flood hazard area should be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.
- (7) Storage. All materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in subsection (p) hereof (Development Which May Endanger Human Life), shall be stored at or above the regulatory flood elevation and/or flood-proofed to the maximum extent possible.
- (8) Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- (9) Anchoring.
 - A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

- B. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - C. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - D. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- (10) Paints and adhesives.
- A. Paints or other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
 - B. Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant paint or other finishing material.
 - C. All wooden components (doors, trim cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.
- (11) Electrical systems and components.
- A. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.
 - B. Electrical distribution panels shall be at least three feet above the 100-year flood elevation.
 - C. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (12) Plumbing.
- A. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
 - B. No part of any on-site sewage disposal system shall be located within any identified flood hazard area.
 - C. Water supply systems and sanitary sewerage systems shall be designed to prevent the infiltration of flood waters into the system and discharge from the system into flood waters.
 - D. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharge from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- (p) Development Which May Endanger Human Life.
- (1) In accordance with the Pennsylvania Floodplain Management Act, the regulations adopted by the Department of Community and Economic Development, as required by the Act, require that any new or substantially improved structure which will be used for the production or storage of any of the following materials or structures or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substance) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions: (1) Acetone, (2) Ammonia, (3) Benzene, (4) Calcium carbide, (5) Carbon disulfide, (6) Celluloid, (7) Chlorine, (8) Hydrochloric acid, (9) Hydrocyanic acid, (10) Magnesium, (11) Nitric acid and oxides of

nitrogen, (12) Petroleum products (gasoline, fuel oil, etc.), (13) Phosphorus, (14) Potassium, (15) Sodium, (16) Sulphur and sulphur products, (17) Pesticides including insecticides, fungicides and rodenticides), (18) Radioactive substances, insofar as such substances are not otherwise regulated.

- (2) Within the identified flood hazard area, any new or substantially improved structure of the kind described in paragraph (p)(1) hereof, shall be prohibited within the area measured fifty feet landward from the top-of-bank of any watercourse.
- (3) Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in paragraph (p)(1) hereof, above, shall be:
 - A. Elevated or designed and constructed to remain completely dry up to at least one-half foot above the 100-year flood, and
 - B. Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

Any structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication, "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

(q) Special Requirements for Mobile Homes. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:

- (1) Placed on a permanent foundation;
- (2) Elevated so that the lowest floor of the mobile home is one-half foot or more above the elevation of the 100-year flood; and
- (3) Anchored to resist flotation, collapse or lateral movement.

Within any identified floodway area, all mobile homes and any additions thereto shall be prohibited.

(r) Prohibited Uses. The following activities are prohibited if located entirely or partially within the Floodplain Overlay District:

- (1) Hospitals, public or private
- (2) Nursing homes, public or private
- (3) Jails or prisons
- (4) New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and development.

(s) Non-Conforming Structures in the Floodplain Overlay District. Structures existing in any identified flood hazard area prior to the enactment of this section and which are not in compliance with these provisions may continue to remain, provided that any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of fifty percent or more of its market value shall be undertaken only in full compliance with the provisions of this section. (Also see the provisions in Chapter 1276.)

No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100-year flood.

(t) Variances. If compliance with any of the requirements of this section would result in an exceptional hardship for a prospective builder, developer, or landowner, the Borough may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Borough in accordance with the provisions of Chapter 1278 and in accordance with the following:

- (1) Except for a possible modification of the freehand requirement involved, no variance shall be granted for any of the other requirements set forth in subsections (o) and (r) hereof.
- (2) Whenever a variance is granted, the Borough shall notify the applicant in writing that:
 - A. The granting of the variance may result in increased premium rates for flood insurance;
 - B. Such variance may increase the risks of life and property.
- (3) In reviewing any request for a variance, the Borough shall consider, at a minimum, that the granting of the variance will neither result in an unacceptable increase in flood heights, additional threats to the public safety or extraordinary public expense, nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable State or local ordinances or regulations.
- (4) A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- (5) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation.
(Ord. 718. Passed 1-25-99.)

CHAPTER 1268 Supplementary Regulations

1268.01	More than one principal use per lot.	1268.04	Essential services.
1268.02	Prohibited uses.	1268.05	Public utility structures.
1268.03	Storage of vehicles, machinery and other items of general storage considered refuse.	1268.06	Uses not outlined in Zoning Code.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Ordinance provisions - see Penna. Mun. Plan. Code, §§603, 603.1

Purposes - see Penna. Mun. Plan. Code, §604

Statement of community development - see Penna. Mun. Plan. Code, §606

1268.01 MORE THAN ONE PRINCIPAL USE PER LOT.

In most of the zoning districts set forth in this Zoning Code, each principal use shall be on its own separate lot of record. Zoning regulations are traditionally based on lot-by-lot development, and through minimum lot area requirements the density of development is thereby regulated. This Zoning Code preserves this method of regulation, but includes exceptions to this requirement in the following instances.

- (a) Where the land development and cluster development, and where mobile homes, are permitted, lot-by-lot development is not required.
- (b) In the Central Business District, General Business District, and Transition District, two or more principal permitted uses are allowed on a lot of record. (Ord. 718. Passed 1-25-99.)

1268.02 PROHIBITED USES.

As provided in the provisions of this Zoning Code, any building may be erected, altered or used for any residence, trade, industry, business or institutional purpose that is in compliance with applicable district regulations. It is the intention of this Zoning Code that no uses are established which are obnoxious or offensive by reason of odor, dust, smoke, gas, noise, vibrations, glare or illumination or otherwise which create a nuisance or hazard to public health, safety and welfare. In addition to uses which may be prohibited by reason of the above, the following uses are specifically prohibited:

- (a) The incineration of animal wastes; open dumps;
- (b) Paper or paper pulp manufacture;
- (c) Fertilizer manufacture; and
- (d) Nuclear reactor facilities and nuclear waste disposal sites and toxic waste disposal sites. (Ord. 718. Passed 1-25-99.)

1268.03 STORAGE OF VEHICLES, MACHINERY AND OTHER ITEMS OF GENERAL STORAGE CONSIDERED REFUSE.

Automotive vehicles, including trailers and travel trailers of any kind or type without current license plates and inspection stickers, and other machinery which are clearly abandoned, deteriorated and creating a nuisance and which are defined as refuse, shall not be parked or stored in the open air on a property. No portions of a property shall be used for the storage of garbage, old appliances, rubbish or miscellaneous refuse items which create a nuisance. Outdoor storage of such abandoned and deteriorated vehicles, machinery, and items of general storage, where it is established that this material is refuse, shall be considered a public nuisance. The Borough, under State law and the provisions of this Zoning Code and other applicable Borough ordinances, may abate such nuisances.
(Ord. 718. Passed 1-25-99.)

1268.04 ESSENTIAL SERVICES.

The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or authorities of underground, surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare, shall be permitted as a matter of right, subject to other pertinent regulations in this Zoning Code, i.e. yard requirements, provided, however, that major public utility structures and buildings, other than such buildings as are primarily enclosures of the above essential service equipment, shall be regulated as set forth in this section and Sections 1278.03 and 1278.04(h).
(Ord. 718. Passed 1-25-99.)

1268.05 PUBLIC UTILITY STRUCTURES.

Major utility structures, including, but not limited to, storage tank farms; electric substations and power generation plants; natural gas pump stations, storage tanks and maintenance structures; sewage and water treatment plants; and major cross country utility transmission lines, shall be permitted as special exceptions and subject to the requirements in Sections 1278.03 and 1278.04(h).
(Ord. 718. Passed 1-25-99.)

1268.06 USES NOT OUTLINED IN ZONING CODE.

Where an applicant proposes to develop a use which is not designated in this Zoning Code or which cannot reasonably be interpreted as being implied or included under a type or category of use listed in this Zoning Code, then such use shall not be permitted. The applicant, however, may request, through the Zoning Officer, a hearing before the Zoning Hearing Board wherein a full explanation of the applicant's development proposal shall be heard by the Board and an accurate record made thereof. As required in this Zoning Code, the Board shall render a written decision and/or findings on the matter of the applicant's request, which shall be transmitted to the Zoning Officer, the Planning Commission, and the Borough Council. Depending on this written decision, the applicant's proposed use may or may not be permitted.
(Ord. 718. Passed 1-25-99.)

CHAPTER 1270
Performance Standards

1270.01	Height regulations.	1270.09	Access drives and off-street parking areas.
1270.02	Minimum floor area requirement (detached dwellings).	1270.10	Access to lots.
1270.03	Accessory uses and structures.	1270.11	Clear site distance at corner lots.
1270.04	Conversion dwelling units.	1270.12	Buffer areas.
1270.05	Temporary structures and residences.	1270.13	Air pollution.
1270.06	Modular home standards.	1270.14	Glare.
1270.07	Mobile home standards.	1270.15	Hazardous materials and wastes.
1270.08	Front and rear yard modifications.	1270.16	Fire, explosion and storage of flammable materials.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Zoning Code provisions - see Penna. Mun. Plan. Code, §§603, 603.1

Purposes - see Penna. Mun. Plan. Code, §604

Statement of community development - see Penna. Mun. Plan. Code, §606

1270.01 HEIGHT REGULATIONS.

No structure shall exceed three stories or thirty-six feet total, whichever is the greater height; provided, however, that this requirement shall be waived in all districts for the following: belfries, chimneys, cupolas, domes, flagpoles, flues, stacks, ground signs, monuments, spires, steeples, water towers and tanks, cooling towers, elevator enclosures, skylights, solar equipment, stage towers, air conditioning units, utility poles, parapet walls, provided such walls shall not exceed such height as is necessary to screen mechanical equipment, television and radio towers, windmills and all buildings accessory to agricultural operations.

Where a building floor level is so constructed as to permit a direct entrance to the building at, or nearly at, outside grade level either from the front or rear yard, such building level shall be considered a story for the purposes of interpreting this Zoning Code and any measurement of height shall be taken from the outside grade level at said entrance area. (Ord. 718. Passed 1-25-99.)

1270.02 MINIMUM FLOOR AREA REQUIREMENT (DETACHED DWELLINGS).

No single-family detached dwelling shall have a floor area of less than 720 square feet. Basements shall not be included in accounting for this requirement. (Ord. 718. Passed 1-25-99.)

1270.03 ACCESSORY USES AND STRUCTURES

(a) Use of Accessory Buildings. Where this Zoning Code provides that a lot may be used or a building or structure may be erected, altered, or used for the purpose, that purpose shall include any accessory building or structure or accessory use, which may include any structures to receive and/or store energy directly from the sun, but shall not include:

- (1) Any occupation for gain or profit conducted within a dwelling unit except as may be permitted in this Zoning Code;
- (2) Any building used for human habitation except as may be permitted in this Zoning Code.

(b) Height (Accessory Structure). No accessory building or structure shall exceed fifteen feet in height, provided that within ten feet of a rear lot line in a residential zone, no accessory building or structure shall exceed ten feet in height. Notwithstanding the height provisions herein contained, nothing in this Zoning Code shall apply to prevent the erection and/or use of a church spire, a belfry, a flagpole, a clock tower, a chimney, a water tank, an air conditioner duct, a radio or television tower or antenna, a barn, a silo, an elevator shaft or a solar collector located on top of a building.

(c) Lot Coverage (Accessory Structure). The total lot coverage of all accessory structures on a lot shall not exceed ten percent of the lot area. An attached garage in a Residential Zone (R-1 and R-2) shall not be considered an accessory building for the purposes of calculating lot coverage.

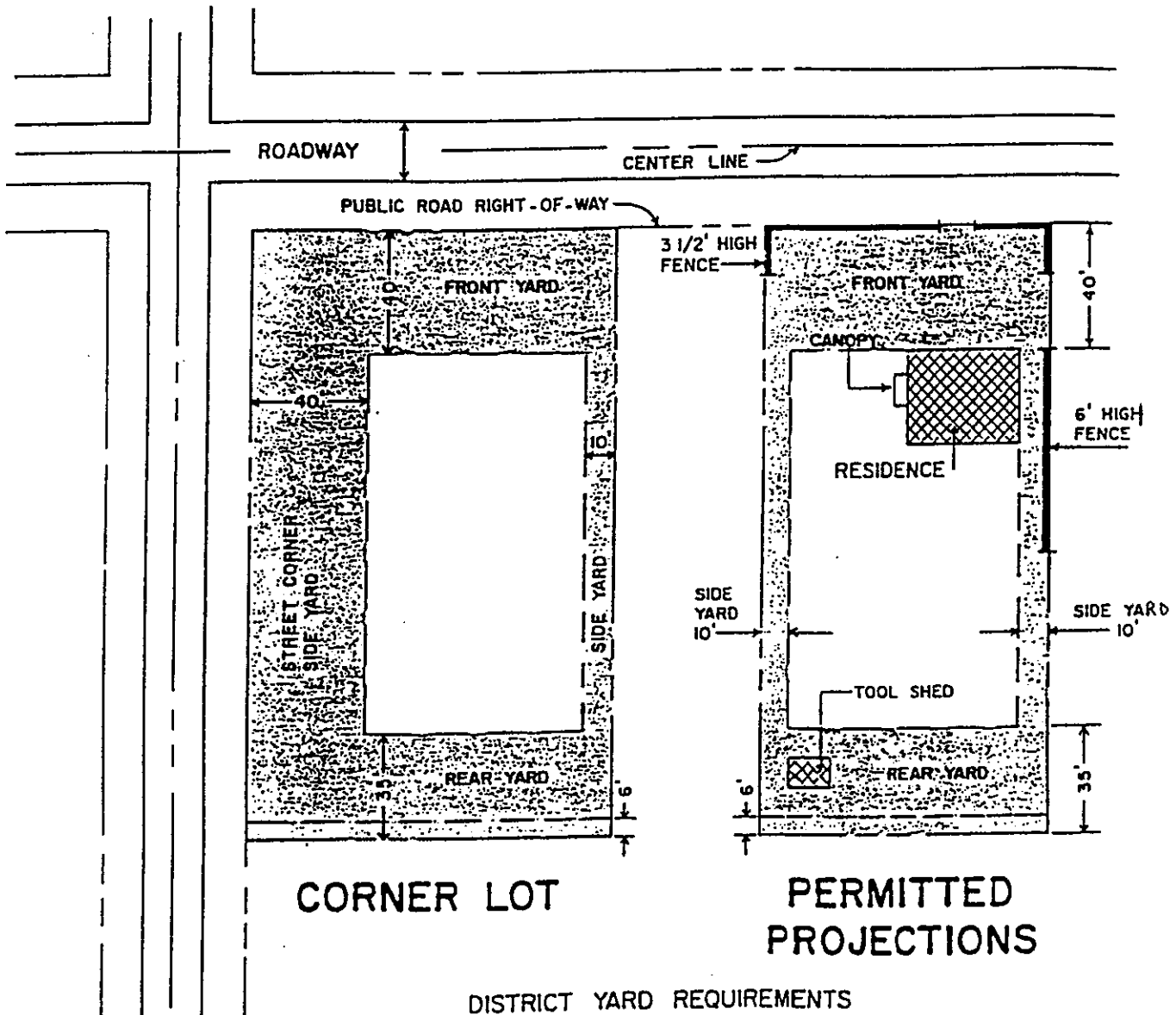
(d) Location (Accessory Structure). Except as otherwise provided, any accessory building or structure which is not an integral component of the main building shall be erected to the rear of the required front yard and shall comply with the yard and setback provisions of the zone in which such building or structure is situated. Accessory structures such as a satellite dish and/or an air conditioning unit shall be located to the rear of the main building and shall comply with the accessory structure setback requirements of the appropriate zone.

(e) Permitted Projections and Required Rear Yard or Required Interior Side Yards. Front, side (interior and exterior) and rear yard requirements are given for each zoning district in the Borough. Except for specified projections and obstructions listed below, every part of the required yard shall be open and unobstructed to the sky. However, within the R-1 and R-2 Residential Zones, the following table (Table 1) outlines the permitted accessory structure/use yard projections into the front, rear and interior side and exterior side yards, provided that an accessory structure may be erected and used in the required rear yard and required interior side yard if located to the rear of the main building on the lot, and provided further that if such accessory structure or use is located in the rear or interior side yard, it shall be no closer than five feet from the rear outline or the interior side lot lines. In the case of fences, walls and hedge planting, there are no yard setback restrictions as long as it is constructed sufficiently inside the property line to allow for maintenance without any encroachment onto adjacent lots.

Drawing 1 illustrates the meaning of this subsection. This subsection is intended to introduce flexibility for accessory uses into the Zoning Code.

Drawing 1

CORNER LOT YARDS & PERMITTED PROJECTIONS INTO REQUIRED YARDS



CORNER LOT

PERMITTED
PROJECTIONS

DISTRICT YARD REQUIREMENTS

FRONT YARD..... MINIMUM OF 40'
 SIDE YARD..... MINIMUM OF 10'
 STREET CORNER SIDE YARD.....
 MINIMUM OF 40'

REAR YARD
 PRINCIPAL STRUCTURE..... 35'
 ACCESSORY STRUCTURE..... 6'

2000 Replacement

(f) **Private Swimming Pools.** A private swimming pool shall be permitted as an accessory use in all districts, provided the swimming pool is:

- (1) Located, including any paved areas or accessory structures which are part of the swimming pool development, a minimum of ten feet from any side or rear property line of the property on which it is located; and
- (2) Walled or fenced to prevent uncontrolled access by persons, particularly children, from adjacent areas. Said fence or wall shall not be less than four feet in height, and maintained in good condition with a gate and lock. This requirement shall be considered as complied with where the pool deck is constructed in such a manner as to be a minimum of four feet above ground level.

TABLE 1 PERMITTED ACCESSORY STRUCTURE/USE YARD ENCROACHMENTS

The location and encroachment for permitted accessory structures and uses shall be dependent upon whether they are defined as temporary or permanent. The permitted encroachment for the following accessory structures/uses is outlined below. All permanent, permitted accessory structures/uses shall be located within the minimum yard setback permitted within the specific zoning districts, outlined in Chapter 1266 – Establishment, Purpose and Regulations of Zoning Districts; Official Zoning Map.

ACCESSORY STRUCTURE/USE	SETBACK TO BE MAINTAINED
Apparatus or architectural structures required for the efficient operation of solar energy systems, including, but not limited to, overhangs, insulating walls and roofs, solar collectors or reflectors (permanent)	Refer to Section 1266.04
Arbor or trellises (attached) (permanent)	Refer to Section 1266.04
Arbor or trellises (freestanding) (temporary)	Maintain minimum 5 ft. setback in all yards*
Air conditioning units (ground units) (permanent)	Refer to Section 1266.04
Awnings or canopies for window, porch or doors (permanent)	Refer to Section 1266.04
Balconies, open (permanent)	Refer to Section 1266.04
Chimneys (permanent)	Refer to Section 1266.04
Cornices, eaves, belt courses, sills, one-story bay windows, etc. (permanent)	Refer to Section 1266.04
Fences, walls, and hedge plantings – No yard setback restrictions as long as it is constructed sufficiently inside the property line to allow for maintenance without any encroachment onto adjacent lots.	
Fire escapes (open or enclosed) (permanent)	Refer to Section 1266.04
Flag poles (temporary/permanent)	Maintain minimum 5 ft. setback in all yards*
Lawn furniture (Benches, sundials, birdbaths, etc.) (temporary)	Maintain minimum 5 ft. setback in all yards*
Ornamental light standards (temporary)	Maintain minimum 5 ft. setback in all yards*
Playground and laundry drying equipment (temporary)	Maintain minimum 5 ft. setback in all yards*
Porches (1 & 1½ story; open with or without roof) (permanent)	Refer to Section 1266.04
Signs and nameplates (as regulated by ordinance) (temporary)	Maintain minimum 5 ft. setback in all yards*
Steps and landings (wooden & concrete) to principal structure, no roof or support posts (permanent)	Refer to Section 1266.04
Terraces and patios (open) (permanent)	Refer to Section 1266.04
Toolsheds and other similar storage structures (storage of materials accessory to principal permitted use) (temporary and/or permanent)	Temporary structure minimum 5 ft. setback in all yards*

* all yards include front, interior and exterior side and rear.
(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

1270.04 CONVERSION DWELLING UNITS.

A conversion dwelling unit shall have a minimum floor area of 500 square feet, and the minimum lot area requirement for the number of proposed dwelling units as established in the B-1, B-2, T, and R-2 Districts shall be complied with. Basements, as defined in this Zoning Code, cannot be used in accounting for this minimum floor area. The dwelling unit shall have a bathroom and three additional habitable rooms. For living space to be counted as habitable there shall be a minimum of seven feet of clearance from floor to ceiling measured in one direction.

(Ord. 718. Passed 1-25-99.)

1270.05 TEMPORARY STRUCTURES AND RESIDENCES.

(a) Construction trailers are permitted in all districts for use as offices during the period construction work is covered under a valid zoning permit, but they may not be used as living quarters.

(b) Mobile homes may be permitted as living quarters on construction sites for the period of time the construction process is carried on, provided this arrangement is approved as a special exception. The mobile home installation, unless positioned on the site for more than one year, will be required to comply with Section 1270.06.

(c) Residence in a basement structure during the time of home construction may be permitted in the R-1 and R-2 Districts as a special exception, provided the maximum time this living arrangement shall be permitted is a total of three years. A temporary residence in a basement will require an annual permit, with a total of two renewals, in order to maintain the focus of the "temporary" residence.

(d) An extension of time beyond the three-year maximum may be requested by the applicant to the Zoning Hearing Board. The Board may or may not grant the said extension where, in its judgment, the request is reasonable and does justice under the circumstances.

(Ord. 718. Passed 1-25-99.)

1270.06 MODULAR HOME STANDARDS.

Where modular homes may be permitted as special exception uses, the following standards shall apply:

(a) The main portion of the dwelling shall have a length not exceeding four times the width.

(b) A minimum of seventy percent of the total roof area of the dwelling shall have a sloping surface at a pitch no less than ten feet of fall in 100 feet (ten percent slope).

(Ord. 718. Passed 1-25-99.)

1270.07 MOBILE HOME STANDARDS.

Where a mobile home is permitted, either through the special exception process or as a temporary structure positioned for one year or greater, such mobile home shall comply with the following standards:

- (a) Site Location. The applicant is encouraged to consider locating the mobile home parallel or generally parallel to the road which the lot abuts in order that the residence presents a substantially similar appearance as conventional housing. When mobile home applications are processed as a special exception, "parallel siting" may be a consideration in the Zoning Hearing Board's determination that the development is consistent with neighborhood character, etc.
- (b) Foundation. Each mobile home shall be supported by a continuous wall-type masonry foundation with a footing set at least thirty-six inches below ground level.
(Ord. 718. Passed 1-25-99.)

1270.08 FRONT AND REAR YARD MODIFICATIONS.

(a) Building Setback Line (Front Yard) Modifications. Where one or more existing structures are located on adjacent lots and on the same side of the road, within 150 feet in either direction of the applicant's lot, the minimum setback of a proposed new structure may conform with the average of the setbacks of these applicable existing structures if such "average setback" is less than that required in the district. Where an addition is proposed to an existing structure which has a setback less than that required in the district, the setback required for the proposed addition need not be more than the existing setback of the existing structure.

(b) Rear Yard Modifications for Principal Structures. Where one or more existing principal structures are located on adjacent lots and on the same side of an alley or a road within 150 feet in either direction of the applicant's lot, the minimum rear yard requirement of a proposed new principal structure may conform with the average of the rear yard distance of these applicable existing structures if such average rear yard distance is less than that required in the applicable district. Where an addition is proposed to an existing principal structure which has a rear yard distance less than that required in the applicable district, the rear yard required for the proposed addition need not be more than the existing rear yard distance of the existing structure.
(Ord. 718. Passed 1-25-99.)

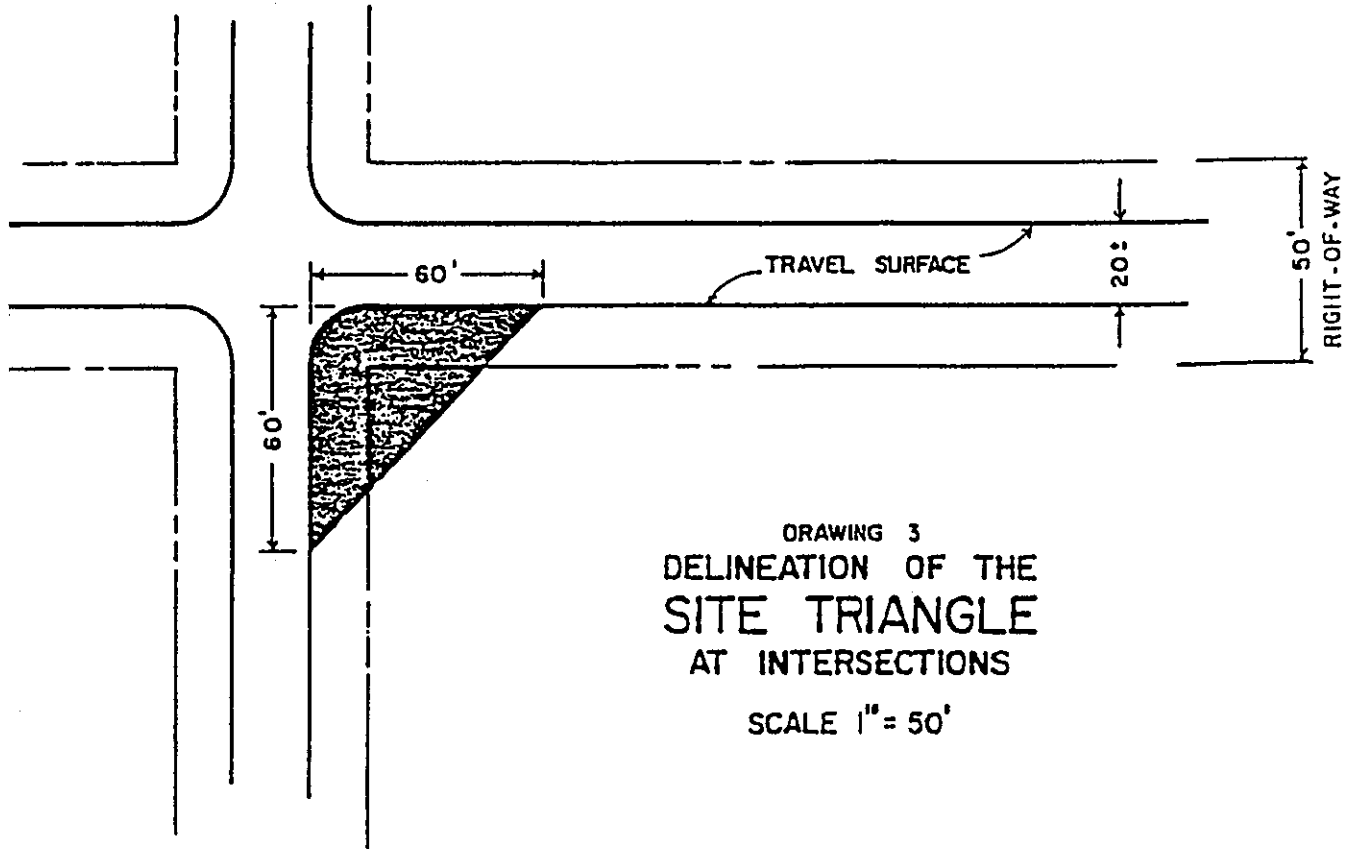
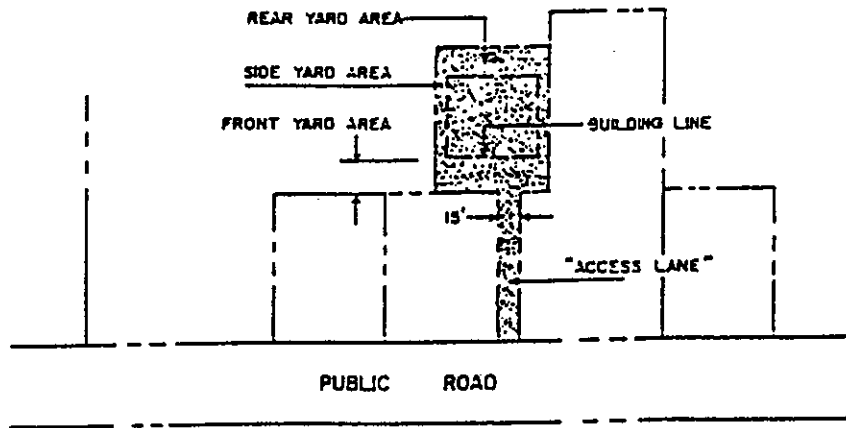
1270.09 ACCESS DRIVES AND OFF-STREET PARKING AREAS.

Access drives and off-street parking areas shall be planned and constructed in a manner so that vehicles preparing to leave the site may conveniently turn around on said site. Vehicles shall re-enter the public right-of-way from a forward position. This requirement is applicable to access drives from all public roads classified as minor arterial, major collector and minor collector roads in the Borough's Comprehensive Plan, adopted February 4, 1997.

1270.10 ACCESS TO LOTS.

No building development shall hereafter be erected on a property unless there is direct access to the building through an open space, which is part of the same property, to a public street or highway or to a private street constructed and maintained so that vehicles of all kinds may readily pass on it or abut the street. Minimum lot widths are established for the various zoning districts which are part of this Zoning Code and lot widths are measured at the street right-of-way line; however, this Zoning Code does permit the use of an "access lane" to the public street as shown on Drawing 2 where the minimum width of such "access lane" shall be fifteen feet. In instances where the "access lane" is used, the lot width, lot area and yard requirement shall be established for the property beginning at the location where the "access lane" terminates and the bulk of the property begins, as shown on Drawing 2.
(Ord. 718. Passed 1-25-99.)

DRAWING 2
LOT SERVED BY AN "ACCESS LANE"



1270.11 CLEAR SITE DISTANCE AT CORNER LOTS.

At all street intersections, no obstructions to vision shall be placed or erected in the area of the "site triangle" as hereinafter defined. Obstructions shall be considered any object which has (or will have) sufficient bulk to block vision, such as buildings, landscape plantings, sign boards, etc. Objects whose surface bulk lies below three feet and above ten feet, as measured from the centerline elevation of adjacent streets, shall not be considered obstructions under the terms of this Zoning Code, unless the Zoning Officer interprets them as obstructions due to a unique set of circumstances peculiar to a particular site or development application.

- (a) Site Triangle in the B-1, B-2, T, M and I Districts. The site triangle in the B-1, B-2, T, M and I Districts shall be formed by the edges of the travel surfaces of the intersecting roads abutting a property and a line drawn between the two points along the edges of travel surfaces each sixty feet in distance from the point of intersection of the edges of the travel surfaces. See Drawing 3.
- (b) Site Triangle in All Districts Except the B-1, B-2, T, M and I Districts. The site triangle in all districts other than the aforementioned districts shall be formed by the edges of the travel surfaces of the intersecting roads abutting a property and a line drawn between the two points along the edges of the travel surfaces each forty feet in distance from the point of intersection of the edges of the travel surfaces.
(Ord. 718. Passed 1-25-99.)

1270.12 BUFFER AREAS.

Buffer areas are utilized to ameliorate possible nuisances among adjacent land use activities which are markedly different in character. Properly used buffer areas can promote compatible relationships among different land uses where negative characteristics are presented, e.g. a great amount of vehicular circulation and/or off-street parking; the presence of outdoor work and storage areas which are unattractive and/or noisy, very dissimilar and/or unattractive in building styles, etc. The following requirements are applicable where designated in this Zoning Code. These requirements may be utilized in special exception and conditional use applications.

- (a) Buffer Area Techniques. Buffer area techniques shall include:
 - (1) Fencing and walls a minimum of five and one-half feet high, consisting of a solid material that will effectively block views; and/or
 - (2) Plant materials, provided they are dense and high enough. Plant materials may include, but are not limited to, small deciduous trees where many lateral branches emerge from the main stem or those with multiple stems near ground level (e.g., the hawthorn and the crabapple); evergreen trees and shrubs (e.g., the hemlock, the spruce, the yew, the arbor vitae); deciduous shrubs (e.g., the privet and the honeysuckle); and, where space is adequate, shade trees (e.g., the maple and the ash). The type, amount and spacing for the planting will depend on the space available and the nature of the activities requiring the buffer areas. Where plant materials are used for the buffering techniques, the Zoning Hearing Board or the Borough Council may require that the desired effect of these plant materials as a screening agent be immediate and that the screening shall be effectively perceived throughout all seasons of the year. Should immediate effectiveness not be necessary, this condition shall be made a part of the record of the public review of the application.

- (3) Landscape forms such as a mound of earth a minimum of five and one-half feet high; and/or
- (4) Minimum amounts of space between uses.
- (b) Buffer Area Requirements.
 - (1) Where the distance between the area of an activity, carried out either on the open land or in a structure, and the adjoining property line is less than twenty feet, or where the distance between the area of an activity, carried out either on the open land or in a structure, and an adjacent building on an adjoining property used in whole or in part as a residence, is less than forty feet, the Borough may require fence and/or wall techniques to be used to form a buffer. Where the activity is permitted as a matter of right, the Zoning Officer shall decide whether a fence and/or a wall shall be required. The uses of plant materials or land forms to achieve the buffer effect would not be mandatory in these instances but usually are recommended as supplementary to the fence or wall. Vehicular accessways and off-street parking are considered land use activities, as are outdoor work and storage areas.
 - (2) Where the distance between the area of a land use activity, carried out either on the open land or in a structure, and an adjoining property line is twenty feet or greater, or where the distance between the area of a land use activity, carried out either on the open land or in a structure, and an adjacent building used in whole or in part as a residence, is forty feet or greater, fence and/or wall techniques are not required. The buffer effect may be achieved through the use of plant materials or land forms.
(Ord. 718. Passed 1-25-99.)

1270.13 AIR POLLUTION.

Any activity which releases smoke, particulate matter, gases or contaminants into the atmosphere shall comply with all appropriate Federal and State regulations.
(Ord. 718. Passed 1-25-99.)

1270.14 GLARE.

Exterior lights shall be shielded so that they do not cast direct light beyond the property line. (Ord. 718. Passed 1-25-99.)

1270.15 HAZARDOUS MATERIALS AND WASTES.

All activities shall comply at a minimum with all local, State, and Federal regulations, as well as the appropriate County Emergency Management measures and City and County Fire Department regulations for hazardous materials and wastes.

Any activity which discharges materials or liquids into sanitary sewers or storm sewers shall conform with all Federal, State and local discharge and release regulations. City and County sanitation ordinances may also apply. All storage areas, waste disposal areas and trash handling facilities shall be designed to prohibit wind-blown debris from leaving the site. The drainage (other than through appropriate sewers) of waste or stored materials onto adjacent properties or directly into creeks and watercourses is prohibited.
(Ord. 718. Passed 1-25-99.)

1270.16 FIRE, EXPLOSION AND STORAGE OF FLAMMABLE MATERIALS.

All activities shall comply with the fire codes of the appropriate jurisdiction.
(Ord. 718. Passed 1-25-99.)

CHAPTER 1272 Sign Regulations

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| <p>1272.01 General regulations.</p> <p>1272.02 Signs permitted in all Zoning Districts without zoning permits.</p> <p>1272.03 Signs permitted in R-1, R-2, and I Districts with a permit.</p> | <p>1272.04 Signs permitted in B-1, B-2, M and T Districts with a permit.</p> <p>1272.05 Non-point-of-sale signs.</p> |
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CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I
 Zoning - see Penna. Mun. Plan. Code, Art. VI
 Posting signs on property of another - see Crimes Code §6503
 Unauthorized devices - see Crimes Code §6906
 Lights obstructing view of railroad signals - see Crimes Code §6909

1272.01 GENERAL REGULATIONS.

It is recognized that signs serve an important function, yet reasonable regulation of their display is desirable. The provisions herein are intended to promote the public safety and welfare, to protect property values and to enhance the physical appearance of the community. It is the general intent of this Zoning Code to prohibit signs of a commercial nature from districts in which commercial activities are prohibited.

- (a) Permits. Zoning permits shall be required for the installation of all new signs except those listed as exempted.
- (b) Signs in Public Rights-of-Way.
 - (1) No flashing, rotating, or oscillating signs or signs that emit noise shall be located on a site attached to or independent of buildings. Any sign, by its nature, which would interfere with or be mistaken for traffic signals shall not be permitted.
 - (2) No signs other than those erected by public officials in order to identify streets and guide the public in the use of the street system (official traffic signs or signals) to control and render traffic safe shall be placed in any public road right-of-way or sidewalk unless authorized by Borough or State officials.
 - (3) Notwithstanding the other provisions of this Zoning Code, no sign shall be located so as to obstruct the line of sight of a motorist or pedestrian proceeding along a public street or road or when entering or leaving a parking lot or driveway.
- (c) Illuminated Signs. Where permitted, signs may be illuminated only by a steady, stationary (except for indicators of time and temperature), shielded light source directed solely at the sign, or internal to it, without causing glare, distraction or confusion for motorists, pedestrians or neighboring premises.

- (d) Painted Signs. Painted signs on building surfaces shall be considered as wall signs and permitted according to the provisions of this Zoning Code.
- (e) Materials. All signs shall be constructed of durable material, maintained in good condition and not permitted to become dilapidated. Where mounted on a building as a wall sign, such sign shall be firmly secured against wind.
- (f) Computing Sign Surface Area. The total sign area shall be considered to include all framing members as well as the display area.
- (g) Pole and Freestanding Signs. These signs shall be considered an accessory use and are required to meet the front, side and rear setback requirements required for accessory uses.
- (h) Non-Conforming Uses. All non-conforming uses shall be permitted signs as though they were conforming uses.
- (i) Roof Signs. No sign shall be erected on the roof or above the roof line of the building to which it is oriented or attached.
- (j) Removal of Signs. All signs shall be removed when the purpose or circumstances leading to their erection or placement are no longer applicable.
(Ord. 718. Passed 1-25-99.)

1272.02 SIGNS PERMITTED IN ALL ZONING DISTRICTS WITHOUT ZONING PERMITS.

The following signs shall be permitted in all zoning districts without a zoning permit:

- (a) Governmental Signs. All signs erected and maintained pursuant to and in discharge of any governmental function. These are also to be considered "public signs."
- (b) Political Signs. Signs announcing or supporting candidates for public office, ballot issues or matters of general public concern containing not more than twelve square feet of surface area.
- (c) Mechanic's/Artisan's/Painter's Signs. Signs of mechanics, painters, carpenters, and other such artisans during the period such persons are performing such work on a residential premises, provided that any such sign is not in excess of nine square feet.
- (d) Privacy Signs or "No Trespassing" Signs. No trespassing signs and other signs not exceeding four square feet of surface area indicating the private nature of a driveway or property, provided that not more than two such signs shall be located on any one premises.
- (e) Traffic and Parking Signs. Signs directing and guiding traffic and parking on private property and bearing no advertising matter.
- (f) Temporary Signs.
 - (1) Signs announcing the birth of a child, a birthday, commemoration, marriage, graduation or similar event in the life of a householder shall be permitted (not exceeding thirty days), provided such signs do not exceed thirty-two square feet.

- (2) One sign advertising the sale or rental of the premises upon which it is erected (not exceeding thirty days), not having more than twelve square feet of surface area, advertising the sale, lease or development of any premises or advertising the sale of tangible personal property, not in the regular course of business, such as estate auctions and sales of the type commonly known as garage sales or yard sales, shall be permitted. When any such premises has frontage on more than one public street or road, one such sign shall be permitted which is visible from each street or road.
- (g) Directional Signs. Signs providing information for the convenience of the public, such as restrooms, exits, public telephone, and similar directional or informational signs placed for the benefit of the public or building tenants, having not more than two square feet of surface area.
- (h) Miscellaneous Signs. The following signs also do not require zoning permits: name signs; temporary "For Sale" signs; directional signs on private property; governmental signs; enclosed signs; artisans' signs, and special event signs. (Ord. 718. Passed 1-25-99.)

1272.03 SIGNS PERMITTED IN R-1, R-2, AND I DISTRICTS WITH A PERMIT.

The following signs shall be permitted in R-1, R-2 and I Districts with a permit:

- (a) Home occupation or nameplate signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that only one such sign shall be erected for each permitted use, and provided, further, that the area of each such sign shall not exceed four square feet.
- (b) Signs, bulletin boards, announcement boards or identification signs for churches, schools, hospitals, multi-family dwellings, subdivisions, allotments or other principal uses and buildings other than dwellings on the same lot therewith, for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed thirty-two square feet and provided further that not more than one such sign shall be erected on any one street frontage. Such signs shall only be illuminated by indirect means. (Ord. 718. Passed 1-25-99.)

1272.04 SIGNS PERMITTED IN B-1, B-2, M AND T DISTRICTS WITH A PERMIT.

(a) Overhanging Signs. There shall be no more than one overhanging sign for each principal activity. There shall be no more than twenty square feet in area per sign surface and such sign shall project from the building no more than six feet.

(b) Ground Signs. There shall be one ground sign permitted for each principal activity. The maximum area displayed through ground signage shall be forty-five square feet. There shall be one ground sign permitted for a shopping center or industrial park development in addition to the signage permitted each principal activity present in these developments. The maximum area permitted for this sign shall be 100 square feet.

(c) Freestanding Signs. There shall be one freestanding sign permitted for each principal activity, the maximum area of which shall be forty-five square feet.

(d) Wall Signs. Wall signs covering no more than twenty-five percent of the surface area of the facade of a building shall be permitted.

(e) Awnings. Awnings projecting from commercial buildings containing signage advertising the name of firm, goods or services, provided on the premises shall be permitted, provided that they project no more than six feet from the building facade.
(Ord. 718. Passed 1-25-99.)

1272.05 NON-POINT-OF-SALE SIGNS.

Non-point-of-sale signs require permits and shall only be permitted in B-1, B-2 and M Zoning Districts of the Borough, subject to the following requirements:

- (a) These signs shall comply with all other requirements of this Zoning Code.
- (b) The surface area of any such sign shall be no greater than 180 square feet.
- (c) The sign shall be set back a minimum of twenty-five feet from any public road right-of-way, a minimum of 200 feet from the nearest residential building, and a minimum of fifty feet from all other property lines.
(Ord. 718. Passed 1-25-99.)

CHAPTER 1274
Parking and Loading Requirements

1274.01 Loading requirements.

1274.02 Parking requirements.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Ordinance provisions - see Penna. Mun. Plan. Code, §§603, 603.1

Purposes - see Penna. Mun. Plan. Code, §604

Statement of community development - see Penna. Mun. Plan. Code, §606

Parking generally - see TRAF. Ch. 450

1274.01 LOADING REQUIREMENTS.

Every building which requires the receipt or distribution by vehicles of materials or merchandise shall provide off-street loading berths. Loading spaces shall be not less than fourteen feet wide, sixty feet long, and fourteen feet high. The loading requirements shall be in accordance with the following table:

GROSS FLOOR AREA	NUMBER OF LOADING SPACES REQUIRED
10,000 to 24,000	1
25,000 to 39,999	2
40,000 to 59,999	3
Over 60,000	4 plus one loading space for each additional 50,000 sq. ft. of gross floor area

(Ord. 718. Passed 1-25-99.)

1274.02 PARKING REQUIREMENTS.

The number of off-street parking spaces required is set forth in the table below. Where the use of the premises is specifically not mentioned, requirements for a similar use shall apply as determined by the Zoning Officer.

RESIDENTIAL USES	REQUIRED PARKING SPACES
Single-family Dwelling	2 per dwelling unit
Multi-family Dwelling	1½ per dwelling unit
Boarding House	1 per bedroom

COMMERCIAL USES	REQUIRED PARKING SPACES
Animal Hospital, Kennel	1 for each kennel, minimum 3 spaces
Automobile Sales, Service Garage	1 for each 400 sq. ft. of floor area
Banks and Professional Offices	4 spaces per professional (1 for the doctor or lawyer, 1 for support staff, and 2 spaces for clients)
Bowling Alleys	2 spaces for each bowling lane
Car Washes	1 space for each employee
Funeral Homes, Mortuaries	10 for first parlor, 5 for each additional parlor
Furniture Stores	1 for each 400 sq. ft. of floor area
Hotel, Motel	1 for each unit, plus 1 for each employee on maximum shift
Restaurant, Tavern, Private Club	1 for each 2½ seats
Retail Stores, Grocery Stores, Supermarkets	1 for each 150 sq. ft. of floor area
Service Stations	4 for each service bay

INDUSTRIAL USES	REQUIRED PARKING SPACES
Manufacturing Plants, Wholesale Establishments	1 for each employee on maximum shift

OTHER USES	REQUIRED PARKING SPACES
Churches, Schools, Theaters, Assembly Halls	1 for each 4 seats in an auditorium or sanctuary
Community Buildings and Social Halls	1 for each 50 sq. ft. of floor area
Nursing Homes, Personal Care Homes	1 for each 3 beds

- (a) **Size.** The minimum parking space size for private single or multi-family dwellings is nine feet wide by eighteen feet long and shall be no less than 162 square feet. The minimum parking space size for all other uses shall be ten feet wide by eighteen feet long and shall be no less than 180 square feet.
- (b) **Access.** Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets.
- (c) **Location.** Required parking spaces shall be located on the same lot with the principal use. The Zoning Officer may permit parking spaces to be dedicated and located on other lots, provided that they are no more than 200 feet from the lot of principal use and in the same zoning district and that the parking spaces are controlled by the owner through ownership, a lease arrangement or private covenant.

- (d) Screening and Landscaping. The screening and landscaping requirements for off-street parking areas are outlined in the Cambridge Springs Subdivision and Land Development Regulations.
- (e) Minimum Distance and Setbacks. Parking areas may be no less than five feet from any property line.
(Ord. 718. Passed 1-25-99.)

CHAPTER 1276 Non-conformities

1276.01	Intent.	1276.05	Non-conforming uses of structures or of structures and premises in combination.
1276.02	Single, separate, non-conforming lots of record.	1276.06	Repairs and maintenance.
1276.03	Multiple and contiguous non-conforming lots of record.	1276.07	Conditional uses and non-conformities.
1276.04	Non-conforming uses of land.		

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Ordinance provisions - see Penna. Mun. Plan. Code, §§603, 603.1

Purposes - see Penna. Mun. Plan. Code, §604

Statement of community development - see Penna. Mun. Plan. Code, §606

1276.01 INTENT.

Within the districts established by this Zoning Code, or amendments that may be later adopted, there exists lots, structures, uses of land, uses of structures, and characteristics of use which were lawful before this Zoning Code was adopted or amended, but which are or would be prohibited, regulated, or restricted under the terms of this Zoning Code or future amendments to this Zoning Code. These uses of structure and/or land may exist, and may be sold, leased, or otherwise legally transferred and the new owner may continue such lawful non-conforming uses. It is the intent of this Zoning Code to permit these non-conformities to continue until they might be removed and, under certain conditions as set forth in this chapter, to permit these structures and uses of land to expand to a limited degree. (Ord. 718. Passed 1-25-99.)

1276.02 SINGLE, SEPARATE, NON-CONFORMING LOTS OF RECORD.

In any district, any lot or parcel of record existing at the effective date of this Zoning Code, which lot or parcel is held in separate ownership, and not part of a continuous ownership with other adjacent lots or parcels, may be used for the erection of a structure conforming to the use regulations of the district in which it is to be located, even though lot area and lot width requirements, or both, are less than the minimum required in this Zoning Code. Variance of other yard requirements shall be obtained only through action of the Zoning Hearing Board, provided, however, for the aforementioned lots of record, the Zoning Officer shall exercise the authority to grant side and rear lot yard variances for single family dwelling development proposals in the following instances: (1) for side yards to a total of fifteen feet wherein one of the side yards shall be a minimum of ten feet and wherein no side yard shall be less than five feet, and (2) for accessory uses in rear yards to five feet from the property line. (Ord. 718. Passed 1-25-99.)

1276.03 MULTIPLE AND CONTIGUOUS NON-CONFORMING LOTS OF RECORD.

If two or more lots or parcels or a combination of lots and portions of lots or parcels are contiguous and in single ownership and are of record on the effective date of this Zoning Code, or amendments thereto, and if all or part of the lots or parcels with no building thereon do not meet the requirements established for lot width and area, the lands involved shall be considered to be a single undivided parcel for the purposes of this Zoning Code and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code. (Ord. 718. Passed 1-25-99.)

1276.04 NON-CONFORMING USES OF LAND.

Where, at the time of adoption of this Zoning Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued and shall be subject to the following additional provisions:

- (a) A non-conforming use of land may be enlarged or extended to occupy an area which is greater by fifty percent than the area occupied at the effective date of adoption of this Zoning Code, or any amendment thereto, provided such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- (b) A non-conforming use of land may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this Zoning Code, or any amendment thereto, provided that such use shall not be enlarged or extended except as permitted in Section 1276.05(a), and provided, further, that such move is permitted as a special exception by the Zoning Hearing Board.
- (c) In the event a non-conforming use of land ceases or is abandoned, for whatever reason, for a period of more than twelve months, any subsequent use of the land shall conform to the regulations specified by this Zoning Code for this district in which such land is located.

1276.05 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.

Where, at the time of adoption of this Zoning Code, a lawful use of a structure or of a structure and premises in combination exists which would not be permitted by the regulations imposed by this Zoning Code, the use may be continued and shall be subject to the following additional provisions:

- (a) A non-conforming use of part of a building may be extended throughout the building if no exterior structural changes are made and no additional floor area is added to the building.
- (b) A non-conforming use of a whole building may be enlarged or extended to occupy additional building area which is greater by fifty percent than the area occupied at the effective date of adoption of this Zoning Code, or any amendment thereto, provided such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- (c) A non-conforming building may be altered or reconstructed, provided such work does not extend the area of the nonconformity.

- (d) A non-conforming use may be changed to another non-conforming use, provided this change is permitted as a special exception by the Zoning Hearing Board. In considering such an action the Zoning Hearing Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

Nothing in this Zoning Code shall be interpreted to prohibit the replacement of a non-conforming mobile home with another mobile home of substantially the same floor area. Such a replacement shall be permitted as a matter of right, provided, however, such action shall be in compliance with any other applicable Borough ordinances. Should the applicant desire to enlarge the mobile home floor area, subsection (b) hereof is applicable.

- (e) Where a non-conforming use is superseded by a permitted use, the permitted use shall thereafter conform to the district regulations and the non-conforming use may not thereafter be resumed.
- (f) A non-conforming use which has been damaged or destroyed by fire, windstorm, explosion or similar cause, which was no fault of the owner, may be rebuilt on the same foundation, provided, however, the rebuilding is initiated no later than one year after the event of the destruction.
- (g) In the event a non-conforming use of a building or a building and premises in combination ceases or is abandoned, for whatever reason, for a period of more than twelve months, such non-conforming use, building or building and premises in combination, shall not be reconstructed and any future use shall be in conformity with the district regulations.
- (h) For non-conforming structures located in the Floodplain Overlay District, see Section 1266.13(s) for requirements in connection with any proposed modifications, alterations, reconstruction or improvements of any kind.
(Ord. 718. Passed 1-25-99.)

1276.06 REPAIRS AND MAINTENANCE.

On any non-conforming structure and premises, work may be done on ordinary repairs, maintenance of all walls and support elements, replacement of heating systems, wiring, or plumbing, provided that the cubic content of the nonconformity shall not be increased except as provided herein. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.
(Ord. 718. Passed 1-25-99.)

1276.07 CONDITIONAL USES AND NON-CONFORMITIES.

Where an existing use of any premises, or of a building, or of a premises and a building in combination was permitted under this Zoning Code as a conditional use, such use shall in no way be considered non-conforming.
(Ord. 718. Passed 1-25-99.)

CHAPTER 1278
Conditional Uses, Special Exceptions and Variances

1278.01	Special exceptions.	1278.04	Supplementary requirements/prerogatives for specific special exceptions and conditional uses.
1278.02	Conditional uses.		
1278.03	Standards applicable to all special exceptions and conditional uses.	1278.05	Variances.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Ordinance provisions - see Penna. Mun. Plan. Code, §§603, 603.one

Purposes - see Penna. Mun. Plan. Code, §604

Statement of community development - see Penna. Mun. Plan. Code, §606

1278.01 SPECIAL EXCEPTIONS.

A special exception is a permission or approval granted an applicant to use land in a district for a purpose other than that generally permitted outright in that district. Special exception uses are specifically listed in Chapter 1266 (Establishment, Purpose and Regulations of Zoning Districts; Official Zoning Map). The special exception is granted by the Zoning Hearing Board in accordance with the standards outlined in Sections 1278.03 and 1278.04.

- (a) Application for Special Exception. An application for a special exception shall be filed with the Zoning Officer. At a minimum the application shall contain the following information:
- (1) Name, address and phone number of applicant
 - (2) Legal description of property
 - (3) Description of existing use
 - (4) Present zoning district
 - (5) Description of proposed use
 - (6) A plan of the proposed site for the special exception showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscape treatment on all surfaces, refuse and service areas, utility services, signs, yard areas and such other information as the Zoning Hearing Board may require to determine if the proposed use meets the requirements of this Zoning Code.
 - (7) A narrative statement: (a) evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; (b) discussing the general compatibility with other properties in the district; and (c) explaining the relationship of the proposed use to the Borough's Comprehensive Plan.
 - (8) Any such other materials as may explain how the proposed use will comply with the requirements established in Sections 1278.03 and 1278.04.

- (b) Procedure For Approval of Special Exception. Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Borough Council. The Zoning Officer shall as soon as possible refer one application to the Zoning Hearing Board.

The Board shall conduct a hearing in accordance with the procedures listed in Section 1262.03(d) within sixty days of the date that the application was filed. In granting special exception permits the Board shall prescribe the basis for which such permit is sought will not be injurious to the neighborhood, not be inconsistent with the objectives of this Zoning Code as established in Section 1260.06, not be inconsistent with the character of the surrounding neighborhood or otherwise detrimental to the public health and welfare, and that the use will not substantially impair an adequate supply of light and air to adjacent properties or overcrowd the land, or create undue concentration of population or substantially increase congestion in the streets, or create hazardous traffic conditions or increase the danger of fire. The Board shall render a decision no more than forty-five days following the hearing.

Upon approval by the Board, the application shall be appropriately signed and all development, construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this Zoning Code. In initially approving a special exception, where not in conflict with other provisions of this Zoning Code, and where supported by appropriate documentation, future expansions of the use may be included in the Board's approval.

- (c) Expiration of Special Exception Permit. A special exception permit shall be considered to authorize only one particular use as approved by the Zoning Hearing Board and if the improvements described in the permit have not begun within one year from the date of approval the permit shall expire. If, for any reason, the special exception shall cease or be abandoned for one year or more, it shall no longer be considered as authorized unless a new application is filed and approved. (Ord. 718. Passed 1-25-99.)

1278.02 CONDITIONAL USES.

A conditional use is similar to a special exception except that it falls under the jurisdiction of Borough Council. Like special exceptions, conditional uses are specifically listed in Chapter 1266 (Establishment, Purpose and Regulations of Zoning Districts; Official Zoning Map). Generally, conditional uses are those uses that would have a direct effect upon the lives of all persons within the Borough.

- (a) Application For Conditional Use. Application requirements for conditional uses are the same as those for special exceptions, outlined in Section 1278.01(a).
- (b) Procedure For Approval of Conditional Uses. Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Borough Council. The Zoning Officer shall as soon as possible refer immediately one application to the Borough Planning Commission and one application to Borough Council. The Planning Commission shall review the proposal and forward its recommendations to Council. The Planning Commission shall forward its recommendation within forty-five days of the date the application was accepted by the Zoning Officer as complete. Failure to act within this allotted time shall be considered a favorable recommendation.

Within fifty days of the date the application was accepted by the Zoning Officer as complete, the Borough Council, after giving public notice, shall hold a hearing on the proposal. Council, within thirty days after the termination of the hearing, shall render a decision. The decision shall be accompanied by findings of fact and conclusion.

Upon approval by Borough Council the application shall be appropriately signed and all development, construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this Zoning Code. In initially approving a conditional use, where not in conflict with other provisions of this Zoning Code, and where supported by appropriate documentation, future expansions of the use may be included in Council's approval.

- (c) Expiration of Conditional Use Permit. A conditional use permit shall be considered to authorize only one particular use as approved by Borough Council and if the improvements described in the permit have not begun within one year from the date of approval the permit shall expire. If, for any reason, the conditional use shall cease or be abandoned for one year or more, it shall no longer be considered as authorized unless a new application is filed and approved.

(Ord. 718. Passed 1-25-99.)

1278.03 STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS AND CONDITIONAL USES.

In addition to specific requirements for conditional uses as may be specified elsewhere in this Zoning Code, the Borough shall review the particular facts and circumstances of each proposed conditional use and special exception in terms of the following standards and shall permit said use after finding adequate evidence showing that such use at the proposed location:

- (a) Is in accordance with the community development objectives set forth in Section 1260.06;
- (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general areas in which the use is located;
- (c) Will be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated in relation to the proposed use;
- (d) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (e) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors. More specifically, the uses shall meet the following standards:

- (1) There shall be no undue pollution of the air by dust, dirt, fumes, smoke or odor which will cause damage to human health, animals, vegetation or other property, or which will soil property and be perceptible beyond the boundary or lot lines of the proposed use.
- (2) There shall be no direct or reflected glare or heat perceptible by the average person beyond the boundary or lot lines of the proposed use.
- (3) There shall be no discernible vibration perceptible without instruments beyond the boundary or lot lines of the proposed use.
- (4) There shall be no noise which produces radioactivity.
- (5) There shall be no electrical disturbances adversely affecting the operation of equipment, such as radio and television apparatus, at any point beyond a line ten feet outside of the boundary or lot lines of the proposed use.
- (6) There shall be no noise which is normal to the use and which is considered objectionable because of its volume, frequency or beat, to the average person's sense of hearing perceptible at any point beyond a line ten feet outside the boundary or lot lines of the proposed use.
- (7) There shall be no emissions and/or discharges into the air of water which do not meet the standards established by the Pennsylvania Department of Environmental Protection.

In its review of the application Borough Council may seek the opinion of specialists in the Pennsylvania Department of Environmental Protection or other qualified experts of its choice to advise it regarding compliance with the above listed standards.

- (f) Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and significance.
- (g) Demonstrates compliance with the buffering provisions in Section 611 (Buffer areas) of this Zoning Code in the following cases:
 - (1) When the impacts of outdoor service, storage, operational and parking activities are such that unsightly views shall be exposed to adjacent uses in such a way as to cause, in the judgment of the reviewing officials, property devaluation.
 - (2) When the proposed use is adjacent to residential properties.
(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

1278.04 SUPPLEMENTARY REQUIREMENTS/PREROGATIVES FOR SPECIFIC SPECIAL EXCEPTIONS AND CONDITIONAL USES.

In addition to the requirements outlined in Section 1278.03, the additional standards are set forth for special exceptions and conditional uses for the following uses:

(a) Service Stations and Auto Repair Businesses.

- (1) Fuel pumps shall be no less than twenty feet from the front lot line and thirty feet from each side lot line.
- (2) No vehicle may be parked and stored along the front lot line for more than twelve hours.
- (3) There shall be no outdoor storage of new or used parts, unlicensed vehicles, or vehicles without current State inspection stickers. The overnight parking of customer's vehicles and the placement of PennDEP or Federal EPA approved waste containers shall be permitted in side or rear lot areas.
- (4) Canopy structures providing shelter for gas pumps shall be no more than twenty feet from the front and side lot lines.

- (b) Churches.
- (1) The minimum lot width of the site must be 100 feet and the minimum lot size must be 10,000 square feet.
 - (2) Where a manse, rectory, or parsonage or other building for a minister's residence is to be erected on the same site as the church, the combined area of the site shall not be less than 15,000 square feet.
 - (3) The design and landscaping shall be compatible with, and preserve the character of, any adjoining residential land uses.
- (c) Automobile Retail Businesses.
- (1) No vehicle shall be parked along the front lot line. Automobiles may parallel the front lot line, but must be set back at least fifteen feet from the front lot line.
 - (2) There shall be no outdoor storage of new or used parts, unlicensed vehicles, or vehicles without current State inspection stickers. The overnight parking of customer's vehicles and the placement of PennDEP or Federal EPA approved waste containers shall be permitted in side or rear lot areas.
- (d) Drive-in Establishments.
- (1) Separate entrance and exit driveways must be provided, and shall be limited to one of each on each abutting street. The entrance and exit driveways shall be no less than thirty feet apart at the street right-of-way.
 - (2) Entrance and exit driveways shall be located no less than fifty feet from the intersecting right-of-way lines of the nearest street intersection.
 - (3) Transaction windows for drive-in establishments shall be situated such as to allow stacking capacity for no less than six automobiles on the site.
- (e) Hotels and Motels.
- (1) No hotel or motel shall have a lot area of less than 21,600 square feet.
 - (2) Motel buildings or accessory structures shall be placed no closer than thirty feet to any lot line.
 - (3) Swimming pools shall at a minimum comply with Section 1270.03(f).
 - (4) Rooms shall not be rented for a period of less than twelve hours.
- (f) Bed and Breakfasts.
- (1) The person operating the bed and breakfast must also be the owner and occupant of the premises.
 - (2) There shall be, in addition to the residential parking requirements, one off-street parking space provided for each guest room. Non-residential off-street parking spaces must be located in the rear of the property.
 - (3) One sign may be displayed identifying the name and use of the bed and breakfast. The sign shall not exceed six square feet in area.
 - (4) The residential character of the premises shall not be altered.
- (g) Day Care Centers.
- (1) All outdoor play areas shall be fenced by a fence of at least four feet in height.
 - (2) An area shall be provided to drop off and pick up children that is off-street. Sufficient turn-around area shall be provided to eliminate the need to back into a public street.
 - (3) The operator shall secure and keep current all applicable Commonwealth or local licenses.
 - (4) One parking space per employee shall be provided.

(h) Public Utility Structures.

- (1) All public utility structures shall be landscaped to present a minimum intrusion upon the neighborhood.
- (2) Structures shall be enclosed by a security fence. Notwithstanding any other section of this Zoning Code, the height of the fence shall be adequate to provide proper security for the structure.
- (3) No outdoor storage shall be permitted.
- (4) Public utility structures may be sited on lots smaller than those required in the bulk regulations of the applicable zoning district.

(i) Limited Retail Businesses.

- (1) Total commercial use size shall not exceed 2,000 square feet.
- (2) Signage and exterior displays shall be limited to one sign no larger than sixteen square feet. Illumination of the sign is permitted only by indirect means.
- (3) There shall be no exterior display of merchandise.
- (4) If a conversion of a residential structure, the residential character of the building and site shall be maintained.
- (5) No outdoor sound transmission shall be permitted.

(j) Kennels.

- (1) Actual kennels must be located at least fifty feet from any neighboring property line.
- (2) Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.

(k) Home and Lot Occupations.

- (1) Home and home lot occupations shall be limited to those uses which may be conducted on residential grounds (in the building where the dwelling unit is established and/or in a structure which is accessory to the principal building or structure) without altering its basic residential character.
- (2) A home and home lot occupation, once approved, is transferable to new residents on the premises provided that there is no change in the nature of the use or any of the requirements under which the use was approved to operate.
- (3) There shall be no more than two persons engaged in the home or home lot occupation activity in addition to family members living on the premises who participate in whole or in part in said activity.
- (4) There shall not be more than six vehicular trips generated by the use to and from the premises during any sixty minute period of the operating day.
- (5) There shall be, in addition to the residential parking requirements, one parking space for each person working on the premises at any one time who is not a member of the family plus one additional space for customers. Off-street parking spaces for non-residential use shall not be located in the front yard as defined in this Zoning Code.
- (6) Outdoor work, service and storage areas, if any, where readily visible from adjoining properties and from the abutting road, shall be effectively screened. Screening may be accomplished by walls, fencing, plantings and/or terrain or landscaped features.
- (7) There shall be no electrical disturbance off the premises that would create visual or audible interference in radio or television receivers.

- (8) There shall be no noise, odor, dust, fumes, glare, or flashing lights which normally are considered objectionable, perceptible without instruments more than ten feet from the boundaries of the premises.
- (l) Personal Care Homes.
 - (1) The residential character of the structure and site shall be maintained.
 - (2) Signage and exterior displays shall be limited to a sign four square feet in area noting the name of the home and its use. Illumination of the sign is permitted only by indirect means.
 - (3) The home shall have a minimum of three parking spaces available on site. If no parking spaces are available on site, then the parking provisions in Section 1274.02(c) apply.
- (m) Nursing and Convalescent Homes.
 - (1) The structures and landscaping must be consistent with the surrounding residential areas.
 - (2) Signage must be limited to one sign no more than sixteen square feet in area for each abutting street. Illumination of the sign is permitted only by indirect means.

(Ord. 718. Passed 1-25-99; Ord. 721. Passed 11-8-99.)

1278.05 VARIANCES.

When it is alleged that this Zoning Code, strictly applied, inflicts an unnecessary hardship upon an applicant, a variance may be granted by the Zoning Hearing Board modifying the requirements in this Zoning Code that inflict the hardship. A variance constitutes legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted.

A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning district.

- (a) The Zoning Hearing Board may grant a variance, provided that all of the following findings are made by the Board:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographic or other physical conditions peculiar to the property and that the unnecessary hardship is due to these conditions and not due to circumstances or conditions generally created by the provisions of this Zoning Codes;
 - (2) That because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Code;
 - (3) That such unnecessary hardship has not been created by the applicant;
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare;
 - (5) That the variance, if authorized, will represent the minimum variances that will afford relief and will represent the least modification possible of the regulations at issue.

- (b) Furthermore, in considering requests for variances the following principles shall apply:
 - (1) Non-conforming uses of neighboring lands, certain types of structures in the same district and permitted or non-conforming uses of land or structures in other districts, shall not be considered grounds for the issuance of variances.
 - (2) The Board shall not permit variances which allow a use not permissible under the terms of this Zoning Code in the district involved unless the Board finds that the applicant cannot make a reasonable use of his land.
- (c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this Zoning Code and punishable under Section 1262.99.
- (d) The procedure for a variance shall follow the Zoning Hearing Board procedures outlined in Section 1262.03(d).
(Ord. 718. Passed 1-25-99.)

CHAPTER 1280

Cluster Developments

1280.01	Purpose.	1280.06	Processing procedures.
1280.02	Relationship to other chapters in this Planning and Zoning Code.	1280.07	Plan requirements.
1280.03	General requirements.	1280.08	Design standards.
1280.04	Permitted uses.	1280.09	Required improvements.
1280.05	Minimum size and density of development.	1280.10	Relationship to the planned residential development.
		1280.11	Amendments.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Ordinance provisions - see Penna. Mun. Plan. Code, §§603, 603.1

Purposes - see Penna. Mun. Plan. Code, §604

Statement of community development - see Penna. Mun. Plan. Code, §606

1280.01 PURPOSE.

This Zoning Code provides for cluster development for the following reasons:

- (a) To encourage innovations in residential development and to foster greater variety in the type, design and siting of dwellings;
- (b) To provide a creative alternative to the conventional development which occurs on a lot by lot basis subject to traditional zoning regulations;
- (c) To provide residents with greater access to common open space and recreation facilities than would be possible under the more conventional land development process; and
- (d) To provide a technique and a process which accommodates building proposals not readily adaptable to zoning district regulations, which are geared to the conventional subdivision method of development. Lot size and yard requirements, use restrictions and normal methods for the provision of street, park and utility maintenance may be set aside where the identical ends sought through conventional regulations can be achieved under the cluster development technique through the superior designs of dwellings, site relationships and land parcelization, and through the establishment of a special arrangement for community organization and management which fixes additional responsibilities on residents for maintenance of common areas and community services and utilities. The provisions of this chapter are based upon and are intended to be in harmony with the Pennsylvania Municipalities Planning Code, Act 247, as amended, specifically Article VII, Planned Residential Development.
(Ord. 718. Passed 1-25-99.)

1280.02 RELATIONSHIP TO OTHER CHAPTERS IN THIS PLANNING AND ZONING CODE.

Because of the special characteristics of cluster developments, a different process and different requirements shall govern development. Whenever there is a conflict between the provisions of this chapter and other chapters of this Zoning Code, or between the provisions of this chapter and the Cambridge Springs Borough Subdivision and Land Development Regulations, the provisions of this chapter shall prevail. (Ord. 718. Passed 1-25-99.)

1280.03 GENERAL REQUIREMENTS.

The following general requirements shall be met in order to process a development under the provisions of this chapter:

- (a) Throughout the planning and approval process, land to be developed under the provisions of this chapter shall be in single ownership, and satisfactory evidence shall be presented indicating that the development will have a single, responsible administrative organization which can act for the multiple ownership. Upon approval of the development dwellings may be sold in fee simple or through a cooperative or condominium arrangement, or the dwellings may be managed as rental properties. In any event, a satisfactory administrative structure shall be established by the developer to maintain common areas designated in the development plan and site improvements or utilities that are not accepted for public maintenance.
- (b) The tract of land shall be located in a zoning district which permits the cluster development.
(Ord. 718. Passed 1-25-99.)

1280.04 PERMITTED USES.

A cluster development may include all housing types and uses normally ancillary thereto, recreation uses serving the development, and nonresidential uses supportive to residences. More specifically, the following uses are among those permitted: single-family dwellings in detached, semidetached and attached forms; two-family detached dwellings; seasonal dwellings; multi-family dwellings, including multistory apartment and townhouse apartments; prefabricated homes, including mobile homes in double-wide, stacked and expandable forms; churches, schools, nonprofit or philanthropic institutions, commercial uses, including offices, if such uses are ancillary and supportive to the residential uses in the cluster development; and facilities necessary for providing the public utilities serving the development.
(Ord. 718. Passed 1-25-99.)

1280.05 MINIMUM SIZE AND DENSITY OF DEVELOPMENT.

Cluster developments shall have a minimum gross area of 1.5 contiguous acres. Using the cluster development technique the applicant may increase the residential density of the development by twenty percent over what would normally be allowed based upon the bulk regulations established in the applicable district.
(Ord. 718. Passed 1-25-99.)

1280.06 PROCESSING PROCEDURES.

Applications shall be processed in two steps: (1) preliminary plan review which is termed tentative plan approval in the Pennsylvania Municipalities Planning Code and (2) final plan review. In its review of the application Borough Council may seek the opinions of qualified experts of its choice to advise it regarding compliance with required standards. Any expense associated with obtaining expert advice from qualified experts may be charged to the applicant.

- (a) Pre-Application Conference. At the pre-application conference the applicant shall discuss all aspects of the proposed development, including rough sketches of site and building plans, with members of the Planning Commission and Borough Council. This conference enables the developer to obtain the views of the Borough officials before more expensive engineering and architectural work is begun. Scheduling a pre-application conference is handled through the Zoning Officer.
- (b) Administrative Responsibilities: Preliminary Plan. The preliminary plan shall be filed with the Zoning Officer. Within sixty days of the acceptance of the plans as completed by the Zoning Officer: (1) the Planning Commission shall review the application, (2) Council, after public notice is given, shall hold a public hearing on the application, (3) the application shall be sent to the Crawford County Planning Commission, which shall have forty-five days in which to review and make recommendations on the proposal as required in the Pennsylvania Municipalities Planning Code. Within thirty days following the public hearing, Council shall notify the applicant by letter of its approval, denial, or approval subject to specific conditions. All pertinent review comments shall be included in this letter.
- (c) Recording of Final Development Plan. The original site development plan drawing, or a reproducible and equally excellent copy thereof, shall be in the hands of Council before its final action on these plans. Upon approval of this plan it shall be recorded in the office of the County Recorder at the applicant's expense.
- (d) Cluster Development Involving Subdivision Plat. Where a subdivision is involved in the development it shall be processed as required in the Borough Subdivision and Land Development Regulations and shall be given its final approval and recorded concurrent with the final development plan as approved for the cluster development.
(Ord. 718. Passed 1-25-99.)

1280.07 PLAN REQUIREMENTS.

(a) Preliminary Plan Review. The following items of information shall be submitted to the Zoning Officer for preliminary plan review. Additional information may be submitted where appropriate. An engineer, landscape architect, and/or architect under appropriate seal shall submit plans.

- (1) Information on all pertinent existing conditions;
- (2) General site plan and various detailed plans as appropriate showing all proposed housing types, all proposed structures, uses (residential and nonresidential), circulation systems, all utility systems, and common open space;

- (3) Architectural plans showing the intent of the development for typical buildings;
- (4) Statement of intent regarding ownership and maintenance of required common open space and of the development's improvements, including its utility systems;
- (5) Schedule of stages of development, where applicable.

(b) **Final Plan Review.** The following items of information shall be submitted to the Zoning Officer for final plan review. Additional information may be required where it is deemed essential to the public review. An engineer, landscape architect, and/or architect under appropriate seal shall submit plans as follows:

- (1) A general site development plan legibly prepared on tracing film or equal material at the scale not smaller than 100 feet to one inch showing boundaries (distances, bearings and monumentation), streets, walks, parking areas, all buildings and uses of lands, and common open space. Certification statements as required by the Borough shall be fixed on this plan.
 - (2) Engineering plans detailing the construction of the required improvements as listed in Section 1280.09 following.
 - (3) All supporting material, including information submitted at preliminary review, including, but not limited to, plans, maps, sketches, elevations, cross sections, reports and narratives.
 - (4) Evidence of approvals by appropriate public authorities or agencies where applicable.
 - (5) Evidence of the organizational structure of a resident's association where this form of management will be used to maintain common open space and other such private systems.
- (Ord. 718. Passed 1-25-99.)

1280.08 DESIGN STANDARDS.

The developer should be free to create a more physically integrated, aesthetic, and functional living environment using design skills and the latest achievements in building technology.

- (a) **Performance Requirements.** The development plan shall indicate how adequate privacy, light, air, and protection from noise shall be achieved through building design, street layout, screening, plantings, and the special siting of buildings.
 - (b) **Public and Private Streets.** Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or a residents' association. Private streets shall meet Borough standards regarding subgrade preparation, base and subsurface construction. Off-street parking areas may be integrated with public street design and construction, provided maintenance responsibilities are mutually agreed upon.
 - (c) **Common Open Space.** A minimum of twenty percent of the net acreage shall be reserved for common open space. Where staged construction is utilized, at no time shall the total area of dedicated open space be less than twenty percent of the area of the project approved for development.
- (Ord. 718. Passed 1-25-99.)

1280.09 REQUIRED IMPROVEMENTS.

The developer shall make satisfactory provision for the community improvements necessary to the proper functioning of the development. These include, but are not limited to, survey and boundary monuments, streets, street signs, water supply, sewage disposal, storm water runoff devices and structures, and open space improvements. All water supply and sewage disposal facilities shall be planned, designed, and approved in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

- (a) Common Open Space. Where areas of common open space are proposed for improvements they shall be improved by the developer. Unless the Borough agrees to a public dedication of the open space and to its maintenance, the developer shall formulate an acceptable method for maintaining this land.
- (b) Assurances. Before the final plan is approved by Borough Council, required public improvements (distinguished from private improvements to be maintained by the developer or a residents' association) shall be:
 - (1) Licensed under Public Utility Commission regulations and procedures, where applicable;
 - (2) Constructed by the developer and approved by the Borough;
 - (3) Insured under a performance bond approved by Council;
 - (4) Covered under some agreement mutually satisfactory to both the developer and the Council; or
 - (5) Covered under any combination of the methods set forth in paragraphs (b)(3) to (b)(5) hereof.
 - (6) In addition, the developer shall demonstrate that he has completed all of the organizational requirements necessary to the functioning of the residents' association where this entity will be used. The articles of incorporation and the bylaws of this association shall be recorded in the office of the County Recorder along with the site development plan.
(Ord. 718. Passed 1-25-99.)

1280.10 RELATIONSHIP TO THE PLANNED RESIDENTIAL DEVELOPMENT.

In carrying out the approval process for the cluster development there may be some processing requirements which are not elaborated as fully as desired by the participants. For extra detail in this regard please refer to Article VII (Planned Residential Development) of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The cluster development is similar to the planned residential development, but instead of being introduced into the Borough in a separate ordinance as required for the planned residential development it is permitted as a land use and development option in this Zoning Code.
(Ord. 718. Passed 1-25-99.)

1280.11 AMENDMENTS.

Major revisions to the approved final plan, such as changes in land use, major realignment of streets, major changes in the common open space systems, and major changes in building locations, shall be considered as amendments to the final plan and shall be processed as set forth in Sections 1280.06(b) to (d). All other changes to the approved plan shall be submitted to Council and, with Council concurrence that such changes are minor in nature, shall be filed in the Borough records as approved normal, nonsubstantial changes to the final cluster development plan. All proposed changes submitted to the Borough shall be delineated graphically on plans, as applicable, with accompanying text as needed.
(Ord. 718. Passed 1-25-99.)

